

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: April 11, 2016

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 15-0002-S122  
Chief Legislative Analyst Assignment No: 16-02-0152

SUBJECT: Resolution (Krekorian – Englander – Harris-Dawson – Ryu) in support of AB 898 (Gonzalez)

CLA RECOMMENDATION: Adopt Resolution (Krekorian – Englander – Harris-Dawson – Ryu) to include in the City’s 2015 - 2016 State Legislative Program SUPPORT for AB 898 (Gonzalez), which would provide that when an inmate who was convicted of the murder of a firefighter becomes eligible for a parole-suitability hearing, the Board of Parole Hearing (BPH) must give written notice of the hearing to the department that employed the deceased firefighter.

SUMMARY

On January 27, 2016, a Resolution (Krekorian – Englander – Harris-Dawson – Ryu) was introduced in support of AB 898 (Gonzalez), which would require that the California Board of Parole Hearings (BPH), when considering the parole-suitability of an individual convicted of the murder of a firefighter, to provide written notice to the fire department that employed the deceased firefighter that a hearing is going to be held.

The Resolution states that, since 1981, existing law has ensured that police departments receive notification about parole-suitability hearings for individuals convicted of killing a peace officer employed by their department. The Resolution states that fire departments do not currently receive these types of notifications, and therefore may be unaware that a hearing has been scheduled to consider the suitability for parole of an individual convicted of killing one of their employees. The Resolution further states that AB 898 ensures that fire departments are able to provide guidance to the BPH on any potential impacts to the communities they serve that could occur if an individual convicted of a crime that resulted in the death of a firefighter is deemed suitable for parole. The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 898 (Gonzalez).

BACKGROUND

Under current law, individuals serving life sentences that include the possibility of parole are not automatically granted parole, but are entitled to be considered for parole at a parole-suitability hearing held by the BPH. When a hearing is scheduled, the BPH must send written notice of the hearing to the trial judge who originally heard the case, the prosecutor, defense counsel, investigating law enforcement agency and, if the matter concerns a murdered peace officer, the agency that employed the victim at the time of their death. In addition, the victim of a crime may request notification, and can personally appear to express their views or submit a written statement. All entities and individuals that are notified of a hearing are entitled to submit a statement related

to the grant or denial of parole. Further, current law allows for any person interested in the grant or denial of parole to submit a written statement on the matter, and the BPH is required to consider all statements submitted when making its decision.

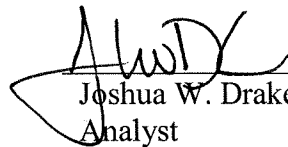
Under current law, when an individual who has been convicted of the murder of a peace officer is granted a parole-suitability hearing, the BPH must give notice of the hearing to the law enforcement agency that employed that officer at the time of his or her murder. However, current law does not require a similar notification to fire departments in cases where an individual has been convicted of the murder of a firefighter, such as an arsonist that started a fire resulting in the death of a firefighter. AB 898 would amend this, and require that the BPH give written notice of a parole hearing for an individual convicted of the murder of a firefighter to the fire department that employed that firefighter at the time of their death. While a fire department that employed a murdered firefighter can already submit a statement to the BPH when it considers parole for the perpetrator, AB 898 would ensure that a department is aware of the hearing.

DEPARTMENTS NOTIFIED

Fire Department

BILL STATUS

02/26/2015	Bill introduced
12/19/2015	Referred to the Assembly committee on Public Safety
01/12/2016	From committee: Do pass (6-0) and re-refer to the Assembly committee on Appropriations
01/21/2016	From committee: Do pass (17-0). Read second time and ordered to the Consent Calendar
01/27/2016	Read third time. Passed by the Assembly and ordered to the Senate (78-0)
01/27/2016	In Senate, read first time and referred to the Senate committee on Rules for assignment.
02/04/2016	Referred to the Senate committee on Public Safety

  
Joshua W. Drake  
Analyst

SMT:jwd

Attachments: Resolution (Krekorian – Englander – Harris-Dawson - Ryu)  
AB 898 (Gonzalez)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, since 1981, existing law has ensured the notification of relevant, parole-related hearings to a slain peace officer's former employer; and

WHEREAS, in situations in which a firefighter has been killed in the line of duty by an arsonist, existing law does not require that the deceased firefighter's former fire department be included in the parole notification process; and

WHEREAS, Assembly Member Lorena Gonzalez has recently introduced Assembly Bill 898 to rectify this problem, and add a slain firefighter's former fire department to the list of required notifications when a convicted arsonist is up for parole hearing, if that arsonist's crime resulted in the death of a firefighter; and

WHEREAS, this simple step gives the City of Los Angeles and the Los Angeles Fire Department the ability to provide guidance to the parole board on the potential impacts of returning a dangerous arsonist to our community, specifically one who's actions took the life of a Los Angeles City Firefighter.

