

**Introduced by Senator Archuleta**

February 20, 2025

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An act to amend Section 3000.01 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Archuleta. ~~Parole.~~ *Parole: revocation.*

*Existing law sets the period of parole for a person sentenced to prison for first- or 2nd-degree murder pursuant to specified provisions to be the remainder of the person's life. Existing law requires a person subject to those provisions who is on parole and who violates the law or the conditions of their parole to be remanded to the custody of the Department of Corrections and Rehabilitation and the jurisdiction of the Board of Parole Hearings for the purpose of future parole consideration. Existing law also sets the parole period for a person released on parole from state prison on or after July 1, 2020, and who was sentenced to life, to no more than 3 years.*

*This bill would require a person sentenced to prison for first- or 2nd-degree murder pursuant to specified provisions who, while on parole, violates the law or the conditions of their parole to be remanded to the custody of the Department of Corrections and Rehabilitation and the jurisdiction of the Board of Parole Hearings for the purpose of future parole consideration. The bill would state that these changes are declarative of, and clarifying, existing law.*

~~Existing law requires a sentence resulting in imprisonment in the state prison to include a period of parole supervision or postrelease community supervision, as specified. Existing law generally specifies the length and review process for parole depending on the violation for~~

which the person has been sentenced and whether the person has violated the terms of their parole.

~~This bill would specifically exclude an inmate sentenced for an offense of first or 2nd degree murder with a maximum term of life imprisonment, as specified, from the requirement for a 3-year probation period applicable to an inmate released from state prison on or after July 1, 2020.~~

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. Section 3000.01 of the Penal Code is amended*  
2     *to read:*

3     3000.01. (a) (1) This section applies to persons released from  
4     state prison on or after July 1, 2020, and who are subject to the  
5     jurisdiction of, and parole supervision by, the Department of  
6     Corrections and Rehabilitation pursuant to Section 3000.08 of the  
7     Penal Code.

8     (2) *Subdivision (h) of Section 3000.08 applies to any person*  
9     *sentenced under Section 1168 for any offense of first- or*  
10    *second-degree murder with a maximum term of life imprisonment*  
11    *and released on parole on or after July 1, 2020. The Legislature*  
12    *finds and declares that this paragraph is declarative of, and*  
13    *clarifies, existing law.*

14    (b) Except as provided in subdivision (d) and notwithstanding  
15    any other law, persons described in subdivision (a) shall serve a  
16    parole term as follows:

17    (1) Any inmate sentenced to a determinate term shall be released  
18    on parole for a period of two years. The inmate will be reviewed  
19    by the Division of Adult Parole Operations for possible discharge  
20    from parole no later than 12 months after release from confinement.  
21    If at the time of the review the inmate has been on parole  
22    continuously for 12 months since release from confinement without  
23    a violation and the inmate is not a person required to be treated as  
24    described in Section 2962, the inmate shall be discharged from  
25    parole.

26    (2) Any inmate sentenced to a life term shall be released on  
27    parole for a period of three years. The inmate ~~will~~ *shall* be reviewed  
28    by the Division of Adult Parole Operations and referred to the

Board of Parole Hearings for possible discharge from parole no later than 12 months after release from confinement. If the Board of Parole Hearings determines the inmate should be retained on parole, the inmate will be reviewed again and referred to the Board of Parole Hearings for possible discharge from parole no later than 24 months after release from confinement.

(c) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified in this section, whichever is earlier, the inmate shall be discharged from parole. The date of the maximum statutory period of parole under this section shall be computed from the date of initial parole and shall be a period chronologically determined. Time during which parole is suspended because the inmate has been returned to custody as a parole violator shall not be credited toward any period of parole unless the inmate is found not guilty of the parole violation.

(1) Except as provided in paragraph (4) of subdivision (a) of Section 3000 and Section 3064, in no case may an inmate who is released on parole for a period of two years be retained under parole supervision or in custody for a period longer than three years from the date of their initial parole.

(2) Except as provided in paragraph (4) of subdivision (a) of ~~Section 3000~~ *3000, paragraph (2) of subdivision (a) of this section*, and Section 3064, in no case may an inmate who is released on parole for a period of three years be retained under parole supervision or in custody for a period longer than four years from the date of their initial parole.

