

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 03/29/2012
POSITION: Neutral

BILL NUMBER: AB 1593
AUTHOR: Ma, Fiona
RELATED BILLS: AB 593 (Ma)

BILL SUMMARY: Parole: intimate partner battering.

This bill would require the Board of Parole Hearings (BPH), in reviewing a prisoner's suitability for parole, to give great weight to any information or evidence that, at the time of the commission of the crime, the prisoner had experienced intimate partner battering (IPB).

FISCAL SUMMARY

The BPH indicates that any fiscal impact resulting from this bill would be minor and absorbable within existing resources.

COMMENTS

The Department of Finance is neutral on this bill because it would help to provide primarily women, who have served the minimum amount of their sentence for killing their batterers, a more fair opportunity to parole in their parole suitability reviews.

Existing law specifies that "IPB and its effects" may include evidence of the nature and effects of physical, emotional, or mental abuse upon the beliefs, perceptions, or behavior of victims of domestic violence where it appears criminal behavior was the result of that victimization.

According to the author's office, persons that suffered IPB and its effects are being double-victimized, first by their abusers and then by the system because when they are questioned, as part of their parole suitability review, by the BPH on the crimes they committed, they often discuss their victimization and prior abuse, and the BPH often considers this acknowledgment of victimization as a "lack of insight" into the crimes and denies their parole. Additionally, the BPH's required annual report to the Legislature and the Governor on parole decisions involving IPB does not provide specific details on how the board evaluates IPB claims. This bill would help address these issues by allowing these prisoners to present their evidence more effectively to the BPH and by providing more detailed information on how the BPH assessed IPB claims.

Existing law also:

- Requires the BPH to meet with an inmate to evaluate his or her suitability for parole one year prior to the inmate's minimum eligible parole release date.
- Requires the BPH, as a part of this review, to consider information or evidence that, at the time of the crime, the person had experienced IPB if that person was convicted of the offense prior to 1991, as provided.
- Requires the BPH to report to the Legislature and Governor annually on parole decisions involving IPB, including the findings of the BPH's investigations of these cases.

Analyst/Principal (0234) J.Howard	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

Ma, Fiona

03/29/2012

AB 1593

COMMENTS (continued)

This bill would:

- Require the BPH, in parole suitability reviews, to give great weight to evidence that an individual, at the time of his or her the crime, had experienced IPB if the individual was convicted of an offense that occurred prior to August 29, 1996. The change in date is a technical update consistent with other existing provisions of law that reflects the date the California Supreme Court heard an IPB case.
- Require the BPH to include, in its annual report to the Legislature and the Governor, specific and detailed findings of its investigations related to IPB cases.
- Specify that the fact that a prisoner has presented evidence of IPB cannot be used to support a finding that the prisoner lacks insight into his or her crime and its causes.

A related bill, AB 593 (Ma) of the current legislative session, would delete the sunset date on provisions of law that authorize a writ of habeas corpus to be prosecuted based on IPB. AB 593 also would permit a writ of habeas corpus to be prosecuted if expert testimony associated with IPB and its effects was received into evidence but was limited at the prisoner's trial court proceedings for a violent felony that occurred prior to August 29, 1996, and there is reasonable probability, as specified, that if the testimony had not been limited, the result of the proceedings would have been different. AB 593 is currently pending in the Senate Committee on Public Safety.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)					Fund Code
	LA	(Dollars in Thousands)					
	CO	PROP		2011-2012 FC	2012-2013 FC	2013-2014	
	RV	98	FC				
5225/Corr & Rehab	SO	No		-----	No/Minor Fiscal Impact	-----	0001