

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADDING SECTIONS 2-93.2, 2-93.3, 2-93.4 AND 2-93.5 TO ARTICLE XII, CHAPTER 2, OF THE SANTA BARBARA COUNTY CODE AND AMEND THE NUMBERING OF ORDINANCE NUMBER 4440 RELATING TO THE SHERIFF'S ELECTRONIC MONITORING PROGRAM

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Electronic Monitoring Program.

Ordinance number 4440 is hereby amended to renumber and add sections to Chapter 2, Article XII, of the Santa Barbara County Code, and said ordinance is to read as follows:

Section 2-93.2—Sheriff's Department Electronic Monitoring Program

- (a) In addition to the work furlough program authorized pursuant to Section 2-93 herein, the sheriff may offer a voluntary program under which any person committed to the county jail may participate in a home detention electronic monitoring program during their sentence in lieu of confinement in the county jail.
- (b) In some cases, inmates may be placed involuntarily in a home detention program during their sentence in lieu of confinement in the county jail pursuant to Penal Code section 1203.016.
- (c) The Board of Supervisors, pursuant to Penal Code section 1203.016(b) may proscribe reasonable rules and regulations under which the home detention program may operate, which rules and regulations shall be in writing and annually reviewed by the board of supervisors and the program administrator.
- (d) As a condition of an inmate's participation in the voluntary home detention electronic monitoring program, the inmate shall give his or her consent in writing to participate in the program and shall agree in writing to comply with the rules and regulations of the program, including, but not limited to, those set forth in Penal Code section 1203.016(b)(1-4), and, for involuntary participation, each participant shall be informed in writing that he or she shall comply with the rules and regulations of the program, including, but not limited to, those set forth in Penal Code section 1203.016(b)(1-4).

Section 2-93.3—Program Fees.

The Board of Supervisors, pursuant to Penal Code sections 1208.2, 1209, may by resolution establish program administration and application fees for participation in the work furlough monitoring program.

Section 2-93.4—Electronic Monitoring Program- Involuntary due to lack of jail space

- (a) In addition to the home detention electronic monitoring program authorized pursuant to Section 2-93.2 herein, the sheriff may offer an involuntarily program under which any person committed to the county jail may participate in a home detention electronic monitoring program during their sentence in lieu of confinement in the county jail pursuant to Penal Code section 1203.017.

- (b) The Board of Supervisors, pursuant to Penal Code section 1203.017(b) may prescribe reasonable rules and regulations under which the home detention program may operate, which rules and regulations shall be in writing and annually reviewed by the board of supervisors and the program administrator.

Section 2-93.5—Electronic Monitoring Program- In Lieu of Bail

- (a) In addition to the home detention electronic monitoring program authorized pursuant to Section 2-93.2 herein, the sheriff may 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 pursuant to Penal Code sections 1203.018, if the specified conditions are met.

- 1. In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate must 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.

- (b) The Board of Supervisors, pursuant to Penal Code section 1203.018(d) The board of supervisors, after consulting with the sheriff and district attorney, may prescribe reasonable rules and regulations under which an electronic monitoring program pursuant to this section may operate, which rules and regulations shall be in writing and annually reviewed by the board of supervisors.

Section 2. Effective Date.

This ordinance, within fifteen (15) days after its passage and adoption, shall be published once in the Santa Barbara News Press and shall be in full force and effect thirty (30) days after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2012, by the following vote:

AYES:
NOES:
ABSENT:

Chair, Board of Supervisors

ATTEST:

CHANDRA L. WALLAR
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

APPROVED AS TO FORM:

DENNIS MARSHALL
COUNTY COUNSEL

By _____
Chief Assistant

APPROVED AS TO
ACCOUNTING FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____