(d) This section shall not apply to any of the following inmates:

(1) An inmate currently incarcerated for an offense that will require the person to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

(2) Inmates whose parole term at the time of the commission of the offense was less than the parole term prescribed in subdivision (b).

(e) The parole review periods specified in subdivision (b) shall not apply to inmates whose review period at the time of the commission of the offense provides for an earlier review period.

~~SECTION 1. The Legislature finds and declares this act ensures all of the following:~~

~~(a) A person, who was sentenced under Section 1168 of the Penal Code for any offense of first or second degree murder with~~

1 a maximum term of life imprisonment, is eligible for parole  
2 pursuant to Section 3000.1 of the Penal Code.

3 (b) If a person described in subdivision (a) violates the law or  
4 conditions of their parole, that person will be remanded to the  
5 custody of the Department of Corrections and Rehabilitation,  
6 pursuant to subdivision (h) of Section 3000.08 of the Penal Code,  
7 and would be eligible for any future parole, as provided under  
8 applicable law.

9 SEC. 2. Section 3000.01 of the Penal Code is amended to read:

10 3000.01. (a) This section applies to persons released from state  
11 prison on or after July 1, 2020, and who are subject to the  
12 jurisdiction of, and parole supervision by, the Department of  
13 Corrections and Rehabilitation pursuant to Section 3000.08 of the  
14 Penal Code.

15 (b) Except as provided in subdivision (d) and notwithstanding  
16 any other law, persons described in subdivision (a) shall serve a  
17 parole term as follows:

18 (1) Any inmate sentenced to a determinate term shall be released  
19 on parole for a period of two years. The inmate will be reviewed  
20 by the Division of Adult Parole Operations for possible discharge  
21 from parole no later than 12 months after release from confinement.  
22 If at the time of the review the inmate has been on parole  
23 continuously for 12 months since release from confinement without  
24 a violation and the inmate is not a person required to be treated as  
25 described in Section 2962, the inmate shall be discharged from  
26 parole.

27 (2) Any inmate sentenced to a life term shall be released on  
28 parole for a period of three years. The inmate shall be reviewed  
29 by the Division of Adult Parole Operations and referred to the  
30 Board of Parole Hearings for possible discharge from parole no  
31 later than 12 months after release from confinement. If the Board  
32 of Parole Hearings determines the inmate should be retained on  
33 parole, the inmate will be reviewed again and referred to the Board  
34 of Parole Hearings for possible discharge from parole no later than  
35 24 months after release from confinement.

36 (c) Upon successful completion of parole, or at the end of the  
37 maximum statutory period of parole specified in this section,  
38 whichever is earlier, the inmate shall be discharged from parole.  
39 The date of the maximum statutory period of parole under this  
40 section shall be computed from the date of initial parole and shall

1 be a period chronologically determined. Time during which parole  
2 is suspended because the inmate has been returned to custody as  
3 a parole violator shall not be credited toward any period of parole  
4 unless the inmate is found not guilty of the parole violation.

5 (1) Except as provided in paragraph (4) of subdivision (a) of  
6 Section 3000 and Section 3064, in no case may an inmate who is  
7 released on parole for a period of two years be retained under  
8 parole supervision or in custody for a period longer than three  
9 years from the date of their initial parole.

10 (2) Except as provided in paragraph (4) of subdivision (a) of  
11 Section 3000 and Section 3064, in no case may an inmate who is  
12 released on parole for a period of three years be retained under  
13 parole supervision or in custody for a period longer than four years  
14 from the date of their initial parole.

15 (d) This section shall not apply to any of the following inmates:

16 (1) An inmate currently incarcerated for an offense that will  
17 require the person to register as a sex offender pursuant to Chapter  
18 5.5 (commencing with Section 290) of Title 9 of Part 1.

19 (2) An inmate sentenced under Section 1168 for an offense of  
20 first or second degree murder with a maximum term of life  
21 imprisonment, as subject to Section 3000.1.

22 (3) An inmate whose parole term at the time of the commission  
23 of the offense was less than the parole term prescribed in  
24 subdivision (b).

25 (e) The parole review periods specified in subdivision (b) shall  
26 not apply to inmates whose review period at the time of the  
27 commission of the offense provides for an earlier review period.