

Court Denies Defendant's Challenge to PRCS Probation Search

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Ruling against a probationer who tried to suppress evidence he was in possession of child pornography, the First District Court of Appeal held the one year supervision period under the Postrelease Community Supervision Act does not expire until the statute's 30-day review period has elapsed. (*People v. Young* (2016) 2016 Cal. App. LEXIS 426.)

David Young, a registered sex offender placed on postrelease community supervision in Contra Costa County, was arrested during a probation search for possession of child pornography. The search took place a day after Young completed a one year term of postrelease supervision. He moved to suppress the evidence seized from his home on the basis the warrantless search provisions of his PRCS term no longer applied.

Adult felons released from prison may be placed on postrelease community supervision for terms of six months, one year or three years under the governing statute, Penal Code section 3456. While agencies must immediately release from supervision any probationer who completes a three-year term without reoffending, the statute provides that any probationer supervised continuously for one year "with no violations of his or her conditions of postrelease supervision that result in a custodial sanction shall be discharged from supervision within 30 days." In practice, this language gives agencies an additional 30 days in which to review a probationer's conduct before processing his discharge.

Young had not had any violations during his one-year supervision term. He argued the 30-day review period was invalid because it extended the one year term to 13 months, contrary to the Legislature's intent. He also argued the 30-day period exists strictly to close out cases, and no further supervision is permitted.

Saying "defendant's interpretation makes no sense," the court ruled the statutory language, "while it may trigger immediate discharge, . . . may also trigger an assessment by the agency of a person's conduct and gives the agency time to either seek from the court a modification or revocation of supervision, or discharge the person." Thus, the court upheld both the conditions under which a probationer may be released from postrelease community supervision after one year, and helped define those conditions under which supervision may, even must, continue for public protection.

