
Introduced by Senator Jones

February 16, 2021

An act to amend Section 3055 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, as introduced, Jones. Parole: Elderly Parole Program.

Existing law establishes the Elderly Parole Program for the purpose of reviewing the parole suitability of inmates who are 50 years of age or older and who have served a minimum of 20 years of continuous incarceration, as defined, on their sentence. Existing law exempts from eligibility a person who was sentenced pursuant to the Three Strikes Sentencing law, a person who was sentenced to life in prison without the possibility of parole or death, and a person who was convicted of the first-degree murder of a peace officer or a person who had been a peace officer, as provided.

This bill would additionally exempt from eligibility for that program specified sex offenders.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3055 of the Penal Code is amended to
2 read:
3 3055. (a) The Elderly Parole Program is hereby established,
4 to be administered by the Board of Parole Hearings, for purposes
5 of reviewing the parole suitability of any inmate who is 50 years
6 of age or older and has served a minimum of 20 years of continuous

1 incarceration on the inmate's current sentence, serving either a
2 determinate or indeterminate sentence.

3 (b) (1) For purposes of this code, the term "elderly parole
4 eligible date" means the date on which an inmate who qualifies as
5 an elderly offender is eligible for release from prison.

6 (2) For purposes of this section, "incarceration" means detention
7 in a city or county jail, local juvenile facility, a mental health
8 facility, a Division of Juvenile Justice facility, or a Department of
9 Corrections and Rehabilitation facility.

10 (c) When considering the release of an inmate specified by
11 subdivision (a) pursuant to Section 3041, the board shall give
12 special consideration to whether age, time served, and diminished
13 physical condition, if any, have reduced the elderly inmate's risk
14 for future violence.

15 (d) When scheduling a parole suitability hearing date pursuant
16 to subdivision (b) of Section 3041.5 or when considering a request
17 for an advance hearing pursuant to subdivision (d) of Section
18 3041.5, the board shall consider whether the inmate meets or will
19 meet the criteria specified in subdivision (a).

20 (e) An ~~individual~~ *inmate* who is subject to this section shall
21 meet with the board pursuant to subdivision (a) of Section 3041.
22 If an inmate is found suitable for parole under the Elderly Parole
23 Program, the board shall release the ~~individual~~ *inmate* on parole
24 as provided in Section 3041.

25 (f) If parole is not granted, the board shall set the time for a
26 subsequent elderly parole hearing in accordance with paragraph
27 (3) of subdivision (b) of Section 3041.5. No subsequent elderly
28 parole hearing shall be necessary if the ~~offender~~ *inmate* is released
29 pursuant to other ~~statutory provisions~~ *law* prior to the date of the
30 subsequent hearing.

31 (g) This section does not apply to cases in which sentencing
32 occurs pursuant to Section 1170.12, *Section 667.61*, subdivisions
33 (b) to (i), inclusive, of Section 667, or in cases which an individual
34 was sentenced to life in prison without the possibility of parole or
35 death.

36 (h) This section does not apply if the person was convicted of
37 first-degree murder if the victim was a peace officer, as defined
38 in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34,
39 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or
40 830.12, who was killed while engaged in the performance of their

1 duties, and the individual knew, or reasonably should have known,
2 that the victim was a peace officer engaged in the performance of
3 their duties, or the victim was a peace officer or a former peace
4 officer under any of the above-enumerated sections, and was
5 intentionally killed in retaliation for the performance of their
6 official duties.

7 (i) This section does not alter the rights of victims at parole
8 hearings.

9 (j) By December 31, 2022, the board shall complete all elderly
10 parole hearings for individuals who were sentenced to determinate
11 or indeterminate terms and who, on the effective date of the bill
12 that added this subdivision, are or will be entitled to have their
13 parole suitability considered at an elderly parole hearing before
14 January 1, 2023.

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