

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.

PROBLEM

However, CDCR does not consider a youthful parole hearing date to be the “initial” date under Prop 57. This means that incarcerated people who are eligible for youthful parole can only earn credits toward their original parole hearing date. In practice, this prevents them 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 youthful 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 25 year hearing date.

By approving Proposition 57, voters expanded opportunities to incentivize incarcerated people to work towards rehabilitation by giving them access to sentence-reducing programs.

Unfortunately existing CDCR regulations exclude individuals with youthful 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 youth parole hearing date.

This will allow individuals who were under age 26 at the time of their controlling offense 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)
#Cut50
Alameda County Justice Reinvestment Coalition
All of Us or None
American Civil Liberties Union of California
American Friends Service Committee
Asian Americans Advancing Justice - California
Barrios Unidos
Bend the Arc: Jewish Action
California Attorneys for Criminal Justice
California Catholic Conference
California Coalition for Women Prisoners
California Public Defender’s Association
Californians for Safety and Justice
Center on Juvenile and Criminal Justice
Center for Health Justice
Ella Baker Center
Fair Chance Project
Homeboy Industries
Human Rights Watch
Human Impact Partners
Justice Reinvestment Coalition of Alameda County
Lawyers’ Committee for Civil Rights - SF
Legal Services for Prisoners with Children
Motivating Individual Leadership for Public Advancement (MILPA)
National Association of Social Workers
Restore Justice
Root & Rebound
Rubicon Programs
San Francisco Public Defender
Silicon Valley Debug

Smart Justice California
Starting Over Inc.
Showing Up for Racial Justice Bay Area
TIDES Advocacy
Time for Change Foundation
Transgender, Gendervariant, Intersex Justice
Project
UC Student Association
W. Haywood Burns Institute

FOR MORE INFORMATION

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