



Proposition 57: The Public Safety and Rehabilitation Act of 2016 Frequently Asked Questions

(Updated December 2018)

What is Proposition 57?

Proposition 57 was overwhelmingly approved by voters in the November 2016 election to enhance public safety, to stop the revolving door of crime by emphasizing rehabilitation, and to prevent federal courts from releasing prisoners. Final Proposition 57 regulations were approved for permanent adoption by the Office of Administrative Law (OAL) and filed with the Secretary of State's Office on May 1, 2018.

On December 11, 2018, CDCR filed proposed emergency regulations with the Office of Administrative Law (OAL) to expand nonviolent offender parole consideration under Proposition 57 to indeterminately sentenced nonviolent offenders (nonviolent Third Strikers). If approved, the regulations would create two separate processes for nonviolent offenders.

What does Proposition 57 do?

Proposition 57 includes three major components designed to improve the juvenile and adult criminal justice system in California.

- Establishes a parole consideration process for determinately-sentenced and indeterminately-sentenced nonviolent offenders, as defined by California Penal Code, who have served the full-term for their primary criminal offense and who demonstrate they no longer pose a current, unreasonable risk to the public.
- Gives inmates the opportunity to earn additional credits for good behavior and participation in rehabilitative, educational, and career training programs so they are better prepared to succeed and less likely to commit new crimes on the outside.
- Required judges, rather than prosecutors, to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.

What are the credits inmates can earn under Proposition 57?

Under Proposition 57, CDCR increased credits for Good Conduct and Milestone Completion Programs, and introduced credits for Rehabilitative Achievement and Educational Merit. Credit earning opportunities incentivize inmates to actively participate in their rehabilitation, while earning time off of their sentence.

Who is eligible to receive credits under Proposition 57?



All inmates, except condemned inmates and inmates sentenced to life without the possibility of parole.

Can an inmate lose credits?

CDCR can revoke Good Conduct Credits, Milestone Completion Credits, and Rehabilitative Achievement Credits as a result of disciplinary infractions and rules violations. Educational Merit Credits are not subject to revocation for disciplinary reasons.

What is the Proposition 57 nonviolent parole process?

Determinately-sentenced nonviolent offenders have served the full-term of their primary offense when they have served the longest term of imprisonment imposed by a court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence. The full-term of a primary offense does not include post-sentencing credits. Proposition 57 does not create a right for determinately-sentenced nonviolent offenders to be released from prison. It gives the Board the authority to review eligible offenders in prison and, if they no longer pose a current, unreasonable risk of violence or significant criminal activity, determine whether they should be approved for release and supervised in the community.

Indeterminately-sentenced nonviolent offenders may be referred to the Board for a parole hearing once they have served the full term of their primary offense, also defined as the longest term of imprisonment imposed by a court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence. The Department will consider the aggravated term of the underlying nonviolent offense as the “term of imprisonment imposed by the court” for alternative sentences such as a 25 years-to-life term imposed under the Three Strikes Law. Only those inmates found by the Board to no longer pose a current, unreasonable risk to public safety after a full in-person parole hearing will be granted parole.

(Note: A determinate term is a sentence of specified length. An indeterminate term is a sentence of unspecified length which ends only when the inmate is granted parole by the Board of Parole Hearings.)

Are nonviolent Third Strike offenders included in the nonviolent parole consideration process?

When the Proposition 57 regulations were adopted in May 2018, they excluded life with parole offenders from the nonviolent parole consideration process. This exclusion was challenged in court, and on September 7, 2018, the Second District Court of Appeals ordered the department to amend its regulations to expand parole consideration under Proposition 57 to indeterminately-sentenced nonviolent offenders. For more information



on what is being proposed, please see FAQ on Nonviolent Parole Consideration for Indeterminately-Sentenced (Third Strike) Offenders.

Does the nonviolent Third Striker parole process being proposed differ from the one established for determinately-sentenced offenders under Proposition 57?

Yes. Although public safety screening criteria will be applied in the same manner as with determinately-sentenced offenders, indeterminately-sentenced offenders referred to the Board will get a full in-person parole hearing. If they are granted parole, the decision will be reviewed by the Board and the Governor. A grant of parole may be vacated or rescinded. The current nonviolent parole consideration process for determinately-sentenced offenders consists of a paper review by Deputy Commissioners, and the Governor does not have the authority to review that decision.

Did Proposition 57 re-classify inmates as nonviolent, for the purposes of the nonviolent parole process?

No. CDCR does not have the authority to re-sentence an inmate, or change the penal code for crimes they are serving time for.

How does Proposition 57 affect inmates who are serving time out of state?

Inmates serving criminal sentences under California law but housed in another jurisdiction (such as Western or Interstate Corrections Compact and a correctional facility administered by the Federal Bureau of Prisons), or housed in facilities leased by CDCR, are eligible to earn in Good Conduct Credit, Educational Merit Credit, and Extraordinary Conduct Credit under Proposition 57.

Have any inmates been released under Proposition 57?

Yes, inmates are earning release based on their credit-earnings or through the nonviolent parole process, or both. For updates on the number of releases, please see the monthly Three Judge Panel court update.