

**Introduced by Senator Cortese  
(Coauthor: Senator Umberg)**

February 20, 2025

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An act to amend Section 1170 of the Penal Code, relating to corrections and rehabilitation.

LEGISLATIVE COUNSEL'S DIGEST

SB 551, as introduced, Cortese. Corrections and rehabilitation: state policy.

Under existing law, the Legislature finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice, and that programs should be available for incarcerated persons, including educational, rehabilitative, and restorative justice programs that are designed to promote behavioral change and to prepare all incarcerated persons for successful reentry into the community. Existing law directs the Department of Corrections and Rehabilitation to maintain a mission statement consistent with these principles.

This bill would make legislative findings and declarations relating to corrections and rehabilitation, including, among others, that the Legislature recognizes that life in prison can never be the same as life in a free society, and that active steps should be taken to make conditions in prison as close to normal life as possible, aside from loss of liberty, to ensure that this normalization does not lead to inhumane prison conditions. The bill would prohibit the prison system from aggravating the suffering inherent in imprisonment, except as incidental to justifiable separation or the maintenance of discipline. The bill would direct the department to maintain a mission statement consistent with the principles of normality and dynamic security.

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. The Legislature finds and declares all of the  
2 following:
- 3     (a) Incarceration has had negative physical and mental health  
4 impacts on correctional officers, Department of Corrections and  
5 Rehabilitation staff, and incarcerated individuals. Nationally, the  
6 average life expectancy of a correctional officer is 59 years of age,  
7 which is 16 years shorter than those who do not work in  
8 corrections. Further, suicide rates for correctional officers are 39  
9 percent higher than the national working age population. For  
10 incarcerated people, each year spent in prison can take two years  
11 off of an individual's life expectancy, and the rate of suicide is  
12 19.6 deaths per 100,000 incarcerated persons.
- 13     (b) In 2023, Assembly Bill 1104 (Chapter 560, Statutes of 2023)  
14 stated that the purpose of incarceration is to provide rehabilitative  
15 services to incarcerated people so they can be successfully and  
16 safely reintegrated into the community.
- 17     (c) The principle of dynamic security, which is the direct,  
18 ongoing, and respectful communication between correctional staff  
19 and incarcerated persons is a key component of the safest prisons.
- 20     (d) Dynamic security promotes a healthier environment for  
21 correctional officers, staff, and individuals within a correction  
22 facility by improving the relationship between incarcerated  
23 individuals and staff. Improved communication, mentorship, and  
24 normalization improves health outcomes for department staff and  
25 incarcerated individuals by reducing risks such as violent behavior,  
26 recidivism, and stress. Access to training for correctional staff to  
27 be respectful, fair, and flexible in the use of their authority, and  
28 opportunities to study law, ethics, human rights, and behavior  
29 change can assist in lowering the mortality rate of correctional  
30 officers. Officers who regularly socialize with incarcerated persons  
31 and participate in activities to promote open communication and  
32 foster relationships create a safer environment for both incarcerated  
33 persons and staff.
- 34     (e) The principle of normality, which states that life inside prison  
35 should be as close to life outside of prison as much as possible,

1 prepares incarcerated persons to be productive and contributing  
2 members of society upon their release. Incarcerated persons are  
3 encouraged to gain skills and provide for their own needs as much  
4 as possible to prepare them to be “good neighbors.”

5 (f) Importing services into prisons from the community to  
6 provide medical, mental health, educational, skill building, and  
7 library access are imperative to rehabilitative and individual  
8 success.

9 (g) Creating opportunities for incarcerated persons to maintain  
10 their social roles such as father, mother, son, daughter, and friend  
11 through in-person and online visits as well as other channels of  
12 communication, provides space to practice healthy relationships  
13 and motivation for self-development.

14 (h) This comprehensive strategy aligns with the goal of creating  
15 individuals capable of positive contributions to their communities  
16 upon reintegration while simultaneously addressing crucial factors  
17 that impact staff well-being.

