

California

Department of Corrections and Rehabilitation (<http://www.cdcr.ca.gov/>)

The site points to the Division of Adult Parole Operations for information concerning electronic monitoring (<https://www.cdcr.ca.gov/parole/electronic-monitoring/>). The Division uses both Radio Frequency and Global Positioning System technology. The RF equipment is used to monitor offenders with an established curfew imposed as a Special Condition of Parole. Curfew hours are set in the day or night, during which time the offender must remain inside his or her residence. RF technology is also used for: Alternative Custody Program participants; parolees needing enhanced supervision; and alternative sanction for parolees committing minor parole violations. GPS technology is used for: High Risk Sex offenders; High Risk Gang Offenders; and Special Circumstance Cases.

Parole and Probation

Cal.Penal Code § 1210.7. Continuous electronic monitoring of persons on probation by county probation department; purpose; use of Global Positioning System (GPS); legislative intent and findings

(a) Notwithstanding any other provisions of law, a county probation department may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on probation, as provided by this chapter.

(Added by Stats.2005, c. 484 (S.B.619), § 1, eff. Oct. 4, 2005.)

Cal.Penal Code § 3010. Continuous electronic monitoring of persons on parole by Department of Corrections and Rehabilitation; purpose; use of Global Positioning System (GPS); legislative intent and findings

(a) Notwithstanding any other provisions of law, the Department of Corrections and Rehabilitation may utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on parole, as provided by this article.

(Added by Stats.2005, c. 484 (S.B.619), § 2, eff. Oct. 4, 2005.)

Cal.Penal Code § 3010.8. Costs of supervision; ability of persons on parole to pay costs; conditions

(a) The department may charge persons on parole for the costs of any form of supervision that utilizes continuous electronic monitoring devices that monitor the whereabouts of the person pursuant to this article. Inability to pay all or a portion of the costs of continuous electronic monitoring authorized by this article shall not preclude use of continuous electronic monitoring and eligibility for parole shall not be enhanced by reason of ability to pay.

(Added by Stats.2005, c. 484 (S.B.619), § 2, eff. Oct. 4, 2005. Amended by Stats.2020, c. 92 (A.B.1869), § 63, eff. Sept. 18, 2020.)

Cal.Penal Code § 3010.5. Department identification of persons to participate in continuous monitoring; length of participation; written guidelines

(a) The department shall have the sole discretion to decide which persons shall be supervised using continuous electronic monitoring administered by the department. No individual shall be required to participate in continuous electronic monitoring authorized by this article for any period of time longer than the term of parole.

(Added by Stats.2005, c. 484 (S.B.619), § 2, eff. Oct. 4, 2005.)

Cal.Penal Code § 3010.7. Noncompliance with rules or conditions; reasonable cause; custody for parole violation

Whenever a parole officer supervising an individual has reasonable cause to believe that the individual is not complying with the rules or conditions set forth for the use of continuous electronic monitoring as a supervision tool, the officer supervising the individual may, without a warrant of arrest, take the individual into custody for a violation of parole.

(Added by Stats.2005, c. 484 (S.B.619), § 2, eff. Oct. 4, 2005.)

Cal.Penal Code § 3010.2. Actual or suspected parole violations; immediate notification by system; use of notification as evidence of violation

(a) A continuous electronic monitoring system may have the capacity to immediately notify the department of violations, actual or suspected, of the terms of parole that have been identified by the monitoring system if the requirement is deemed necessary by the parole officer with respect to an individual person.

(b) This information, including geographic location and tampering, may be used as evidence to prove a violation of the terms of parole.

(Added by Stats.2005, c. 484 (S.B.619), § 2, eff. Oct. 4, 2005.)

Cal.Penal Code § 1210.14. Noncompliance with rules or conditions; reasonable cause; custody for probation violation

Whenever a probation officer supervising an individual has reasonable cause to believe that the individual is not complying with the rules or conditions set forth for the use of continuous electronic monitoring as a supervision tool, the probation officer supervising the individual may, without a warrant of arrest, take the individual into custody for a violation of probation.

