New Parole Hearing Law for Juvenile Offenders

By Mike Theberge

Governor Jerry Brown signed Senate Bill 260 into law September 16, 2013. This law grants juvenile offenders with lengthy prison sentences the right to an earlier parole hearing. Subject to some exceptions, SB 260 requires the Board of Parole Hearings to conduct a parole hearing within specific times to consider release of youthful offenders who committed crimes prior to being 18 years of age. Penal Code section 3051 now provides:

(1) A person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the sentence is a determinate sentence shall be eligible for release on parole at a youth offender parole hearing by the board during his or her 15th year of incarceration, unless previously released pursuant to other statutory provisions.

(2) A person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the sentence is a life term of less than 25 years to life shall be eligible for release on parole by the board during his or her 20th year of incarceration at a youth offender parole hearing, unless previously released or entitled to an earlier parole consideration hearing pursuant to other statutory provisions.

(3) A person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the sentence is a life term of 25 years to life shall be eligible for release on parole by the board during his or her 25th year of incarceration at a youth offender parole hearing, unless previously released or entitled to an earlier parole consideration hearing pursuant to other statutory provisions.

Penal Code section 3051 provides for the maximum period a youthful offender can be incarcerated without a parole hearing. Many inmates are eligible for parole prior to the period specified in section 3051. Penal Code section 3046 provides in part:

(a) No prisoner imprisoned under a life sentence may be paroled until he or she has served the greater of the following:
(1) A term of at least seven calendar years.

(2) A term as established pursuant to any other provision of law that establishes a minimum term or minimum period of confinement under a life sentence before eligibility for parole.

(b) If two or more life sentences are ordered to run consecutively to each other pursuant to Section 669, no prisoner so imprisoned may be paroled until he or she has served the term specified in subdivision (a) on each of the life sentences that are ordered to run consecutively.

SB 260 (PC 3051) excludes youthful offenders sentenced under the 3 Strikes Law, 1 Strike Sex Law, or sentenced to LWOP.