

SB 261 (Hancock):

Parole Review for Young Adults with Lengthy or Life Sentences

As Amended in Senate, March 24, 2015

Last updated: April 8, 2015

PURPOSE OF THE BILL

Under current law, certain inmates—who were under the age of 18 when they committed a crime for which they received a lengthy or life sentence—are eligible for a youth offender parole hearing after serving a lengthy prison sentence.

SB 261 would make certain inmates—who were under the age of 23 when they committed a crime for which they received a lengthy or life sentence—similarly eligible for a youth offender parole hearing.

PROBLEM & NEED FOR THE BILL

SB 260 (Hancock), Chapter 312, Statutes of 2013, created the youth offender parole hearing process. Under current law, eligible inmates are given the opportunity to have such a hearing after serving a lengthy prison sentence.

Under SB 260, the Board of Parole Hearings (BPH) notifies an eligible individual of parole eligibility, information and recommendation on his or her progress towards parole suitability. BPH considers, with great weight, the diminished culpability of youth compared to adults, the hallmark features of youth, and the subsequent growth and increased maturity of the eligible individual while in prison.

SB 260 holds a young person accountable for the crimes they committed by requiring him or her to serve a lengthy prison sentence. However, it provides him or her with an opportunity to work towards rehabilitation and parole after a lengthy prison sentence based on certain factors:

- 1) A person whose longest sentence is a determinate sentence is eligible for a youth offender parole hearing after serving 15 years in prison
- 2) A person whose longest sentence is less than 25 years-to-life is eligible for a youth offender parole hearing after serving 20 years in prison
- 3) A person whose longest sentence is at least 25 years-to-life is eligible for a youth offender parole hearing after serving 25 years in prison

There is no mandate or guarantee of parole, and some individuals are excluded.

Science, law, and common sense support the appropriateness of youth offender parole hearings for young adults between the age of 18 and 23.

Recent scientific evidence on adolescent and young adult development and neuroscience shows that certain areas of the brain—particularly those affecting judgment and decision-making—do not fully develop until the early- to mid-

20s. Various studies by researchers from Stanford University (2009), University of Alberta (2011), and the National Institute of Mental Health (2011) all confirm that the process of brain development continues well beyond age 18.

This research has been relied on by judges and lawmakers. The US and California Supreme Courts have recognized in several recent opinions that adolescents are still developing in ways relevant to their culpability for criminal behavior and their special capacity to turn their lives around.¹

California already recognizes the uniqueness of young adults in its Department of Juvenile Justice (DJJ). DJJ is mandated to detain and provide services and programming to some young adults until age 23. The state has recognized early adulthood as a vulnerable period in other arenas as well, for example, extending foster care support beyond age 18 to age 21 in AB 12 (Beall, 2010). As recently as 2013, the Legislature passed AB 1276 (Bloom), which provided special protections and opportunities for young adults through age 22 entering prison.

WHAT THIS BILL WOULD DO

SB 261 would make current law commensurate with DJJ jurisdiction. It would make eligible certain individuals who were under age 23 when they committed a crime for which they received a lengthy or life sentence for a youth offender parole hearing.

SB 261 would continue to uphold the constitutional rights of crime victims under Marsy's Law.

The bill would exclude individuals sentenced to life without possibility of parole, as well as those sentenced under the Three Strikes Law, One Strike Law, and "Jessica's Law."

The bill also excludes any individual who commits certain crimes in prison after turning 18 years of age.

BILL STATUS

Referred to the Senate Committee on Public Safety – April 7, 2015

SUPPORT

Human Rights Watch (sponsor)
The Anti-Recidivism Coalition (sponsor)
National Center for Youth Law (co-sponsor)
Former U.S. House Speaker Newt Gingrich

¹ See: *Roper v. Simmons*, 543 U.S. 551, 569 (2005); *Miller v. Alabama*, 567 U.S. __ (2012); *People v. Caballero*, 55 Cal. 4th 262 (Cal. 2012); *People v. Gutierrez*, 58 Cal. 4th 1354 (Cal. 2014).

SUPPORT (cont.)

Los Angeles Regional Reentry Partnership

Public Counsel

Youth ALIVE!

