

Introduced by Senator Rubio

February 21, 2025

An act to amend Section 3051 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 672, as introduced, Rubio. The Youth Rehabilitation and Opportunity Act.

Existing law requires the Board of Parole Hearings to conduct a youth offender parole hearing for offenders sentenced to state prison who committed specified crimes when they were under 25 years of age. Existing law makes a person who was convicted of a controlling offense that was committed when the person was under 18 years of age and for which the sentence is life without the possibility of parole eligible for release on parole at a youth offender hearing by the board during the person's 25th year of incarceration.

Under existing law, a murder perpetrated by specified means or under certain circumstances is defined as murder of the first degree. Existing law, as added by Proposition 7, an initiative measure approved by the voters at the November 7, 1978, statewide general election, requires that a person convicted of first-degree murder be subject to death or confinement in prison for a term of life without the possibility of parole in any case in which specified special circumstances are charged and found to be true. Proposition 7 does not provide for amendment by the Legislature.

This bill, the Youth Rehabilitation and Opportunity Act, would instead make a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which they were sentenced to life without the possibility of parole eligible for parole after their 25th year of incarceration, except as

specified. The bill would require the board to complete, by January 1, 2028, all hearings for individuals who are or will be entitled to have their parole suitability considered at a youth offender parole hearing by these provisions.

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. This act shall be known, and may be cited, as the
2 Youth Rehabilitation and Opportunity Act.

3 SEC. 2. Section 3051 of the Penal Code is amended to read:

4 3051. (a) (1) A youth offender parole hearing is a hearing by
5 the Board of Parole Hearings for the purpose of reviewing the
6 parole suitability of any prisoner who was 25 years of age or
7 ~~younger, or was under 18 years of age as specified in paragraph~~
8 ~~(4) of subdivision (b),~~ *younger* at the time of the controlling
9 offense.

10 (2) For the purposes of this section, the following definitions
11 shall apply:

12 (A) “Incarceration” means detention in a city or county jail, a
13 local juvenile facility, a mental health facility, a Division of
14 Juvenile Justice facility, or a Department of Corrections and
15 Rehabilitation facility.

16 (B) “Controlling offense” means the offense or enhancement
17 for which any sentencing court imposed the longest term of
18 imprisonment.

19 (C) “Youth parole eligible date” is the earliest date upon which
20 a youth offender is eligible for release on parole at a youth offender
21 parole hearing. Except as provided in subdivision (i) and Section
22 3051.1, youth offenders are entitled to their initial youth offender
23 parole hearing within six months of their youth parole eligible
24 date, as determined in subdivision (b), unless previously released
25 or entitled to an earlier parole consideration hearing pursuant to
26 any other law.

27 (b) (1) A person who was convicted of a controlling offense
28 that was committed when the person was 25 years of age or
29 younger and for which the sentence is a determinate sentence shall
30 be eligible for release on parole at a youth offender parole hearing
31 during the person’s 15th year of incarceration. The youth parole

1 eligible date for a person eligible for a youth offender parole
2 hearing under this paragraph shall be the first day of the person's
3 15th year of incarceration.

4 (2) A person who was convicted of a controlling offense that
5 was committed when the person was 25 years of age or younger
6 and for which the sentence is a life term of less than 25 years to
7 life shall be eligible for release on parole at a youth offender parole
8 hearing during the person's 20th year of incarceration. The youth
9 parole eligible date for a person eligible for a youth offender parole
10 hearing under this paragraph shall be the first day of the person's
11 20th year of incarceration.

12 (3) A person who was convicted of a controlling offense that
13 was committed when the person was 25 years of age or younger
14 and for which the sentence is a life term of 25 years to life shall
15 be eligible for release on parole at a youth offender parole hearing
16 during the person's 25th year of incarceration. The youth parole
17 eligible date for a person eligible for a youth offender parole
18 hearing under this paragraph shall be the first day of the person's
19 25th year of incarceration.

20 (4) A person who was convicted of a controlling offense that
21 was committed ~~before the person had attained 18 years of age~~
22 *when the person was 25 years of age or younger* and for which
23 the sentence is life without the possibility of parole shall be eligible
24 for release on parole at a youth offender parole hearing during the
25 person's 25th year of incarceration. The youth parole eligible date
26 for a person eligible for a youth offender parole hearing under this
27 paragraph shall be the first day of the person's 25th year of
28 incarceration. *This section does not apply to a person who*
29 *committed the controlling offense when the person was 18 years*
30 *of age or older at the time of the crime and was convicted of special*
31 *circumstance murder pursuant to paragraph (7) or (8) of*
32 *subdivision (a) of Section 190.2.*

33 (c) An individual subject to this section shall meet with the
34 board pursuant to subdivision (a) of Section 3041.