18 (i) It is essential to further amend the Penal Code to clarify that,  
19 when the sentence for a crime includes a term of incarceration, the  
20 resulting deprivation of liberty satisfies the punishment purposes  
21 of sentencing and that the additional purpose of incarceration is  
22 rehabilitation and successful reentry back into the community.

23 (j) According to the United States Bureau of Justice Statistics,  
24 95 percent of incarcerated people will be released from prison back  
25 into the community.

26 (k) Effective rehabilitation increases public safety and builds  
27 stronger communities. In order to achieve these goals, it is essential  
28 that incarcerated people are able to live with dignity, are treated  
29 humanely, are able to maintain and build strong family and  
30 community connections, and have access to varied, high-quality  
31 educational and rehabilitative programs.

32 SEC. 2. Section 1170 of the Penal Code is amended to read:

33 1170. (a) (1) The Legislature finds and declares that the  
34 purpose of sentencing is public safety *and to reduce recidivism*  
35 achieved through punishment, rehabilitation, and restorative justice.  
36 *The Legislature recognizes that life in prison can never be the*  
37 *same as life in a free society. However, active steps should be*  
38 *taken to make conditions in prison as close to normal life as*  
39 *possible, aside from loss of liberty, and to ensure that this*  
40 *normalization does not lead to inhumane prison conditions.* When

1 a sentence includes incarceration, the deprivation of liberty satisfies  
2 the punishment purpose of sentencing. *Therefore the prison system*  
3 *shall not, except as incidental to justifiable separation or the*  
4 *maintenance of discipline, aggravate the suffering inherent while*  
5 *experiencing imprisonment.* The essential purpose of incarceration  
6 is rehabilitation and successful community reintegration achieved  
7 through education, treatment, and active participation in  
8 rehabilitative and restorative justice programs. This purpose is best  
9 served by terms that are proportionate to the seriousness of the  
10 offense with provision for uniformity in the sentences of people  
11 incarcerated for committing the same offense under similar  
12 circumstances. *These purposes can be achieved only if the period*  
13 *of imprisonment is used to ensure, so far as possible, the*  
14 *reintegration of a person into society upon release so that they*  
15 *can lead a law-abiding and self-supporting life, reducing*  
16 *recidivism.*

17 (2) The Legislature further finds and declares that programs  
18 should be available for incarcerated persons, including, but not  
19 limited to, educational, rehabilitative, and restorative justice  
20 programs that are designed to promote behavioral change and to  
21 prepare all incarcerated persons for successful reentry into the  
22 community. The Legislature encourages the development of  
23 policies and programs designed to educate and rehabilitate all  
24 incarcerated persons. *These programs, activities, and services*  
25 *should be delivered in line with the individual treatment needs of*  
26 *incarcerated persons.* In implementing this section, the Department  
27 of Corrections and Rehabilitation is encouraged to allow all  
28 incarcerated persons the opportunity to enroll in programs that  
29 promote successful return to the community. The Legislature finds  
30 and declares that community-based organizations are an integral  
31 part of achieving the state's objective of ensuring that all people  
32 incarcerated in a state prison have access to rehabilitative programs.  
33 The Department of Corrections and Rehabilitation is directed to  
34 maintain a mission statement consistent with ~~these~~ *the* principles  
35 *of normality and dynamic security*, and shall facilitate access for  
36 community-based programs in order to meaningfully effectuate  
37 the principles set forth in this section.

38 (3) In any case in which the sentence prescribed by statute for  
39 a person convicted of a public offense is a term of imprisonment  
40 in the state prison, or a term pursuant to subdivision (h), of any

