

15 DAY RENOTICE OF AMENDED PROPOSED
REGULATORY TEXT

In the following, double underline indicates additional text and ~~double strikethrough~~ indicates additional deleted text to the originally-proposed amendments, which are indicated by underline and ~~strikethrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS CURRENTNESS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PRISON TERMS
CHAPTER 6. PAROLE REVOCATION
ARTICLE 3. REVOCATION PROCEDURES

15 CCR § 2646.1 to read as follows:

§ 2646.1. Violations and Length of Confinement.

The following are parole revocation assessment guidelines when good cause has been found on a single parole violation charge. The ranges represent the suggested period of confinement when a return to custody is imposed as a disposition for a violation of parole. The ranges are suggested for a parolee with no prior returns to custody. The assessment may be consecutive to or concurrent with other charges as long as the total period of confinement does not exceed the revocation period specified at § 2635.1. The hearing panel may impose a period of confinement that is outside the assessment range if justified by the particular facts of the individual case and if the facts supporting the term are stated on the record. This section is declaratory of existing board policy and is not intended to modify the authority of an individual hearing panel or the interests of a prisoner subject to a parole revocation.

Type I Violations Assessment Range
(~~0 to 4 months~~)

(a) Technical Violations of Parole

For parolees with a parole hold/discovery date on or after October 1, 2011: 0 to 60 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 0 to 4 months

- (1) Use of alcohol
- (2) Failure to participate in testing for the presence of alcohol or any controlled substance, including marijuana
- (3) Instructions: Changing employment without informing P&CSD
- (4) Failure to inform P&CSD of criminal arrests

- (5) Instructions: Leaving county of residence beyond 48 hours without P&CSD approval
- (6) Instructions: Traveling beyond 50 miles from residence without P&CSD approval
- (7) Failure to follow other instructions from P&CSD

~~(0 to 4 months)~~

(b) Controlled Substance Violations

For parolees with a parole hold/discovery date on or after October 1, 2011: 0 to 60 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 0 to 4 months

- (1) Use of a controlled substance, including marijuana
- (2) Possession of marijuana (1 oz. or less)
- (3) Under the influence of controlled substance, including marijuana
- (4) Possession of controlled substance paraphernalia
- (5) Presence in a place where a controlled substance is used, sold or given away

Type II Violations Assessment Range

~~(5 to 9 months)~~

(c) Technical Violations of Parole

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Failure to attend Parole Outpatient Clinic
- (2) Violations of other special conditions of parole
- (3) Failure to report to P&CSD
- (4) Absconding parole supervision
- (5) Instructions: Changing residence without informing P&CSD
- (6) Unauthorized possession of a knife with a blade exceeding two inches
- (7) Access to a firearm
- (8) Access to a deadly weapon
- (9) Access to a simulated firearm

- (10) Access to a stun gun or taser
- (11) Access to a tear gas dispenser
- (12) Access to a knife with a blade exceeding two inches
- (13) Access to a crossbow
- (14) Possession of ammunition
- (15) Access to ammunition for a firearm

(5 to 9 months)

(d) Sex Offenses

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Consensual participation in oral copulation in a jail or prison
- (2) Consensual participation in sodomy in a jail or prison
- (3) Indecent exposure
- (4) Pimping or pandering
- (5) Prostitution
- (6) Failure to register pursuant to Penal Code section 290
- (7) Any other sex offense involving an adult victim where the offense is not accomplished against the victim's will

(5 to 9 months)

(e) Assault and Battery

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Assault
- (2) Battery without injury

(5 to 9 months)

(f) Property Offenses

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Possession of burglary tools
- (2) Tampering with an automobile
- (3) Making, drawing, or delivering a check, draft or order with insufficient funds
- (4) Operating a motor vehicle without owner's permission
- (5) Petty theft
- (6) Petty theft with a prior conviction or judicial/administrative adjudication
- (7) Receiving or possession of stolen property
- (8) Misappropriation of public money (less than \$400)

~~(5 to 9 months)~~

(g) *Controlled Substance Violations*

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Possession of a controlled substance
- (2) Possession of marijuana (over 1 oz.)
- (3) Sale of substance in lieu of a controlled substance, including marijuana
- (4) Forgery of a prescription

