

AB 965 (Stone): Credit Earning Expansion for Elderly & Youth Offenders

SUMMARY

In November 2016, California voters approved Proposition 57, authorizing the California Department of Corrections and Rehabilitation (CDCR) to expand opportunities for incarcerated people to reduce their sentence by earning credits for good behavior, participation in self-help groups, and completion of educational and rehabilitative programs.

The regulations developed by CDCR state that credit earned shall “advance an inmate's *initial* parole hearing date... if sentenced to an indeterminate term with the possibility of parole” (emphasis added).

Under California’s Penal Code, incarcerated people are eligible for an early parole hearing date if they were under the age of 26 at the time of their controlling offense or if they are 60 or older and serve at least 25 years of their sentence.

PROBLEM

However, CDCR does not consider a youth offender parole hearing date or an elderly parole hearing date to be the “initial” date under Prop 57. This means that incarcerated people who are eligible for early parole through Youth Offender and Elderly Parole Programs can only earn credits toward their original parole hearing date. In practice, this prevents people with Youth Offender and Elderly parole hearing dates from accessing the credit earning opportunities and rehabilitative programs created by Prop 57.

For example, a person sentenced to 100 years to life at age 16 is eligible to receive a Youth Offender parole hearing after serving 25 years, and can also earn credits to advance their parole hearing date. But CDCR regulations only allow these credits to advance the hearing date for the original 100 year sentence and not for the reduced 25 year hearing date.

By approving Proposition 57, voters intended to incentivize incarcerated people to work towards their own rehabilitation goals by giving them

access to sentence-reducing programs. Unfortunately existing CDCR regulations exclude individuals with youth offender and elderly parole hearing dates from benefiting from these credit-earning opportunities.

SOLUTION

AB 965 would require that any credit earned under Proposition 57 be applied to an incarcerated person’s earliest possible parole hearing date, including youth offender and elderly parole hearing dates.

This will allow individuals who were under age 26 at the time of their controlling offense and incarcerated people who are 60 or older to benefit from the opportunities provided under Proposition 57.

SUPPORT

Initiate Justice (Co-Sponsor)
National Center for Youth Law (Co-Sponsor)
Anti-Recidivism Coalition (Co-Sponsor)
Californians United for a Responsible Budget (Co-Sponsor)
California Public Defenders Association

FOR MORE INFORMATION

Contact: Keely O’Brien
Office of Assemblymember Mark Stone
Phone: (916) 319-2268
keely.obrien@asm.ca.gov