35 (d) The board shall conduct a youth offender parole hearing to
36 consider release. At the youth offender parole hearing, the board
37 shall release the individual on parole as provided in Section 3041,
38 except that the board shall act in accordance with subdivision (c)
39 of Section 4801.

(e) The youth offender parole hearing to consider release shall provide for a meaningful opportunity to obtain release. The board shall review and, as necessary, revise existing regulations and adopt new regulations regarding determinations of suitability made pursuant to this section, subdivision (c) of Section 4801, and other related topics, consistent with relevant case law, in order to provide that meaningful opportunity for release.

(f) (1) In assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by the board, shall be administered by licensed psychologists employed by the board and shall take into consideration the diminished culpability of youth as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual.

(2) Family members, friends, school personnel, faith leaders, and representatives from community-based organizations with knowledge about the individual before the crime or the individual's growth and maturity since the time of the crime may submit statements for review by the board.

(3) This section is not intended to alter the rights of victims at parole hearings.

(g) If parole is not granted, the board shall set the time for a subsequent youth offender parole hearing in accordance with paragraph (3) of subdivision (b) of Section 3041.5. In exercising its discretion pursuant to paragraph (4) of subdivision (b) and subdivision (d) of Section 3041.5, the board shall consider the factors in subdivision (c) of Section 4801. A subsequent youth offender parole hearing shall not be necessary if the offender is released pursuant to any other law prior to the date of the subsequent hearing.

(h) This section ~~shall~~ *does* not apply to cases in which sentencing occurs pursuant to Section 1170.12, subdivisions (b) to (i), inclusive, of Section 667, or Section ~~667.61~~, or to cases in which an individual is sentenced to life in prison without the possibility of parole for a controlling offense that was committed after the person had attained 18 years of age. ~~667.61~~. This section ~~shall~~ *does* not apply to an individual to whom this section would otherwise apply, but who, subsequent to attaining 26 years of age, commits an additional crime for which malice aforethought is a

1 necessary element of the crime or for which the individual is
2 sentenced to life in prison.

3 (i) (1) The board shall complete all youth offender parole
4 hearings for individuals who became entitled to have their parole
5 suitability considered at a youth offender parole hearing prior to
6 January 1, 2014, by July 1, 2015.

7 (2) (A) The board shall complete all youth offender parole
8 hearings for individuals who were sentenced to indeterminate life
9 terms and who become entitled to have their parole suitability
10 considered at a youth offender parole hearing on January 1, 2016,
11 by July 1, 2017.

12 (B) The board shall complete all youth offender parole hearings
13 for individuals who were sentenced to determinate terms and who
14 become entitled to have their parole suitability considered at a
15 youth offender parole hearing on January 1, 2016, by July 1, 2021.
16 The board shall, for all individuals described in this subparagraph,
17 conduct the consultation described in subdivision (a) of Section
18 3041 before July 1, 2017.

19 (3) (A) The board shall complete all youth offender parole
20 hearings for individuals who were sentenced to indeterminate life
21 terms and who become entitled to have their parole suitability
22 considered at a youth offender parole hearing on January 1, 2018,
23 by January 1, 2020.

24 (B) The board shall complete all youth offender parole hearings
25 for individuals who were sentenced to determinate terms and who
26 become entitled to have their parole suitability considered at a
27 youth offender parole hearing on January 1, 2018, by January 1,
28 2022. The board shall, for all individuals described in this
29 subparagraph, conduct the consultation described in subdivision
30 (a) of Section 3041 before January 1, 2019.

31 (4) The board shall complete, by July 1, 2020, all youth offender
32 parole hearings for individuals who were sentenced to terms of
33 life without the possibility of parole *before the person had attained*
34 *18 years of age* and who are or will be entitled to have their parole
35 suitability considered at a youth offender parole hearing before
36 July 1, 2020.

37 (5) *The board shall complete, by January 1, 2028, all youth*
38 *offender parole hearings for individuals who were sentenced to*
39 *terms of life without the possibility of parole and who are or will*

1 *be entitled to have their parole suitability considered at a youth*
2 *offender parole hearing before January 1, 2028.*

3 (j) The Secretary of the Department of Corrections and
4 Rehabilitation may authorize persons described in paragraphs (1),
5 (2), and (3) of subdivision (b) to obtain an earlier youth parole
6 eligible date by adopting regulations pursuant to subdivision (b)
7 of Section 32 of Article ~~I~~ of the California Constitution.