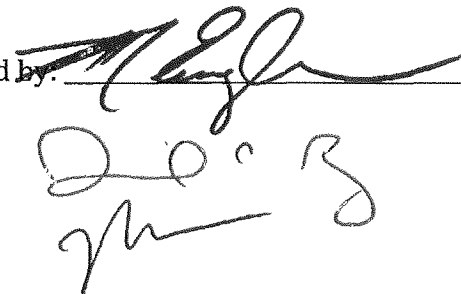
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for AB 898 (Gonzalez).

Presented by:



PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

Seconded by:



ORIGINAL

JAN 27 2016



AMENDED IN ASSEMBLY JANUARY 13, 2016

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 898**

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**Introduced by Assembly Member Gonzalez**

February 26, 2015

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An act to amend Section 3042 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 898, as amended, Gonzalez. Parole suitability: notice.

Existing law requires the Board of Parole Hearings to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. If the inmate was convicted of the murder of a peace officer, existing law also requires notice to be provided to the law enforcement agency that employed the peace officer.

This bill would, in the case of an inmate who was convicted of the murder of a firefighter, require the board to provide notice of the parole suitability hearing to the fire department that employed the ~~fire fighter~~ *firefighter, if that fire department registers with the board to receive that notification and provides the appropriate contact information.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3042 of the Penal Code, as amended by  
2 Section 6 of Chapter 470 of the Statutes of 2015, is amended to  
3 read:

4 3042. (a) (1) At least 30 days before the Board of Parole  
5 Hearings meets to review or consider the parole suitability of any  
6 inmate sentenced to a life sentence, the board shall send written  
7 notice thereof to each of the following persons: the judge of the  
8 superior court before whom the inmate was tried and convicted,  
9 the attorney who represented the defendant at trial, the district  
10 attorney of the county in which the offense was committed, the  
11 law enforcement agency that investigated the case, and if the inmate  
12 was convicted of the murder of a ~~peace officer or a firefighter,~~  
13 ~~officer,~~ the law enforcement agency ~~or fire department~~ that  
14 employed the peace officer ~~or firefighter~~ at the time of the murder.

15 (2) *If the inmate was convicted of the murder of a firefighter,*  
16 *the board shall also send the written notice described in paragraph*  
17 *(1) to the fire department that employed the firefighter at the time*  
18 *of the murder, if that fire department registers with the board to*  
19 *receive that notification and provides the appropriate contact*  
20 *information.*

21 (b) The Board of Parole Hearings shall record all of those  
22 hearings and transcribe recordings of those hearings within 30  
23 days of any hearing. Those transcripts, including the transcripts  
24 of all prior hearings, shall be filed and maintained in the office of  
25 the Board of Parole Hearings and shall be made available to the  
26 public no later than 30 days from the date of the hearing. An inmate  
27 shall not be released on parole until 60 days from the date of the  
28 hearing have elapsed.

29 (c) At any hearing, the presiding hearing officer shall state his  
30 or her findings and supporting reasons on the record.

31 (d) Any statements, recommendations, or other materials  
32 considered shall be incorporated into the transcript of the hearing,  
33 unless the material is confidential in order to preserve institutional  
34 security and the security of others who might be endangered by  
35 disclosure.

36 (e) (1) The written notice to the judge of the superior court  
37 before whom the inmate was tried and convicted shall be sent by  
38 United States mail.

1 (2) The judge receiving this written notice may forward to the  
2 board any unprivileged information from the trial or sentencing  
3 proceeding regarding the inmate, witnesses, or victims, or other  
4 relevant persons, or any other information, that is pertinent to the  
5 question of whether the board should grant parole or under what  
6 conditions parole should be granted. The judge may also, in his or  
7 her discretion, include information given to him or her by victims,  
8 witnesses, or other persons that bear on the question of the inmate's  
9 suitability for parole.

10 (3) The board shall review and consider all information received  
11 from the judge or any other person and shall consider adjusting  
12 the conditions of parole to reflect the comments or concerns raised  
13 by this information, as appropriate.

14 (f) This section does not limit the type or content of information  
15 the judge or any other person may forward to the board for  
16 consideration under any other law.

17 (g) Any person who receives notice under subdivision (a) who  
18 is authorized to forward information for consideration in a parole  
19 suitability hearing for a person sentenced to a life sentence under  
20 this section, may forward that information either by facsimile or  
21 electronic mail. The Department of Corrections and Rehabilitation  
22 shall establish procedures for receiving the information by facsimile  
23 or electronic mail pursuant to this subdivision.