



Effective January 1, 2016

Youth Offender Parole Suitability Hearings

What is a Youth Offender Parole Suitability Hearing?

The Board of Parole Hearings (BPH) reviews the parole suitability for any prisoner who was under 23 years of age at the time of his or her *controlling offense*. The board is required to give “*great weight*” to the diminished responsibility of juveniles as compared to adults. This will establish hearings for qualified offenders who are sentenced with an indeterminate sentence or a determinate sentence. Youth Offender Parole hearings went into effect January 1, 2014 established by SB 260. Effective January 1, 2016, SB 261 will amend the minimum age of SB 260 from 18 years to 23 years.

What does this mean?

This bill will modify existing suitability hearings for qualified youth offenders who were under 23 years of age at the time of his or her controlling offense (PC § 3051(a))

- Establishes specific characteristics, unique to the youth offender population, for consideration at two key points in the hearing:
 - In determining the youth offender’s suitability for parole (PC § 3051 (d))
 - In setting denial lengths in accordance with Marsy’s Law (PC § 3051 (g))
- Will not alter the rights of victims or victim’s next of kin at parole suitability hearings (PC § 3051 (f) (3))

What is a controlling offense?

The “controlling offense”, for purposes of PC 3051, is the **longest** term of imprisonment for an offense or enhancement by any sentencing court. (PC 3051(a))

- If an offender has multiple terms, their controlling offense is the longest single term
 - Includes crimes committed while incarcerated
 - An indeterminate sentence (ISL) will always be considered longer than a determinate sentence (DSL)

What other criteria will be considered to be qualified?

Great Weight Requirement: during these suitability and denial length determinations the Board is required to give “great weight” to:

- The diminished responsibility of juveniles as compared to adults
- The hallmark features of youth
 - Lack of maturity
 - Underdeveloped sense of responsibility
 - Failure to appreciate risks and consequences
- Any subsequent growth and increased maturity of the offender

Maximum Eligibility Timeframes:

- Establishes maximum eligibility timeframes for qualified youth offenders based on the sentence of the controlling offense as follows: (PC 3051(b)(1)-(3))



- DSL Sentence: eligible for release during 15th year of incarceration unless previously released
- Life Term < 25 to life (ISL): eligible for release during 20th year of incarceration unless previously released or entitled to earlier hearing
- Life Term of 25 to life (ISL): eligible for release during 25th year of incarceration unless previously released or entitled to earlier hearing

Will all youth offenders qualify?

NO

PC 3051 (h) will disqualify certain youth offenders from eligibility if:

- The offender was sentenced pursuant to the three strikes law PC § 1170.12, § 667 (b) – (i), or § 667.61
- The offender was sentenced to life in prison without the possibility of parole
- The offender committed an additional crime after reaching age 23 for which:
 - Malice aforethought is a necessary element of the crime (Ex: conspiracy to commit murder, attempted murder)
 - They are sentenced to a new term of life in prison

For additional information and assistance:

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