

BOARD OF PAROLE HEARINGS

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YOUTH OFFENDER FACT SHEET

This sheet provides clarification regarding the Board of Parole Hearings' (board's) requirements for conducting parole consideration hearings for qualified youth offenders.

1. Parole Consideration Hearings for Qualified Youth Offenders

Penal Code section 3051(a) defines a "Youth Offender Parole Hearing" as any hearing before the board for the purpose of reviewing the parole suitability of any prisoner who was under 23 years of age at the time of his or her controlling offense.

2. Disqualification Criteria from Youth Offender Eligibility

Under Penal Code section 3051(h), the following cases and individuals are disqualified from youth offender eligibility:

- a. Cases in which sentencing on the controlling offense occurs pursuant to Penal Code sections 1170.12, 667(b)-(i), or 667.61.
- b. Cases in which the individual was sentenced to life in prison without the possibility of parole.
- c. Individuals who, after reaching age 23, commit an additional crime for which malice aforethought is a necessary element of the crime.
- d. Individuals who, after reaching 23, commit an additional crime for which he or she is sentenced to a new term of life in prison.

3. Defines "Controlling Offense"

Penal Code section 3051(a)(1)(B) defines "controlling offense" for purposes of youth offenders as the single offense or enhancement for which any sentencing court imposed the longest term of imprisonment.

4. Established Hearing Timeframes

Penal Code section 3051(b) establishes maximum timeframes for eligibility for the parole consideration hearing of a qualified youth offender based on the sentence length of the controlling offense as follows:

- a. DSL Sentence: eligible for release during 15th year of incarceration unless previously released. (Pen. Code § 3051(b)(1).)
- b. Life Term < 25 to life: eligible for release during 20th year of incarceration unless previously released or entitled to earlier hearing. (Pen. Code § 3051(b)(2).)

- c. Life Term of 25 to life: eligible for release during 25th year of incarceration unless previously released or entitled to earlier hearing. (Pen. Code § 3051(b)(3).)

5. Youth Factors

Penal Code section 4801(c) requires that, when considering the suitability of a qualified youth offender for parole, the hearing panel must give “great weight” to the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the inmate.

Penal Code section 3051(g) requires the board to consider the same factors when reviewing cases for possible advancement pursuant to a petition to advance or administrative review.

6. Release Dates

Pursuant to Penal Code section 3046(c), an inmate who is granted parole at a parole consideration hearing as a youth offender shall be immediately eligible for release, notwithstanding the board’s regulations regarding base terms and adjusted base terms. The inmate’s release remains subject to the board’s decision review process under Penal Code section 3041(b), and the Governor’s review process under Penal Code sections 3041.1 and 3041.2 as applicable.

7. Marsy’s Law Denial Lengths

Penal Code section 3051(g) clarifies that, if parole is not granted, the board shall set the time for a subsequent hearing in accordance with Penal Code section 3041.5(b)(3), meaning that youth offenders are still subject to the Marsy’s Law denial periods of 15, 10, 7, 5, or 3 years.

8. Risk Assessments

Penal Code section 3051(f)(1) requires that, if the panel relies on a risk assessment in assessing a youth offender’s growth and maturity, the risk assessment must take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual.

9. Statements from the Public

Penal Code section 3051(f)(2) allows statements to be submitted for the panel’s review from family members, friends, school personnel, faith leaders, and community-based organization representatives who have knowledge about (1) the inmate before the crime or (2) his or her growth and maturity since the time of the crime.

10. Regulations

Penal Code section 3051(e) requires the board to review and revise existing regulations and adopt new regulations as needed regarding determinations of suitability under Penal Code sections 3051 and 4801, as well as relevant case law, to provide a meaningful opportunity for release.

11. Victim's Rights

Penal Code section 3051(f)(3) clarifies that the bill has no effect on victim's rights.