(Added by Stats.2005, c. 484 (S.B.619), § 1, eff. Oct. 4, 2005.)

Cal.Penal Code § 1210.9. Actual or suspected violations of probation; immediate notification by system; use of notification as evidence of violation

(a) A continuous electronic monitoring system may have the capacity to immediately notify a county probation department of violations, actual or suspected, of the terms of probation that have been identified by the monitoring system if the requirement is deemed necessary by the county probation officer with respect to an individual person.

(b) The information described in subdivision (a), including geographic location and tampering, may be used as evidence to prove a violation of the terms of probation.

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(Added by Stats.2005, c. 484 (S.B.619), § 1, eff. Oct. 4, 2005.)

Cal.Penal Code § 3550. Medical parole; applicability; referral; request of family member or designee; parole plans; hearings; findings regarding threat to public safety; parole conditions; federal entitlement programs; medical records; effect on other forms of parole or release; notice of hearings and release

(h) Notwithstanding any other provision of law, the board or the Division of Adult Parole Operations shall have the authority to impose any reasonable conditions on prisoners subject to medical parole supervision pursuant to subdivision (a), including, but not limited to, the requirement that the parolee submit to electronic monitoring.

(Added by Stats.2010, c. 405 (S.B.1399), § 2. Amended by Stats.2013, c. 764 (A.B.68), § 1; Stats.2016, c. 886 (S.B.6), § 2, eff. Jan. 1, 2017.)

Sex offenders

Cal.Penal Code § 3010.10. Registered sex offenders; use of electronic, global positioning system (GPS), or other monitoring device; exceptions; penalty

(a) A person who is required to register as a sex offender pursuant to Section 290 as a condition of parole shall report to his or her parole officer within one working day following release from custody, or as instructed by a parole officer to have an electronic, global positioning system (GPS), or other monitoring device affixed to his or her person.

(Added by Stats.2013, c. 776 (S.B.57), § 1. Amended by Stats.2014, c. 603 (A.B.2121), § 1, eff. Jan. 1, 2015.)

Cal.Penal Code § 3000.07. Convictions for commission or attempt to commit a registerable sex offense; monitoring by global positioning system during parole; costs

(a) Every inmate who has been convicted for any felony violation of a “registerable sex offense” described in

subdivision (c) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for the term of his or her parole, or for the duration or any remaining part thereof, whichever period of time is less.

(Added by Initiative Measure (Prop. 83, § 18, approved Nov. 7, 2006, eff. Nov. 8, 2006). Amended by Stats.2007, c. 579 (S.B.172), § 45, eff. Oct. 13, 2007.)

Cal.Penal Code § 1202.8. Probation; supervision by county officer; assessment and electronic monitoring of sex offenders; report on monitoring of offenders

(a) Persons placed on probation by a court shall be under the supervision of the county probation officer who shall determine both the level and type of supervision consistent with the court-ordered conditions of probation.

(b) Commencing January 1, 2009, every person who has been assessed with the State Authorized Risk Assessment Tool for Sex offenders (SARATSO) pursuant to Sections 290.04 to 290.06, inclusive, and who has a SARATSO risk level of high shall be continuously electronically monitored while on probation, unless the court determines that such monitoring is unnecessary for a particular person. The monitoring device used for these purposes shall be identified as one that employs the latest available proven effective monitoring technology. Nothing in this section prohibits probation authorities from using electronic monitoring technology pursuant to any other provision of law.

(Added by Stats.1981, c. 1142, § 6.5. Amended by Stats.1986, c. 47, § 2; Stats.1996, c. 629 (S.B.1685), § 4; Stats.2006, c. 336 (S.B.1178), § 4, eff. Sept. 20, 2006; Stats.2006, c. 886 (A.B.1849), § 5, eff. Sept. 30, 2006; Stats.2010, c. 328 (S.B.1330), § 164.)