1 specification of three time periods, the court shall sentence the  
2 defendant to one of the terms of imprisonment specified unless  
3 the convicted person is given any other disposition provided by  
4 law, including a fine, jail, probation, or the suspension of  
5 imposition or execution of sentence or is sentenced pursuant to  
6 subdivision (b) of Section 1168 because they had committed their  
7 crime prior to July 1, 1977. In sentencing the convicted person,  
8 the court shall apply the sentencing rules of the Judicial Council.  
9 The court, unless it determines that there are circumstances in  
10 mitigation of the sentence prescribed, shall also impose any other  
11 term that it is required by law to impose as an additional term.  
12 Nothing in this article shall affect any provision of law that imposes  
13 the death penalty, that authorizes or restricts the granting of  
14 probation or suspending the execution or imposition of sentence,  
15 or expressly provides for imprisonment in the state prison for life,  
16 except as provided in subdivision (d). In any case in which the  
17 amount of preimprisonment credit under Section 2900.5 or any  
18 other provision of law is equal to or exceeds any sentence imposed  
19 pursuant to this chapter, except for a remaining portion of  
20 mandatory supervision imposed pursuant to subparagraph (B) of  
21 paragraph (5) of subdivision (h), the entire sentence shall be  
22 deemed to have been served, except for the remaining period of  
23 mandatory supervision, and the defendant shall not be actually  
24 delivered to the custody of the secretary or the county correctional  
25 administrator. The court shall advise the defendant that they shall  
26 serve an applicable period of parole, postrelease community  
27 supervision, or mandatory supervision and order the defendant to  
28 report to the parole or probation office closest to the defendant's  
29 last legal residence, unless the in-custody credits equal the total  
30 sentence, including both confinement time and the period of parole,  
31 postrelease community supervision, or mandatory supervision.  
32 The sentence shall be deemed a separate prior prison term or a  
33 sentence of imprisonment in a county jail under subdivision (h)  
34 for purposes of Section 667.5, and a copy of the judgment and  
35 other necessary documentation shall be forwarded to the secretary.  
36 (b) (1) When a judgment of imprisonment is to be imposed and  
37 the statute specifies three possible terms, the court shall, in its  
38 sound discretion, order imposition of a sentence not to exceed the  
39 middle term, except as otherwise provided in paragraph (2).

(2) The court may impose a sentence exceeding the middle term only when there are circumstances in aggravation of the crime that justify the imposition of a term of imprisonment exceeding the middle term and the facts underlying those circumstances have been stipulated to by the defendant or have been found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial. Except where evidence supporting an aggravating circumstance is admissible to prove or defend against the charged offense or enhancement at trial, or it is otherwise authorized by law, upon request of a defendant, trial on the circumstances in aggravation alleged in the indictment or information shall be bifurcated from the trial of charges and enhancements. The jury shall not be informed of the bifurcated allegations until there has been a conviction of a felony offense.

(3) Notwithstanding paragraphs (1) and (2), the court may consider the defendant's prior convictions in determining sentencing based on a certified record of conviction without submitting the prior convictions to a jury. This paragraph does not apply to enhancements imposed on prior convictions.

(4) At least four days prior to the time set for imposition of judgment, either party or the victim, or the family of the victim if the victim is deceased, may submit a statement in aggravation or mitigation to dispute facts in the record or the probation officer's report or to present additional facts. The court may consider the record in the case, the probation officer's report, other reports, including reports received pursuant to Section 1203.03, and statements in aggravation or mitigation submitted by the prosecution, the defendant, or the victim, or the family of the victim if the victim is deceased, and any further evidence introduced at the sentencing hearing.

(5) The court shall set forth on the record the facts and reasons for choosing the sentence imposed. The court may not impose an upper term by using the fact of any enhancement upon which sentence is imposed under any provision of law. A term of imprisonment shall not be specified if imposition of sentence is suspended.

(6) Notwithstanding paragraph (1), and unless the court finds that the aggravating circumstances outweigh the mitigating circumstances that imposition of the lower term would be contrary to the interests of justice, the court shall order imposition of the

1 lower term if any of the following was a contributing factor in the  
2 commission of the offense:

3 (A) The person has experienced psychological, physical, or  
4 childhood trauma, including, but not limited to, abuse, neglect,  
5 exploitation, or sexual violence.

6 (B) The person is a youth or was a youth as defined under  
7 subdivision (b) of Section 1016.7 at the time of the commission  
8 of the offense.

9 (C) Prior to the instant offense, or at the time of the commission  
10 of the offense, the person is or was a victim of intimate partner  
11 violence or human trafficking.

12 (7) Paragraph (6) does not preclude the court from imposing  
13 the lower term even if there is no evidence of those circumstances  
14 listed in paragraph (6) present.

