

## ASSEMBLY THIRD READING

AB 2342 (McCarty)

As Amended June 4, 2020

Majority vote

**SUMMARY:**

Creates a program through which parolees are able to earn "reintegration credits" to reduce the term of parole.

**Major Provisions**

- 1) Entitles parolees serving a determinate period of parole to earn reintegration credits to reduce the length of parole.
- 2) Allows a parolee subject to lifetime parole to earn reintegration credits to advance the date of his or her discharge review.
- 3) Awards reintegration credits for the completion of an accredited academic program or course, as follows:
  - a) Twelve months of credit for a general equivalency high school diploma;
  - b) Twelve months of credit for an associate's degree;
  - c) Twelve months of credit for a bachelor's degree; and,
  - d) Six weeks of credit for the completion of any quarter, trimester, or semester-long course taken towards an academic degree for which a passing grade was received and for which credit was not awarded for the completion of a degree.
- 4) Defines "accredited" as meaning "that the program or course is accredited by an accrediting agency recognized by the United States Department of Education or the State of California."
- 5) Specifies that reintegration credits may be awarded for academic achievements commenced during the individual's term of incarceration but completed while on parole.
- 6) Awards reintegration credits for other specified activities as follows:
  - a) Six months of credit for the completion of a certified career or technical education or training program or certificate, as specified;
  - b) Two months of credit for the completion of a cognitive behavioral treatment program;
  - c) Three months of credit for the completion of a substance abuse treatment program or residential treatment program that is not court-ordered; and,
  - d) Ten days of credit per month for the completion of a minimum of 12 voluntary service hours per month.
- 7) Specifies that reintegration credits shall not be awarded for the completion of any counseling or treatment that the person is required to complete pursuant to court order.

- 8) Defines "voluntary service" for purposes of these provisions as "any time spent volunteering for a nonprofit or government agency, including time spent visiting prisons, jails, or juvenile detention facilities. Any volunteer activity shall be approved by a parole agent and documented by a site supervisor in a manner prescribed by the department."
- 9) Provides that reintegration credits earned during the 12-month period before each annual review shall be awarded at the annual review. The California Department of Corrections and Rehabilitation (CDCR) shall then reduce the parole period by the amount of reintegration credits awarded. Once awarded, earned credits shall not be revoked and may not be waived by any court, parolee, or other government agency.
- 10) Gives the parole officer discretion to deny credits that have been earned, but not yet awarded at an annual review hearing, but only if the parolee has had a new arrest or parole violation during that 12-month period.
- 11) States that if no other credits are earned in the 12-month period before the annual review, a parolee may earn 15 days of credit per month for remaining free of any new arrests or parole violations.
- 12) Limits the awarding of reintegration credits to no more than 12 months of credit during a 12-month period.
- 13) Requires reintegration credits to be awarded retroactively, as specified.
- 14) Allows a parolee who successfully earns any amount of reintegration credits to have their radius of restricted travel increased at each annual review, as specified, except as prohibited by law and subject to the approval of the parole officer.
- 15) Requires CDCR and the Board of Parole Hearings to adopt any regulations necessary to carry out these provisions.
- 16) Prohibits, as a condition of continued state funding, any entity that receives state funds and provides services and programs in the fields of education, job training, workforce placement, health, or housing, from denying access to services or programs to a person on the basis that the person is currently or previously has been on parole or post release community supervision.
- 17) States that the ability to earn credits while incarcerated, as specified, cannot be waived by the sentencing court or by the defendant as part of a plea agreement.

## COMMENTS:

### According to the Author:

"AB 2342 adopts nationwide best practices to improve how someone is supervised within the state's parole system. It is rooted in the understanding that the principle objective of post-incarceration supervision is to coordinate, manage, encourage and facilitate the successful reintegration of persons on parole. Parole is intended to be guided supervision for a successful re-entry and this will be essential as folks are sent home due to the novel coronavirus. California

is granting early release to 3,500 folks in an effort to reduce crowding as infections begin spreading through the state prison system. This pandemic will continue to force us to reevaluate our prison overcrowding. Current law allows certain persons on parole to be eligible for discharge from parole after their first 180 successful days; this bill expands the opportunity for early discharge to a broader population of persons on parole.

"This bill encourages people on parole to reach their full potential by incentivizing good behavior, educational attainments and community service. For far too long we have had a punishment approach to all who have paid their dues to society and are trying to re-enter their communities. Formerly incarcerated have to jump through employment and housing hurdles, incentivizing people on parole to reach their educational potential can only ease reintegration. This legislation is taking into consideration all who have served their time and are ready to be productive members of society."

**Arguments in Support:**

According to *Californians for Safety and Justice*, a co-sponsor of this bill, "AB 2342 represents sensible parole reform grounded in science and drafted to enhance public safety. It draws upon and expands already successful parts of California law and is endorsed by a broad coalition of criminal justice actors and advocates. AB 2342 will reduce recidivism in California by incentivizing persons on parole to comply with the conditions of parole, pursue educational and vocational goals, and participate in rehabilitation programs for which they can earn reduced terms of supervision. AB 2342 embraces the science that establishes it is counterproductive to inflexibly tie the length of parole to the type of commitment offense and to supervise persons on parole longer than they need to reintegrate into society. AB 2342 allows the length of parole to be responsive to the circumstances of the person under parole supervision, including their conduct while on parole and their ability to acquire educational, occupational and therapeutic skills critical for successful community reentry.

**Arguments in Opposition:**

According to the *Peace Officers Research Association of California*, "Current law requires specified persons who have been released on parole from state prison who were imprisoned for a serious felony or an offense requiring registration as a sex offender, and who have been on parole continuously for one year since release from confinement, to be discharged from parole. Current law also requires that specified persons who have been released on parole from state prison who were imprisoned for a violent felony, and who have been released on parole for a period not exceeding 3 years and have been on parole continuously for 2 years since release from confinement, or who have been released on parole for a period not exceeding 5 years and have been on parole continuously for 3 years since release from confinement, be similarly discharged from parole. This bill would instead require all of the persons described, except those imprisoned for an offense requiring registration as a sex offender, who have been on parole continuously for 180 days and during that time have not committed any new offenses or violated the terms or conditions of parole, to be discharged, unless there is good cause, as specified, for the person to be retained.

"PORAC understands that the author wants to work to reduce the recidivism numbers in California. However, shortening or eliminating parole is a dangerous way to address this. Oversight, education, and vocational assistance reduces recidivism, not simply letting a parolee off supervision because they managed to not reoffend within 180 days."

**FISCAL COMMENTS:**

According to the Assembly Appropriations Committee, annual General Fund costs in the low millions of dollars, in increased workload and at least four additional staff for CDCR to collect and process information on re-integration credit earnings.

**VOTES:****ASM PUBLIC SAFETY: 5-3-0**

**YES:** Jones-Sawyer, Kamlager, Carrillo, Santiago, Wicks

**NO:** Lackey, Bauer-Kahan, Diep

**ASM APPROPRIATIONS: 11-7-0**

**YES:** Gonzalez, Bloom, Bonta, Calderon, Carrillo, Chau, Eggman, Gabriel, Eduardo Garcia, McCarty, Robert Rivas

**NO:** Bigelow, Bauer-Kahan, Megan Dahle, Diep, Fong, Petrie-Norris, Voepel

**UPDATED:**

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