

Proposition 57: Parole Eligibility and Conduct Credits¹

(As of April 14, 2017)

What is Prop. 57?	It is a voter initiative that amended the Cal. Constitution: (1) it provides early “parole consideration” for some people sentenced to state prison, and (2) it authorizes the California Department of Corrections & Rehabilitation (CDCR) to modify the award of conduct credits for persons serving state prison sentences.
When does this law take effect?	The law became effective November 9, 2016.
How does it work?	If you are sentenced to a “determinate” or fixed term in state prison, you <i>may</i> now be eligible for early parole release.
What does the law say exactly?	You will receive “parole consideration” if you were: (1) convicted of a non-violent felony offense; (2) sentenced to state prison; and (3) completed the full term for the primary offense.
Who is a “non-violent” offender?	The Cal. Constitution, as amended by the initiative, does not define the term. We agree with CDCR that a person serving a term for a violent felony as defined by PC 667.5(c)(1-23) is excluded from parole consideration. For example, the following offenses found in PC 667.5(c) will be excluded from early parole consideration: murder, mayhem, robbery, most sex offenses, offenses that involve the use of a firearm or cause great bodily injury, and many gang related offenses. Additionally, if you have completed a term for a violent felony under PC 667.5(c), and are only serving a term for a non-violent felony, you are eligible for early parole consideration.
If my charges qualify, when do I get my “parole consideration”?	You receive it after you complete the <i>full term for your primary offense</i> excluding any <i>enhancement, consecutive sentence, or alternative sentence</i> . (Note: If you have any rules violations or refusal to accept housing or assignments, it will delay your parole suitability date.)
I was sentenced to state prison on a PC 422 (threats) for 2 years + 5 years for a prop 8 prior = 7 years total. When do I get my “parole consideration”?	You are eligible for parole consideration after 2 years. It is calculated based on the full term for your primary offense (2 years) and excludes the prop 8 prior (an “enhancement”).
Do my credits count toward my parole consideration date?	No. CDCR will <u>not</u> include conduct credits when calculating an inmate’s parole consideration date.
I had my term in prison doubled because I was sentenced as a second-striker . Will I be eligible for parole consideration?	Yes. We believe a second-strike sentence is an “alternative sentence” and you will benefit from the law. CDCR appears to agree with this interpretation.
I am a three-striker, serving a life term for a non-violent felony offense, will I be eligible for early parole consideration?	No. CDCR maintains that 3 rd strikers do <u>not</u> qualify for Prop. 57 parole consideration. We take the opposite position. We believe a three-strike sentence is also an “alternative sentence” and you should benefit from the law.
I am three-striker serving a 25-L sentence for a PC 273.5 (spousal abuse), when would I be eligible for early parole consideration?	We believe it will be 4 years. A violation of PC273.5 is a 2-3-4 offense. 4 years would be the “longest term of imprisonment imposed by the court” for the offense excluding the imposition of the “alternative sentence.” Again, CDCR takes the opposite position—3 rd strikers do <u>not</u> qualify for Prop. 57 parole consideration.
I am a 290 registrant, am I eligible for parole consideration?	No. CDCR maintains that 290 registrants are <u>not</u> eligible for Prop. 57 parole consideration. We disagree. So long as your current offense is not a violent felony listed in PC 667.5(c), then we believe you should be eligible.

¹ The new law will be implemented by the California Department of Corrections & Rehabilitation (CDCR). CDCR issued “emergency” rules on March 24, 2017. CDCR will start applying the new credit rules on May 1 (good conduct credit) and August 1 (various new programming credits), and will start the new early parole consideration process on July 1. Note: the CDCR rules are not yet final.

<p>What factors will CDCR take into account at my parole consideration hearing?</p>	<p>You will <u>not</u> receive a “full-blown” parole hearing. You are not entitled to an appointed attorney and will not be present at the hearing. This will be a “paper process” in which an administrative judge will evaluate your pre- and post-incarceration conduct. You are entitled to submit a written letter for consideration by the Board of Parole. We encourage you to take advantage of this process and highlight the following: (1) consider making an expression remorse for the charged offense; (2) show insight into why you committed the offense; and (3) highlight your reentry plan. In addition, the Board of Parole wants your statement to focus on why you will not be a risk to the community if released, and encourages you to submit statements from family, friends, potential employers or others with helpful information. If denied parole, you may appeal the decision. You will be considered again in one year.</p>
<p>I am serving a term in county jail for felony offenses sentenced under PC 1170(h), will I get early parole consideration?</p>	<p>Most likely not. The law says it applies only to those persons serving time in “state prison.” However, it is possible a court in the future could say the law violates equal protection principles unless it applies equally to persons serving 1170(h) terms in county jail.</p>
<p>Do I need to return to court?</p>	<p>First, if you qualify for early parole consideration, that process will take place in state prison. However, to the extent there is disagreement about the interpretation and implementation of the new law as applied to your case (see comments above), we recommend you seek guidance from counsel. CDCR will begin the initial eligibility determination for parole consideration on June 1, 2017.</p>
<p>What conduct credits will I earn while in state prison?</p>	<p>Effective May 1, 2017, CDCR will be increasing its award of conduct credits as follows:</p> <ul style="list-style-type: none"> • <u>Non-violent felony + strike priors</u>: Persons sentenced under the PC 1170.12 (“3 Strikes law) for a non-violent offense will now receive conduct credits at a 33% rate (up from 20%); • <u>Violent Felony</u>: Persons serving a sentence for a violent felony (PC 667.5(c)) will now receive credits at a 20% rate (up from 15%); • <u>Life Sentences</u>: Persons serving life sentences (including murder) will now receive conduct credit toward their eventual parole hearing date. The rate will be 20% for violent and 33% for non-violent felonies. This category includes inmates who are eligible for Youthful Offender Parole Hearings (YOPH); • <u>Fire Camp participants</u>: CDCR will give all persons assigned to fire camp two days credit for each day served (66.7%), except persons serving a determinate term for a violent felony (PC 667.5(c) assigned to fire camp will receive one day credit for every day served (50%); • <u>Non-violent felony sentenced under PC 1170.1</u>: Persons serving a standard sentence for a non-violent felony will continue to receive day-for-day credits (50%); • <u>LWOP and death sentences</u>: Persons serving LWOP or death sentences will continue to receive no conduct credits.
<p>Will I receive additional conduct credits for completing educational, vocational, and rehabilitation programs?</p>	<p>Yes. Effective August 1, 2017, CDCR will give additional credits for completion of the following programs:</p> <ul style="list-style-type: none"> • <u>Milestone Credit Program</u>: The Department offers 200 vocational and educational programs. CDCR will grant twelve [12] weeks of additional conduct credit for participation in these programs. • <u>Educational Milestone Programs</u>: The Department offers course toward an A.A. degree, a G.E.D. and a certificate in Substance Abuse treatment. Inmates that earn an A.A. degree or Substance Abuse certification will receive an additional six [6] months of conduct credit. Those who earn a G.E.D. will receive an additional three [3] months. • <u>Rehabilitative Achievement Programs</u>: The Department offers 400 different self-help programs including NA, AA and anger management. Inmates who successfully complete 208 hours of self-help will be awarded an additional four [4] weeks of conduct credit per year.