

Life After Exoneration Program

Proposed Bill to provide funding for re-entry programs for the wrongfully convicted (based on SB 618)

Under existing law, interested counties may develop a multi-agency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community. The plan must be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency, and the public defender, or their designees, and approved by the board of supervisors. Existing law further authorizes the Department of Corrections and Rehabilitation to enter into an agreement with up to 3 counties to implement the above provisions and to provide funding for the purpose of the probation department carrying out its assessments.

This bill would find and declare that the state has a responsibility to assist wrongfully convicted people in their transition back into society and that people who were wrongfully imprisoned have the right to equal access to reentry services as do paroled offenders. This bill would authorize a county to develop a multi-agency plan to prepare and enhance a wrongfully convicted person's successful reentry into the community, and would require that plan be developed by, and have the concurrence of, an agency with experience treating the trauma of wrongful conviction and assisting with the reentry of the wrongfully convicted, to be designated by the county board of supervisors, in addition to the presiding judge, the district attorney, the local custodial agency, and the public defender, or their designees. The bill would further require that the plan be submitted to the board of supervisors for its approval. The bill would further authorize the Department of Corrections and Rehabilitation to enter into an agreement with up to 3 counties to implement the above provisions and to provide funding for the purpose of the designated agency carrying out its assessments, and would make specified findings and declarations in that regard.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares that the state has a responsibility to assist people who have been wrongfully convicted in their transition back into society and that successful reintegration of wrongfully convicted persons depends upon the proper assessment his or her risks and needs and appropriate direction of wrongfully convicted persons into programs that are available to address risks or needs.

(b) The Legislature further finds and declares that wrongfully convicted persons have the right to equal access to reentry services as do paroled offenders.

(c) The Legislature encourages the participation of the Department of Corrections and Rehabilitation and interested counties to develop and implement plans to assess wrongfully convicted persons within the local community, with the assistance of the local probation departments and courts, with the goal to better enable wrongfully convicted persons to become contributing members of society.

SEC. 2. Section 1203.8 is added to the Penal Code, to read:

1203.8. (a) A county may develop a multi-agency plan to prepare and enhance wrongfully convicted persons' successful reentry into the community. The plan shall be developed by, and have the concurrence of, an agency with experience treating the trauma of wrongful conviction and assisting with the reentry of the wrongfully convicted, to be designated by the county board of supervisors, in addition to the presiding judge, the district attorney, the local custodial agency, and the public defender, or their designees, and shall be submitted to the board of supervisors for its approval.

(b) The Department of Corrections and Rehabilitation is authorized to enter into an agreement with up to three counties to implement subdivision (a) and to provide funding for the purpose of the designated agency carrying out the assessment.

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(c) As used in this statute, a "wrongfully convicted person" is a person who was convicted in the state of California of a felony offense, who was later determined to be factually innocent of the offense, and who served at least six months in a state prison facility as a result of that conviction. A person has been determined to be "factually innocent" when one of the following have occurred: (1) a court has issued a factual finding of innocence; (2) the Governor has issued a pardon based on actual innocence; or (3) the conviction has been vacated or reversed by a state or federal court and the service agency designated by the board of supervisors has determined based on objective, established criteria that the conviction was vacated or reversed due to actual innocence.