Cal.Penal Code § 3004. Parole; electronic monitoring or supervising devices; convictions for felony registerable sex offenses; monitoring for life; costs

(a) Notwithstanding any other law, the Board of Parole Hearings, the court, or the supervising parole authority may require, as a condition of release on parole or reinstatement on parole, or as an intermediate sanction in lieu of return to custody, that an inmate or parolee agree in writing to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with all other conditions of parole. The devices shall not be used to eavesdrop or record any conversation, except a conversation between the parolee and the agent supervising the parolee which is to be used solely for the purposes of voice identification.

(b) Every inmate who has been convicted for any felony violation of a “registerable sex offense” described in subdivision (c) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for life.

(Added by Stats.1991, c. 215 (A.B.2103), § 1. Amended by Stats.1992, c. 695 (S.B.97), § 14, eff. Sept. 15, 1992; Stats.2006, c. 336 (S.B.1178), § 5, eff. Sept. 20, 2006; Stats.2006, c. 886 (A.B.1849), § 6, eff. Sept. 30, 2006; Initiative Measure (Prop. 83, § 22, approved Nov. 7, 2006, eff. Nov. 8, 2006); Stats.2007, c. 579 (S.B.172), § 46, eff. Oct. 13, 2007; Stats.2012, c. 43 (S.B.1023), § 39, eff. June 27, 2012.)

Community Corrections

Cal.Penal Code § 1203.016. Home detention; electronic monitoring or supervising devices; conditions and procedures

(a) Notwithstanding any other law, the board of supervisors of any county may authorize the correctional administrator, as defined in subdivision (h), to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu

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of confinement in the county jail or other county correctional facility or program under the auspices of the probation officer.

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(3) The participant shall agree to the use of electronic monitoring, which may include global positioning system devices or other supervising devices for the purpose of helping to verify his or her compliance with the rules and regulations of the home detention program. The devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant which is to be used solely for the purposes of voice identification.

(Added by Stats.1988, c. 1603, § 3. Amended by Stats.1992, c. 5 (S.B.151), § 1, eff. Feb. 19, 1992; Stats.1994, c. 770 (A.B.152), § 1; Stats.2005, c. 488 (S.B.963), § 1, eff. Oct. 4, 2005; Stats.2011, c. 15 (A.B.109), § 454, eff. April 4, 2011, operative Oct. 1, 2011; Stats.2014, c. 612 (A.B.2499), § 3, eff. Jan. 1, 2015; Stats.2017, c. 678 (S.B.190), § 2, eff. Jan. 1, 2018; Stats.2020, c. 92 (A.B.1869), § 43, eff. Sept. 18, 2020.)

Cal.Penal Code § 1203.017. Involuntary home detention program; electronic monitoring or supervising devices; conditions and procedures

(a) Notwithstanding any other provision of law, upon determination by the correctional administrator that conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to lack of jail space, the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may be required to participate in an involuntary home detention program, which shall include electronic monitoring, during their sentence in lieu of confinement in the county jail or other county correctional facility or program under the auspices of the probation officer.

(3) The use of electronic monitoring may include global positioning system devices or other supervising devices for the purpose of helping to verify his or her compliance with the rules and regulations of the home detention program. The devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant which is to be used solely for the purposes of voice identification.

(Added by Stats.2007, c. 252 (S.B.959), § 1, eff. Sept. 26, 2007.)

