SEC. 4. PAROLE CONSIDERATION

Section 3085 of the Penal Code is amended to read:

“(b) An inmate who is released on parole or postrelease supervision as provided by Title 2 of the Welfare and Institutions Code (commencing with Section 3430) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, “last legal residence” shall not be construed to mean the county in which the inmate was sentenced or the county in which the inmate was domiciled prior to his or her incarceration. The county in which the inmate was sentenced or in which he or she was domiciled prior to his or her incarceration shall be deemed the county in which the inmate was sentenced or domiciled prior to incarceration for purposes of this subdivision.”

(1) The lack of protection of the victim and the safety of the community:
(2) The need to protect the life or safety of a victim, the witness, or any other person.
(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
(4) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2990.
(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 3058.6. In making its decision, the parole board shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community: (1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.
(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
(4) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2990.
(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 3058.6. In making its decision, the parole board shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community: (1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.
(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
(4) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2990.
(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 3058.6. In making its decision, the parole board shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community: (1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.
(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
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(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.
(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
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(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
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(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 3058.6. In making its decision, the parole board shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community: (1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.
(3) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.
(4) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2990.
(41) Violating probation, parole, or a condition of postrelease community supervision in violation of Section 368.7;

(42) Felony petit theft or receiving stolen property in violation of Section 487;

(43)any felony under Section 12022.7, 12022.8, 12022.9, or 12022.10 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which has been charged and proved as provided in subsection (a) of Section 12022.3, or Section 12022.5 or 12022.7, or as specified in Sections 213, 264, or 461.

(44) Any felony.

(45) Any violation of subdivision (b) or (c) of Section 11411;

(46) Misdemeanor assault with a deadly weapon in violation of Section 243, subdivision (a), or any other law.

(47) Felony assault with a deadly weapon in violation of Section 245.

(48) Any attempt to commit an offense described in this section.

(49) Any felony in which it is pled and proven that the defendant personally used a dangerous or deadly weapon.

(50) Any violation of subdivision (a) or (b) of Section 12022.3, or Section 12022.5 or 12022.7, or as specified in Sections 213, 264, or 461.

(51) Any conspiracy to commit a felony described in this section.

(52) Any violation of Section 11411.

(53) Misdemeanor assault with a deadly weapon in violation of Section 243, subdivision (a), or any other law.

(54) Any violation of subdivision (b) or (c) of Section 11411.

(55) Any violation of Section 12022.7, 12022.8, 12022.9, or 12022.10 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461.

(56) Any felony in which the defendant uses a firearm which has been charged and proved as provided in subsection (a) of Section 12022.3, or Section 12022.5 or 12022.7, or as specified in Sections 213, 264, or 461.
Section 3040.3 is added to the Penal Code to read: (a) An inmate whose current commitment offense includes a concurrent, consecutive or stayed sentence for an offense defined as violent by subdivision (c) of Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution. (b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution. (c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution. (d) For purposes of Section 32 of Article I of the Constitution, the “primary offense” shall be calculated based only on actual days served on the commitment offense.

Section 3040.4 is added to the Penal Code to read: Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to an inmate prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims’ family, and the general public when making a determination on early release.

Hearings shall meet with each inmate during the sixth consecutive week of his or her incarceration or any time thereafter and a written report shall be made available to the public and transmitted to the Legislature.

Hearings shall consider all relevant, reliable information 
Section 3454 of the Penal Code is amended to read: [language added to an existing section of law is designated in underline type]
(a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 2961 of the Welfare and Institutions Code, shall have the authority to issue a warrant for that person’s arrest.

Section 3455 of the Penal Code is amended to read: [language added to an existing section of law is designated in underline type]
(a) If the supervising county agency has determined, following application of its assessment processes, that immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 1203.2, Section 1203.25, or Section 1203.35 are necessary to protect public safety, including the use of continuous electronic monitoring, the abstract of judgment issued by the court

Section 296 of the Penal Code is amended to read:
(a) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition.
(b) Confinement pursuant to paragraphs (1) and (2) of subdivision (b) of Section 645 shall not exceed a period of 180 days in a county jail.
(c) A person shall not remain under supervision or in custody pursuant to this title or on any other condition of postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 5. DNA COLLECTION
Section 296 of the Penal Code is amended to read: [language added to an existing section of law is designated in underline type and language deleted is designated in type deleted]
(a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter.

