

POST CONVICTION RELEASE INFORMATION SHEET

ACTIVITY	PROBATION	MAN. SUP.	PRCS	PAROLE
Who is covered?	P.C. Sec. 1203	P.C. Sec.1170(h)(5)(B)	P.C. Sec. 3451-3451(b)	P. C. Sec. 3000
Who sets conditions of release?	Court/Pro. Rec.	Court/Pro. Rec.	CDCR/Pro. P.C. Sec. 3454	CDCR
Length of Supervision	Max. 5 years	Balance of term; not to exceed 3 yr.	Not to exceed 3 yr. P.C. Sec.3451(a),3456	4yr., 7 yr., 15 yr., 20yr. and 6 mon., life
Intermediate sanctions	P. C. Sec. 1203.2(b)(?)	No	10 days-P.C. Sec. 3454(c), 3051-Re-entry Ct.	Post 7/1/13-P.C. Sec. 3000.03-Flash-10 days
Revocation	P.C. Sec. 1203.2b	P.C. Sec. 1203.2 (?)	P. C. Sec. 3455; Rule of Court 4.540	P.C. Sec. 3000.08
Who Revokes?	Court	Court	Court-Govt. Code Sec. 71622.5	BPII/ Post 7/1/13-Court
Showing of Probable Cause Needed?	Yes	Yes	Yes	Yes
Arresting Agency	Probation officer/LEA	Probation/LEA	Warrant/Probation	Agent
Hearing required for Probable Cause?	No	No	No	No
Hearing required for revocation?	Yes-P. C. Sec. 1203.2	Yes-P.C. Sec. 1203.2(?)	Yes-P.C. Sec. 3455, and Rule of Court 4.540	Yes-Morrissey v. Brewer. 408 U.S. 471 (1972)
Scheduling of Hearing	Reasonable time	Reasonable time	Reasonable time	35 days from detain
Burden of Proof at hearing	Preponderance- <u>People v. Rodriquez</u> (1990) 51 Cal.3d 437	Preponderance	Preponderance	Preponderance
Sanction on Revocation (Max)	Statutory max.	Balance of actual term imposed-P.C.Sec. 1170(h)(5)(B)	P.C. Sec. 3455-1) 180 days; 2)Modify; 3) Re-entry Court	1 year; Post 7/1/13-same as PRCS

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