~~(5 to 9 months)~~

(h) *Driving Violations*

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) First offense driving under influence of alcohol/drugs
- (2) Reckless driving with no personal injury
- (3) Hit and run causing property damage
- (4) Driving with revoked or suspended license
- (5) Any other misdemeanor driving violation not listed in this section

~~(5 to 9 months)~~

(i) *Miscellaneous Crimes Against Others and Property*

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days
For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Threats or harassment not constituting terrorist threats
- (2) Contributing to the delinquency of a minor
- (3) Destroying public property
- (4) Resisting arrest with no prior convictions or judicial/administrative adjudications
- (5) Trespassing
- (6) Vandalism or malicious mischief
- (7) Refusal to sign parole conditions (maximum 6 months per Penal Code section 3060.5)
- (8) Illegal entry into the United States

~~(5 to 9 months)~~

(j) *Miscellaneous Violations of Law*

For parolees with a parole hold/discovery date on or after October 1, 2011: 75 to 135 days
For parolees with a parole hold/discovery date prior to October 1, 2011: 5 to 9 months

- (1) Disturbing the peace
- (2) Drunk in public
- (3) Failure to register pursuant to Health and Safety Code 11590
- (4) Providing false identification to a peace officer
- (5) Failure to participate in or complete a batterer's program
- (6) Incitement to riot
- (7) Destroy or damage a prison or jail in the amount of \$400 or less
- (8) Any other felony that does not involve the use of force or violence or possession of a weapon
- (9) Any other misdemeanor not listed in this section
- (10) Any conspiracy to commit a Type II violation
- (11) Any attempt to commit a Type II violation

(12) Any solicitation to commit a Type II violation

(13) Accessory to a Type II violation

Type III Violations Assessment Range

~~(10 to 12 months)~~

(k) *Technical Violations of Parole*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

(1) Association with persons prohibited by the board or P&CSD

(2) Being present in prohibited areas without permission

(3) Any violation of a condition involving gang participation or association

~~(10 to 12 months)~~

(l) *Homicide*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

(1) Murder

(2) Voluntary manslaughter

(3) Involuntary manslaughter

~~(10 to 12 months)~~

(m) *Robbery*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

(1) All armed robberies

(2) All unarmed robberies

(3) Carjacking

~~(10 to 12 months)~~

(n) *Sexual Offenses - Major*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

(1) Rape

- (2) Unlawful sexual intercourse or statutory rape
- (3) Assault with intent to commit rape, sodomy, oral copulation, or mayhem
- (4) Lewd and lascivious acts with a child under 14 years
- (5) Oral copulation with a minor or an adult victim where the offense was accomplished against the adult victim's will
- (6) Sodomy with a minor or an adult victim where the offense was accomplished against the adult victim's will
- (7) Incest
- (8) Annoying children in violation of Penal Code section 647.6
- (9) Loitering around or within schools or playgrounds
- (10) Penetration of the genital or anal openings by foreign object of a minor or an adult victim where the offense was accomplished against the adult victim's will
- (11) Sexual battery
- (12) Indecent exposure with a prior conviction or judicial/administrative adjudication
- (13) Any other sexual offense involving minors not listed in this section
- (14) Any other sexual offense against adult victims where the offense was accomplished against the victim's will not listed in this section

~~(10 to 12 months)~~

(o) *Assault and Battery - Major*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

- (1) Assault with a deadly weapon
- (2) Assault with a deadly weapon upon a peace officer
- (3) Assault with a caustic substance
- (4) Assault with the intent to commit murder
- (5) Assault with force likely to produce great bodily injury
- (6) Assault on a spouse or child

- (7) Administration of poison
- (8) Mayhem
- (9) Battery upon a peace officer
- (10) Battery upon a spouse or child
- (11) Cruelty to a child
- (12) Any other crime where bodily injury is inflicted not listed in this section
- (13) Any other crime posing a major personal risk to the safety of others not listed in this section
- (14) Drive-by shooting
- (15) Threats to a Commissioner or Deputy Commissioner or their families