15 (c) The court shall state the reasons for its sentence choice on  
16 the record at the time of sentencing. The court shall also inform  
17 the defendant that as part of the sentence after expiration of the  
18 term they may be on parole for a period as provided in Section  
19 3000 or 3000.08 or postrelease community supervision for a period  
20 as provided in Section 3451.

21 (d) (1) (A) When a defendant who was under 18 years of age  
22 at the time of the commission of the offense for which the  
23 defendant was sentenced to imprisonment for life without the  
24 possibility of parole has been incarcerated for at least 15 years,  
25 the defendant may submit to the sentencing court a petition for  
26 recall and resentencing.

27 (B) Notwithstanding subparagraph (A), this paragraph shall not  
28 apply to defendants sentenced to life without parole for an offense  
29 where it was pled and proved that the defendant tortured, as  
30 described in Section 206, their victim or the victim was a public  
31 safety official, including any law enforcement personnel mentioned  
32 in Chapter 4.5 (commencing with Section 830) of Title 3, or any  
33 firefighter as described in Section 245.1, as well as any other officer  
34 in any segment of law enforcement who is employed by the federal  
35 government, the state, or any of its political subdivisions.

36 (2) The defendant shall file the original petition with the  
37 sentencing court. A copy of the petition shall be served on the  
38 agency that prosecuted the case. The petition shall include the  
39 defendant's statement that the defendant was under 18 years of  
40 age at the time of the crime and was sentenced to life in prison

1 without the possibility of parole, the defendant's statement  
2 describing their remorse and work towards rehabilitation, and the  
3 defendant's statement that one of the following is true:

4 (A) The defendant was convicted pursuant to felony murder or  
5 aiding and abetting murder provisions of law.

6 (B) The defendant does not have juvenile felony adjudications  
7 for assault or other felony crimes with a significant potential for  
8 personal harm to victims prior to the offense for which the sentence  
9 is being considered for recall.

10 (C) The defendant committed the offense with at least one adult  
11 codefendant.

12 (D) The defendant has performed acts that tend to indicate  
13 rehabilitation or the potential for rehabilitation, including, but not  
14 limited to, availing themselves of rehabilitative, educational, or  
15 vocational programs, if those programs have been available at their  
16 classification level and facility, using self-study for  
17 self-improvement, or showing evidence of remorse.

18 (3) If any of the information required in paragraph (2) is missing  
19 from the petition, or if proof of service on the prosecuting agency  
20 is not provided, the court shall return the petition to the defendant  
21 and advise the defendant that the matter cannot be considered  
22 without the missing information.

23 (4) A reply to the petition, if any, shall be filed with the court  
24 within 60 days of the date on which the prosecuting agency was  
25 served with the petition unless a continuance is granted for good  
26 cause.

27 (5) If the court finds by a preponderance of the evidence that  
28 one or more of the statements specified in subparagraphs (A) to  
29 (D), inclusive, of paragraph (2) is true, the court shall recall the  
30 sentence and commitment previously ordered and hold a hearing  
31 to resentence the defendant in the same manner as if the defendant  
32 had not previously been sentenced, provided that the new sentence,  
33 if any, is not greater than the initial sentence. Victims, or victim  
34 family members if the victim is deceased, shall retain the rights to  
35 participate in the hearing.

36 (6) The factors that the court may consider when determining  
37 whether to resentence the defendant to a term of imprisonment  
38 with the possibility of parole include, but are not limited to, the  
39 following:



1 (A) The defendant was convicted pursuant to felony murder or  
2 aiding and abetting murder provisions of law.

3 (B) The defendant does not have juvenile felony adjudications  
4 for assault or other felony crimes with a significant potential for  
5 personal harm to victims prior to the offense for which the  
6 defendant was sentenced to life without the possibility of parole.

7 (C) The defendant committed the offense with at least one adult  
8 codefendant.

9 (D) Prior to the offense for which the defendant was sentenced  
10 to life without the possibility of parole, the defendant had  
11 insufficient adult support or supervision and had suffered from  
12 psychological or physical trauma or significant stress.

