



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

(Updated May 2018)

What is Proposition 57?

Proposition 57 was overwhelmingly approved by voters in the November 2016 elections 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.

This was the last step in codifying the regulations, which were implemented gradually last year after being approved on a temporary emergency status in April 2017.

What does Proposition 57 do?

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

- Established a parole consideration process for 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 threat of violence or a current, unreasonable risk of significant criminal activity.
- 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?

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 nonviolent offenders to parole from prison. It gives the board the authority to review eligible offenders in prison and, if they no longer pose a threat of violence, determine whether they should be approved for parole and supervised in the community.

Does 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.

Have any inmates been released under Proposition 57?

Yes, inmates are earning release based on their credit-earnings or the nonviolent parole process, or both. For updates on the number of releases, please see the monthly Three Judge Panel court update (<https://www.cdcr.ca.gov/News/3-judge-panel.html>).