

Chapter 312 Youth Offender Sentencing (SB 260)

Consultations (formerly "Documentation Hearings")

- Changes three-year "documentation hearings" to "consultations" that are held instead during the sixth year prior to the inmate's minimum eligible parole release date (MEPD). (PC 3041(a))
- During consultation: requires board to provide inmate with information about the parole hearing process, legal factors relevant to his/her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his/her work assignments, rehabilitative programs, and institutional behavior. (PC 3041(a))
- Within 30 days of consultation: requires board to issue written positive and negative findings and recommendations to the inmate. (PC 3041(a))
- Establishes that qualifying Youth Offenders whose controlling offenses have determinate sentence length will also receive consultations as amended in PC 3041. (PC 3051(c))

Youth Offender Parole Hearings

- Modifies Existing Suitability Hearings for Qualified Youth Offenders: defined as a hearing by the Board of Parole Hearings for the purpose of reviewing the parole suitability of any prisoner who was under 18 years of age at the time of his or her controlling offense. (PC 3051(a))
- Disqualifies Certain Youth Offenders: (PC 3051(h))
 - Cases in which sentencing on the controlling offense occurs pursuant to PC § 1170.12, § 667(b)-(i), or § 667.61 (three strikes)
 - Cases in which individual was sentenced to life in prison without the possibility of parole
 - Individuals who, after reaching age 18, commit an additional crime for which malice aforethought is a necessary element of the crime.
 - Individuals who, after reaching 18, commit an additional crime for which he/she is sentenced to a new term of life in prison.
- Defines "controlling offense" for purposes of PC 3051 as offense or enhancement for which any sentencing court imposed the longest term of imprisonment. (PC 3051(a))
- Establishes maximum timeframes for eligibility for the Suitability Hearing of a Qualified Youth Offender: based on the sentence of the controlling offense as follows: (PC 3051(b)(1)-(3))
 - (1) DSL Sentence: eligible for release during 15th year of incarceration unless previously released
 - (2) Life Term < 25 to life: eligible for release during 20th year of incarceration unless previously released or entitled to earlier hearing
 - (3) Life Term of 25 to life: eligible for release during 25th year of incarceration unless previously released or entitled to earlier hearing
- Great Weight Requirement: For qualifying Youth Offenders, panel is required to give "great weight" to diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner in determining suitability. (PC 4801) The panel must consider the same factors when reviewing cases for possible advancement pursuant to a petition to advance or administrative review. (PC 3051(g))
- Risk Assessments: For qualifying Youth Offenders, risk assessment must take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. (PC 3051(f)(1))

- Allows statements to be submitted to the panel from family members, friends, school personnel, faith leaders, and community-based organization representatives who have knowledge about (1) the inmate before the crime or (2) his or her growth and maturity since the time of the crime. (PC 3051(f)(2))
- Creates exemption from minimum term requirements, allowing instead for Qualifying Youth Offenders to parole immediately following favorable decision review in PC 3041(b) and Governor review in PC 3041.1 and 3041.2. (PC 3046(c))
- Regulations: Requires board to review/revise existing regulations and adopt new regulations as needed re: determinations of suitability under PC 3051, PC 4801, and case law to provide meaningful opportunity for release. (PC 3051(e))
- 18-Month Implementation Period: Requires board to complete all youth offender parole hearings for individuals who become entitled to a hearing on the bill's effective date by July 1, 2015. (PC 3051(i))
- Victim's Rights: Clarifies that the bill has no effect on Victim's Rights. (PC 3051(f)(3))