(b) A violation of Section 487 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 729 is a violation of Section 602 of the Welfare and Institutions Code and shall include, but not be limited to, the following persons, including, but not limited to, the following persons:

(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of whether the person is a California resident or an out-of-state inmate, and includes an attempt to commit the offense.

(d) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, or print impressions are a condition of probation, parole, or any other pledge or guarantee of any person, no person shall be charged or convicted of any of the offenses described in subdivision (a).

(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, or print impressions are a condition of probation, parole, or any other pledge or guarantee of any person, no person shall be charged or convicted of any of the offenses described in subdivision (a).

(f) A violation of Section 487 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 729 is a violation of Section 602 of the Welfare and Institutions Code and shall include, but not be limited to, the following persons, including, but not limited to, the following persons:

(g) A violation of subdivision (b) of Section 729 is punishable as a misdemeanor pursuant to subdivision (b) of Section 729.

(h) A violation of subdivision (a) of Section 11350 of the Health and Safety Code is punishable as a misdemeanor pursuant to subdivision (b) of Section 11377 of the Health and Safety Code.

(i) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 11377 of the Health and Safety Code is punishable as a misdemeanor.

(j) A violation of subdivision (2) of Section 3456.

(k) Any misdemeanor violation of Section 296.

(l) Any misdemeanor violation of Section 11377 of the Health and Safety Code.

(m) Any violation of subdivision (b) of Section 729.

(n) Any violation of subdivision (a) of Section 11377 of the Health and Safety Code.

(o) Any violation of subdivision (a) of Section 3456.
a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING

Section 459.5 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underline type and language deleted is designated in strikeout type]

(a) Notwithstanding Section 459.5, shoplifting is defined as entering a commercial establishment with intent to commit larceny, steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars ($950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting is a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (b) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c) “Retail property or merchandise” means any article, product, commodity, item or component intended to be sold in retail commerce.

(d) “Value” means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(1) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (c) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 10232, subsection (b) of Section 484e, if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of a firearm, forgery, the unlawful sale, transfer, or conveyance of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (c) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 10232, subsection (b) of Section 484e, if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (c) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 10232, subsection (b) of Section 484e, if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (b) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal property taken does not exceed two hundred fifty dollars ($250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (b) of Section 1170.12.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT

Section 490.4 is added to the Penal Code to read:

(a) “Retail property or merchandise” means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) “Value” means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars ($250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (b) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (b) of Section 1170.12.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of the theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declaration of Article I of the Constitution, revocation of parole and probation, the voting of parole and probation voting in the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SEC. 10. SEVERABILITY

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SEC. 11. CONFLICTING INITIATIVES

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot
INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(17-0044.) RESTRICTS PAROLE FOR NON-VIOLENT OFFENDERS. AUTHORIZES FELONY SENTENCES FOR CERTAIN OFFENSES CURRENTLY TREATED ONLY AS MISDEMEANORS. INITIATIVE STATUTE. Imposes restrictions on parole program for non-violent offenders who have completed the full term for their primary offense. Expands list of offenses that disqualify an inmate from this parole program. Changes standards and requirements governing parole decisions under this program. Authorizes felony charges for specified theft crimes currently chargeable only as misdemeanors, including some theft crimes where the value is between $250 and $950. Requires persons convicted of specified misdemeanors to submit to collection of DNA samples for state database. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process. Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings. Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT.

All signers of this petition must be registered to vote in _______________________________County.

| 1. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 2. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 3. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 4. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 5. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 6. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 7. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 8. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |
| 9. | Print Your Name: | Residence Address ONLY: | Sign As Registered To Vote: | City: | Zip: |

DECLARATION OF CIRCULATOR (To be completed in circulator’s own hand after the above signatures have been obtained.)

I, ____________________________, am 18 years of age or older. My residence address is _____________________________. I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____________________________.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on ____________________________, 2023, at _________________, California. Signature of Circulator: ____________________________.