13 (E) The defendant suffers from cognitive limitations due to  
14 mental illness, developmental disabilities, or other factors that did  
15 not constitute a defense but influenced the defendant's involvement  
16 in the offense.

17 (F) The defendant has performed acts that tend to indicate  
18 rehabilitation or the potential for rehabilitation, including, but not  
19 limited to, availing themselves of rehabilitative, educational, or  
20 vocational programs, if those programs have been available at their  
21 classification level and facility, using self-study for  
22 self-improvement, or showing evidence of remorse.

23 (G) The defendant has maintained family ties or connections  
24 with others through letter writing, calls, or visits or has eliminated  
25 contact with individuals outside of prison who are currently  
26 involved with crime.

27 (H) The defendant has had no disciplinary actions for violent  
28 activities in the last five years in which the defendant was  
29 determined to be the aggressor.

30 (7) The court shall have the discretion to resentence the  
31 defendant in the same manner as if the defendant had not  
32 previously been sentenced, provided that the new sentence, if any,  
33 is not greater than the initial sentence. The discretion of the court  
34 shall be exercised in consideration of the criteria in paragraph (6).  
35 Victims, or victim family members if the victim is deceased, shall  
36 be notified of the resentencing hearing and shall retain their rights  
37 to participate in the hearing.

38 (8) Notwithstanding paragraph (7), the court may also resentence  
39 the defendant to a term that is less than the initial sentence if any

1 of the following were a contributing factor in the commission of  
2 the alleged offense:

3 (A) The person has experienced psychological, physical, or  
4 childhood trauma, including, but not limited to, abuse, neglect,  
5 exploitation, or sexual violence.

6 (B) The person is a youth or was a youth as defined under  
7 subdivision (b) of Section 1016.7 at the time of the commission  
8 of the offense.

9 (C) Prior to the instant offense, or at the time of the commission  
10 of the offense, the person is or was a victim of intimate partner  
11 violence or human trafficking.

12 (9) Paragraph (8) does not prohibit the court from resentencing  
13 the defendant to a term that is less than the initial sentence, even  
14 if none of the circumstances listed in paragraph (8) are present.

15 (10) If the sentence is not recalled or the defendant is  
16 resentenced to imprisonment for life without the possibility of  
17 parole, the defendant may submit another petition for recall and  
18 resentencing to the sentencing court when the defendant has been  
19 committed to the custody of the department for at least 20 years.  
20 If the sentence is not recalled or the defendant is resentenced to  
21 imprisonment for life without the possibility of parole under that  
22 petition, the defendant may file another petition after having served  
23 24 years. The final petition may be submitted, and the response to  
24 that petition shall be determined, during the 25th year of the  
25 defendant's sentence.

26 (11) In addition to the criteria in paragraph (6), the court may  
27 consider any other criteria that the court deems relevant to its  
28 decision, so long as the court identifies them on the record,  
29 provides a statement of reasons for adopting them, and states why  
30 the defendant does or does not satisfy the criteria.

31 (12) This subdivision shall have retroactive application.

32 (13) Nothing in this paragraph is intended to diminish or  
33 abrogate any rights or remedies otherwise available to the  
34 defendant.

35 (e) Notwithstanding subdivision (a), the court may recall and  
36 resentence an incarcerated person pursuant to the compassionate  
37 release program set forth in Section 1172.2.

38 (f) Notwithstanding any other provision of this section, for  
39 purposes of paragraph (3) of subdivision (h), an allegation that a  
40 defendant is eligible for state prison due to a prior or current

1 conviction, sentence enhancement, or because the defendant is  
2 required to register as a sex offender shall not be subject to  
3 dismissal pursuant to Section 1385.

4 (g) A sentence to the state prison for a determinate term for  
5 which only one term is specified is a sentence to state prison under  
6 this section.

7 (h) (1) Except as provided in paragraph (3), a felony punishable  
8 pursuant to this subdivision where the term is not specified in the  
9 underlying offense shall be punishable by a term of imprisonment  
10 in a county jail for 16 months, or two or three years.