~~(10 to 12 months)~~

(p) *Property Offenses - Major*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

- (1) First degree burglary
- (2) Second degree burglary
- (3) Credit card theft or illegal use of a credit card
- (4) Possession of counterfeit dies or plates
- (5) Embezzlement
- (6) Forgery
- (7) Fraud
- (8) Grand theft
- (9) Grand theft automobile
- (10) Extortion
- (11) Misappropriation of public moneys (more than \$400)

~~(10 to 12 months)~~

(q) *Alcohol and Controlled Substance Violations – Major*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

- (1) Sale or furnish a controlled substance, including marijuana, to a minor
- (2) Sale of a controlled substance, including marijuana
- (3) Possession of a controlled substance, including marijuana, for sale
- (4) Manufacture of a controlled substance
- (5) Bringing a controlled substance, including marijuana, into a jail or prison
- (6) Use of a controlled substance, including marijuana, in a jail or prison
- (7) Possession of a controlled substance, including marijuana, in a jail or prison
- (8) Bringing alcohol into a jail or prison
- (9) Use of alcohol in a jail or prison
- (10) Possession of alcohol in a jail or prison

~~(10 to 12 months)~~

(r) *Weapons Offenses*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

- (1) Manufacture/sale of a deadly weapon (other than a firearm)
- (2) Possession of a deadly weapon
- (3) Use of a deadly weapon
- (4) Use of a deadly weapon in the commission of a crime
- (5) Possession of a firearm
- (6) Possession of a simulated firearm
- (7) Use of a firearm
- (8) Bringing a deadly weapon or firearm into a jail or prison

- (9) Possession or manufacture of a deadly weapon or explosive device in a jail or prison
- (10) Possession of a concealable firearm
- (11) Possession of any firearm with prior firearm conviction
- (12) Possession of non-concealable firearm without prior use conviction
- (13) Armed with a firearm in the commission of a felony
- (14) Possession of a crossbow
- (15) Possession of a stun gun or taser
- (16) Possession of a tear gas gun or dispenser
- (17) Use of a stun gun or taser
- (18) Use of tear gas gun or dispenser
- (19) Brandish a weapon (other than a firearm)
- (20) Brandish a firearm
- (21) Other offenses involving the use/possession of a firearm or deadly weapon
- (22) Other weapons violations

~~(10 to 12 months)~~

(s) *Driving Violations - Major*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

- (1) Driving under the influence of alcohol/drugs with a prior conviction or judicial/administrative adjudication
- (2) Reckless driving in willful or wanton disregard for the safety of others
- (3) Driving under the influence of alcohol/drugs causing injury
- (4) Vehicular manslaughter
- (5) Any other felony driving violations not listed in this section

~~(10 to 12 months)~~

(t) *Miscellaneous Major Crimes*

For parolees with a parole hold/discovery date on or after October 1, 2011: 150 to 180 days

For parolees with a parole hold/discovery date prior to October 1, 2011: 10 to 12 months

- (1) Child stealing
- (2) False imprisonment
- (3) Hostage taking
- (4) Kidnapping
- (5) Arson of inhabited dwelling
- (6) Arson of other structure or forest land
- (7) Escape from a jail or prison without force
- (8) Escape from a jail or prison with force
- (9) Destroy or injure a jail or prison (more than \$400)
- (10) Possession of caustic chemicals with intent to harm others
- (11) Terrorist threats
- (12) Stalking
- (13) Commission of a serious felony as defined at Penal Code section 1192.7
- (14) Commission of a violent felony as defined at Penal Code section 667.5
- (15) Conspiracy to commit a Type III violation
- (16) Attempt to commit a Type III violation
- (17) Solicit another to commit a Type III violation
- (18) Accessory to a Type III violation

~~(0 to 12 months)~~

~~(u) *Psychiatric Treatment*~~

- ~~(1) Exhibits conduct indicating that the parolee's mental condition has deteriorated such that the parolee is likely to engage in criminal behavior.~~

Note: Authority cited: Sections ~~3040, 3041, 3052,~~ and 5076.2 ~~5077,~~ Penal Code. Reference: Sections 3056, 3057, 3060 and 3060.5 Penal Code.