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Senate Bill 445 Fact Sheet – Elderly Parole Disqualification for Violent Sexual Offenses

SUMMARY

SB 445 aligns the Elderly Parole Program with the Youth Offender Parole Program by excluding a violent sex offender from being eligible for early release.

BACKGROUND

During end of session last year, AB 3234 (Ting – 2020) was gutted and amended to include provisions taken from the budget trailer bill AB 88 (Budget – 2020). These provisions changed Penal Code §3055 by lowering the age threshold for elderly parole from 60 years of age to 50 years of age. Additionally, the bill reduced the minimum amount of time required to be severed for elderly parole consideration from 25 years to 20 years. Because of the late gut and amend, AB 3234 was not considered in the appropriate policy committees or fiscal committees, despite the significant societal and fiscal impacts of the bill. **The new bill was not heard in a single Senate committee.**

Penal Code §3055 now provides that inmates who are 50 years of age or older and who have been incarcerated for 20 years or more are eligible for an elderly parole hearing. At the hearing, the Board of Parole Hearings (BPH) is required to give “great weight” to the inmate’s advanced age, long-term confinement, and diminished physical condition, if any. If an inmate is granted parole at an elderly parole hearing, the inmate will be eligible for release immediately after the decision is final (which can take up to five months). If parole is not granted, the inmate is given a period they must wait before another hearing can be sent.

PROBLEM

Proponents of AB 3234 vowed that criminals whose crimes require them to register as a sex offender (Penal Code §667) would not be eligible for elderly parole. Unfortunately, the law does allow violent sex offenders (Penal Code §667.61) to remain eligible for an elderly parole hearing – now at the age of 50 and after serving only 20 years – including offenders convicted under the One-Strike Sex Offense Law.

Conversely, the similar youth offender parole program (Penal Code §3051) recognizes the severity of a conviction of a One-Strike Sex Offense and excludes these inmates from qualifying for the program.

SOLUTION

SB 445 will prevent any violent sex offender from being eligible for early parole.

This will give violent sex offense victims the peace and security of knowing that the person who violated them physically, mentally, and emotionally will serve their full term, regardless of the age the criminal happens to be now.

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