Cal.Penal Code § 1170.05. Alternative custody program for female inmates with dependent children; eligibility and disqualifications; program provisions and requirements; rules and regulations

(a) Notwithstanding any other law, the Secretary of the Department of Corrections and Rehabilitation may offer a program under which inmates, as specified in subdivision (c), who are not precluded by subdivision (d), and who have been committed to state prison may be allowed to participate in a voluntary alternative custody program as defined in subdivision (b) in lieu of their confinement in state prison. In order to qualify for the program an offender need not be confined in an institution under the jurisdiction of the Department of Corrections and Rehabilitation. Under this program, one day of participation in an alternative custody program shall be in lieu of one day of incarceration in the state prison. Participants in the program shall receive any sentence reduction credits that they would have received had they served their sentence in the state prison, and shall be subject to denial and loss of credit pursuant to subdivision (a) of Section 2932. The department may enter into contracts with county agencies, not-for-profit organizations, for-profit organizations, and others in order to promote alternative custody placements.

(e) An alternative custody program shall include the use of electronic monitoring, global positioning system devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program.

(Added by Stats.2010, c. 644 (S.B.1266), § 2. Amended by Stats.2012, c. 41 (S.B.1021), § 62, eff. June 27, 2012; Stats.2015, c. 762 (S.B.219), § 1, eff. Jan. 1, 2016; Stats.2019, c. 256 (S.B.781), § 11, eff. Jan. 1, 2020.)

Cal.Penal Code § 1170.06. Voluntary alternative custody program; form of program; eligibility for program; monitoring devices; individualized treatment and rehabilitation plan; governing rules; failure to comply with rules; participation in outside activities

(a) Notwithstanding any other law, a sheriff or a county director of corrections is authorized to offer a program under which inmates as specified in subdivision (c), who are not precluded by subdivision (d), and who have been committed to a county jail may be allowed to participate in a voluntary alternative custody program as defined in subdivision (b) in lieu of their confinement in a county jail.

(e) An alternative custody program may include the use of electronic monitoring, global positioning system devices, or other supervising devices for the purpose of helping to verify a participant's compliance with the rules and regulations of the program.

(Added by Stats.2014, c. 26 (A.B.1468), § 18, eff. June 20, 2014.)

Juveniles

Cal.Welf. & Inst.Code § 871. Minor under custody or commitment; escape; misdemeanor

(d) A minor who, while under the supervision of a probation officer, removes his or her electronic monitor without authority and who, for more than 48 hours, violates the terms and conditions of his or her probation relating to the proper use of the electronic monitor shall be guilty of a misdemeanor. If an electronic monitor is damaged or discarded while in the possession of the minor, restitution for the cost of replacing the unit may be ordered as part of the punishment.

(Added by Stats.1968, c. 536, p. 1188, § 3. Amended by Stats.1985, c. 1283, § 1; Stats.1993,

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c. 918 (A.B.2087), § 1; Stats.1997, c. 267 (A.B.1152), § 1; Stats.1998, c. 694 (S.B.2147), § 6; Stats.2003, c. 263 (A.B.355), § 1; Stats.2017, c. 678 (S.B.190), § 16, eff. Jan. 1, 2018.)

Pretrial Release

Cal.Penal Code § 1203.018. Inmates being held in lieu of bail in county jail or county correctional facility; participation in electronic monitoring program; conditions and procedures

(b) Notwithstanding any other law, the board of supervisors of any county may authorize the correctional administrator, as defined in paragraph (1) of subdivision (k), to offer a program under which inmates being held in lieu of bail in a county jail or other county correctional facility may participate in an electronic monitoring program if the conditions specified in subdivision (c) are met.

(c)(1) In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate shall be an inmate with no holds or outstanding warrants to whom one of the following circumstances applies:

- (A) The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.
- (B) The inmate has been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment.
- (C) The inmate is appropriate for the program based on a determination by the correctional administrator that the inmate's participation would be

consistent with the public safety interests of the community.

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(d) (3) The electronic monitoring may include global positioning system devices or other supervising devices for the purpose of helping to verify the participant's compliance with the rules and regulations of the electronic monitoring program. The electronic devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant to be used solely for the purposes of voice identification.

