



FOR INFORMATIONAL PURPOSES
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Youth Offender Parole Hearings

Background

In the past four years there have been several legislative measures enacted into law regarding youth offender parole hearings.

What is a youth offender hearing?

A youth offender hearing is a parole suitability hearing for an inmate who committed his or her controlling offense while under the age of 26. An inmate's controlling offense is the offense or enhancement for which a court imposed the longest term of imprisonment. Inmates whose controlling offense is one for which the inmate was sentenced under the state's Three Strikes Law and inmates who received a death sentence are not eligible for a youth offender hearing. In addition, inmates who were sentenced to life without the possibility of parole for an offense they committed while they were under the age of 18 are also eligible for a youth offender hearing. All of the general information about parole suitability hearings is applicable to youth offender hearings.

Why does California have youth offender parole hearings?

The rationale for a youth offender hearing is scientific evidence showing that parts of the brain involved in behavior control continue to mature through late adolescence, and that human brains only become fully mature when a person is in his or her mid-to-late 20s. Specifically, the area of the brain responsible for impulse control, understanding consequences, and other executive functions is not fully developed until that time.

In reviewing this scientific evidence, both the U.S. Supreme Court and the California Supreme Court have recognized that the younger a person is, the more susceptible he or she is to negative influences and outside pressures, including peer pressure. But as that person ages, maturity can lead to reflection that is the foundation for remorse, renewal, and rehabilitation. Therefore, the California Legislature has determined that, with few exceptions, offenders who commit crimes while under the age of 26 and who are sentenced to state prison are required to have a meaningful opportunity for parole during their natural life.

In addition, courts have determined that offenders under the age of 18 cannot be sentenced to life without the opportunity of parole absent consideration of the juvenile's special circumstances. As a result of this case law, the Legislature has determined that, with few exceptions, offenders who were under the age of 18 and who were sentenced

to life without the possibility of parole are required to have a meaningful opportunity for parole after serving 25 years of incarceration.

What is a parole suitability hearing?

A parole suitability hearing is a hearing conducted by the Board of Parole Hearings (board) to determine if an inmate should be released from prison. Parole suitability hearings are usually conducted in-person at the prison where the inmate is located. However, inmates serving their California prison sentence in another state may have their parole hearing conducted by telephone or via video-conference. Hearings are conducted by a two or three-person panel comprised of commissioners and a deputy commissioner.

When is a youth offender eligible for a parole suitability hearing?

An inmate who is eligible for a parole hearing as a youth offender will be scheduled for a parole hearing during their 15th, 20th, or 25th year of incarceration, depending on the sentence imposed by the court. In addition, some youth offenders may be eligible for a parole hearing earlier based on their sentence and the law in effect at the time of their offense.

What is the legislative history of youth offender hearings?

- **Senate Bill 260** took effect on January 1, 2014. The law established parole hearings for inmates who committed their controlling offense before reaching age 18. The intent of the law was to "establish a parole eligibility mechanism that provides a person serving a sentence for crimes that he or she committed as a juvenile the opportunity to obtain release when he or she has shown that he or she has been rehabilitated and gained maturity." It was also intended to "create a process by which growth and maturity of youthful offenders can be assessed and a meaningful opportunity for release established."
- **Senate Bill 261** took effect on January 1, 2016 and extended youth offender parole hearings to inmates who were under the age of 23 when they committed their controlling offense.
- **Assembly Bill 1308** took effect on January 1, 2018 and extended youth offender parole hearings to inmates who were under the age of 26 when they committed their controlling offense.
- **Senate Bill 394** also took effect on January 1, 2018 and extended youth offender parole hearings to inmates sentenced to life without the possibility of parole who were under the age of 18 when they committed their controlling offense.

For additional information concerning the Board of Parole Hearings, you may visit <http://www.cdcr.ca.gov/BOPH/> or call (916) 445-4072.