

GENERAL OFFICE MEMORANDUM 20-121

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: SENATE BILL 118 – PAROLE PERIODS AND PRISON CLOSURES

DATE: SEPTEMBER 8, 2020

On August 6, 2020, Governor Newsom signed into law Senate Bill 118 (SB 118), a lengthy public safety budget bill. As relevant to Office operations, SB 118 added Penal Code (PC) § 3000.01, effective *immediately*, and changed the parole periods for inmates released from state prison on parole on or after July 1, 2020.

Parole periods are now **two years** (vs. three) for inmates sentenced to a *determinate* term and **three years** (vs. five years or life for murder) for inmates sentenced to an *indeterminate* life term. Moreover, if a parolee sentenced to a determinate term has no parole violations for 12 continuous months since release, the parolee shall be discharged from parole. The same discharge rules apply to parolees sentenced to indeterminate terms, except the Board of Parole Hearings may retain those inmates for two years before discharge. These shortened parole periods and earlier discharges shall *not* apply to inmates required to register as sex offenders.

SB 118 also added PC § 5003.7 and mandates that the Department of Corrections and Rehabilitation notify the budget committees of each legislative house and the Legislative Analyst's Office of a specific state prison for closure on or before January 10, 2021 and a second state prison for closure on or before January 10, 2022.

For the verbatim language and details of the new law, please see Attachment I.

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Attachment

SENATE BILL 118 (PUBLIC SAFETY BUDGET BILL)

SEC. 18.

Section 3000.01 is added to the Penal Code, to read:

3000.01.

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

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

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

(2) Any inmate sentenced to a life term shall be released on parole for a period of three years. The inmate will be reviewed 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 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.

SEC. 19.

Section 5003.7 is added to the Penal Code, to read:

5003.7.

On or before January 10, 2021, the Department of Corrections and Rehabilitation shall notify the budget committees of each house and the Legislative Analyst's Office of a specific state-owned and operated prison for closure. On or before January 10, 2022, the Department of Corrections and Rehabilitation shall notify the budget committees of each house and the Legislative Analyst's Office of a second specific state-owned and operated prison for closure. In identifying prisons for closure, the department shall consider the following criteria:

(a) The department shall prioritize closure of prisons with relatively high operational costs or costly infrastructure needs compared to inmate capacity, flexible housing assignment capacity, and long-term operational value.

(b) The department shall consider the cost of rebuilding the capital investments that have already been made in the prison at other prisons, to the extent that those capital investments would need to be rebuilt at other prisons should the prison in question be closed.