(Added by Stats.2011, c. 15 (A.B.109), § 455, eff. April 4, 2011, operative Oct. 1, 2011. Amended by Stats.2011, c. 39 (A.B.117), § 31, eff. June 30, 2011, operative Oct. 1, 2011; Stats.2012, c. 43 (S.B.1023), § 29, eff. June 27, 2012; Stats.2014, c. 612 (A.B.2499), § 4, eff. Jan. 1, 2015; Stats.2020, c. 92 (A.B.1869), § 45, eff. Sept. 18, 2020.)

Protective orders

Cal.Penal Code § 136.2. Protective orders available in response to good cause belief of harm to, intimidation of, or dissuasion of victim or witness; hearings; findings and consent of law enforcement required; transmission of orders and modified orders; effect of emergency protective orders; restrictions on firearms possession; forms; electronic monitoring.

(i)(3) An order under this subdivision may include provisions for electronic monitoring if the local government, upon receiving the concurrence of the county sheriff or the chief probation officer with jurisdiction, adopts a policy authorizing electronic monitoring of defendants and specifies the agency with jurisdiction for

this purpose. If the court determines that the defendant has the ability to pay for the monitoring program, the court shall order the defendant to pay for the monitoring. If the court determines that the defendant does not have the ability to pay for the electronic monitoring, the court may order the electronic monitoring to be paid for by the local government that adopted the policy authorizing electronic monitoring. The duration of the electronic monitoring shall not exceed one year from the date the order is issued.

(Added by Stats.1980, c. 686, p. 2077, § 2.2. Amended by Stats.1988, c. 182, § 1, eff. June 15, 1988; Stats.1989, c. 1378, § 1; Stats.1990, c. 935 (A.B.3593), § 6; Stats.1996, c. 904 (A.B.2224), § 2; Stats.1997, c. 48 (A.B.340), § 1; Stats.1997, c. 847 (A.B.45), § 1.5; Stats.1998, c. 187 (A.B.1531), § 2; Stats.1999, c. 83 (S.B.966), § 136; Stats.1999, c. 661 (A.B.825), § 9; Stats.2001, c. 698 (A.B.160), § 4; Stats.2003, c. 498 (S.B.226), § 6; Stats.2005, c. 132 (A.B.112), § 1; Stats.2005, c. 465 (A.B.118), § 2; Stats.2005, c. 631 (S.B.720), § 3; Stats.2005, c. 702 (A.B.1288), § 1.7; Stats.2008, c. 86 (A.B.1771), § 1; Stats.2010, c. 178 (S.B.1115), § 42, operative Jan. 1, 2012; Stats.2011, c. 155 (S.B.723), § 1; Stats.2012, c. 162 (S.B.1171), § 121; Stats.2012, c. 513 (A.B.2467), § 2; Stats.2013, c. 76 (A.B.383), § 145; Stats.2013, c. 291 (A.B.307), § 1; Stats.2013, c. 263 (A.B.176), § 4, operative July 1, 2014; Stats.2013, c. 291 (A.B.307), § 1.5, operative July 1, 2014; Stats.2014, c. 71 (S.B.1304), § 115, eff. Jan. 1, 2015; Stats.2014, c. 638 (S.B.910), § 1, eff. Jan. 1, 2015; Stats.2014, c. 665 (A.B.1498), § 1, eff. Jan. 1, 2015; Stats.2014, c. 673 (A.B.1850), § 1.3, eff. Jan. 1, 2015; Stats.2015, c. 60 (S.B.307), § 1, eff. Jan. 1, 2016; Stats.2016, c. 86 (S.B.1171), § 220, eff. Jan. 1, 2017; Stats.2017, c. 270 (A.B.264), § 1, eff. Jan. 1, 2018; Stats.2018, c. 805 (A.B.1735), § 1, eff. Jan. 1, 2019; Stats.2019, c. 256 (S.B.781), § 6, eff. Jan. 1, 2020.)