11 (2) Except as provided in paragraph (3), a felony punishable  
12 pursuant to this subdivision shall be punishable by imprisonment  
13 in a county jail for the term described in the underlying offense.

14 (3) Notwithstanding paragraphs (1) and (2), where the defendant  
15 (A) has a prior or current felony conviction for a serious felony  
16 described in subdivision (c) of Section 1192.7 or a prior or current  
17 conviction for a violent felony described in subdivision (c) of  
18 Section 667.5, (B) has a prior felony conviction in another  
19 jurisdiction for an offense that has all the elements of a serious  
20 felony described in subdivision (c) of Section 1192.7 or a violent  
21 felony described in subdivision (c) of Section 667.5, (C) is required  
22 to register as a sex offender pursuant to Chapter 5.5 (commencing  
23 with Section 290) of Title 9 of Part 1, or (D) is convicted of a crime  
24 and as part of the sentence an enhancement pursuant to Section  
25 186.11 is imposed, an executed sentence for a felony punishable  
26 pursuant to this subdivision shall be served in the state prison.

27 (4) Nothing in this subdivision shall be construed to prevent  
28 other dispositions authorized by law, including pretrial diversion,  
29 deferred entry of judgment, or an order granting probation pursuant  
30 to Section 1203.1.

31 (5) (A) Unless the court finds, in the interest of justice, that it  
32 is not appropriate in a particular case, the court, when imposing a  
33 sentence pursuant to paragraph (1) or (2), shall suspend execution  
34 of a concluding portion of the term for a period selected at the  
35 court's discretion.

36 (B) The portion of a defendant's sentenced term that is  
37 suspended pursuant to this paragraph shall be known as mandatory  
38 supervision, and, unless otherwise ordered by the court, shall  
39 commence upon release from physical custody or an alternative  
40 custody program, whichever is later. During the period of

1 mandatory supervision, the defendant shall be supervised by the  
2 county probation officer in accordance with the terms, conditions,  
3 and procedures generally applicable to persons placed on probation  
4 for the remaining unserved portion of the sentence imposed by the  
5 court. The period of supervision shall be mandatory and may not  
6 be earlier terminated, except by court order. Any proceeding to  
7 revoke or modify mandatory supervision under this subparagraph  
8 shall be conducted pursuant to either subdivisions (a) and (b) of  
9 Section 1203.2 or Section 1203.3. During the period when the  
10 defendant is under that supervision, unless in actual custody related  
11 to the sentence imposed by the court, the defendant shall be entitled  
12 to only actual time credit against the term of imprisonment imposed  
13 by the court. Any time period that is suspended because a person  
14 has absconded shall not be credited toward the period of  
15 supervision. A defendant who is subject to search or seizure as  
16 part of the terms and conditions of mandatory supervision, is  
17 subject to search or seizure only by a probation officer or other  
18 peace officer.

19 (6) When the court is imposing a judgment pursuant to this  
20 subdivision concurrent or consecutive to a judgment or judgments  
21 previously imposed pursuant to this subdivision in another county  
22 or counties, the court rendering the second or other subsequent  
23 judgment shall determine the county or counties of incarceration  
24 and supervision of the defendant.

25 (7) The sentencing changes made by the act that added this  
26 subdivision shall be applied prospectively to any person sentenced  
27 on or after October 1, 2011.

28 (8) The sentencing changes made to paragraph (5) by the act  
29 that added this paragraph shall become effective and operative on  
30 January 1, 2015, and shall be applied prospectively to any person  
31 sentenced on or after January 1, 2015.

32 (9) Notwithstanding the separate punishment for any  
33 enhancement, any enhancement shall be punishable in a county  
34 jail or state prison as required by the underlying offense and not  
35 as would be required by the enhancement. The intent of the  
36 Legislature in enacting this paragraph is to abrogate the holding  
37 in *People v. Vega* (2014) 222 Cal.App.4th 1374, that if an  
38 enhancement specifies service of sentence in state prison, the entire

- 1 sentence is served in state prison, even if the punishment for the
- 2 underlying offense is a term of imprisonment in the county jail.

O