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THIRD READING

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Bill No: AB 2342  
Author: McCarty (D)  
Amended: 8/25/20 in Senate  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 6-1, 8/7/20  
AYES: Skinner, Moorlach, Bradford, Jackson, Mitchell, Wiener  
NOES: Morrell

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/20/20  
AYES: Portantino, Bradford, Hill, Leyva, Wieckowski  
NOES: Bates, Jones

ASSEMBLY FLOOR: 65-0, 6/15/20 - See last page for vote

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**SUBJECT:** Parole

**SOURCE:** #cut50  
Anti-Recidivism Coalition  
Californians for Safety and Justice  
Legal Services for Prisoners with Children  
National Institute for Criminal Justice Reform  
Project Rebound, Sacramento State  
Root & Rebound  
Underground Scholars Initiative  
Young Women's Freedom Center

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**DIGEST:** This bill creates a program through which parolees are able to earn "reintegration credits" to reduce the length of their parole term.

*Senate Floor Amendments of 8/25/20 fix a drafting error.*

**ANALYSIS:**

Existing law:

- 1) Provides for a period of post-prison supervision immediately following a period of incarceration in state prison. (Pen. Code, § 3000 et seq.)
- 2) Requires the following persons released from prison prior to, or on or after July 1, 2013, be subject to parole under the supervision of the Department of Corrections and Rehabilitation (CDCR):
  - a) A person who committed a serious felony listed in Penal Code section 1192.7, subdivision (c);
  - b) A person who committed a violent felony listed in Penal Code section 667.5, subdivision (c);
  - c) A person serving a Three-Strikes sentence;
  - d) A high risk sex offender;
  - e) A mentally disordered offender;
  - f) A person required to register as a sex offender and subject to a parole term exceeding three years at the time of the commission of the offense for which he or she is being released; and,
  - g) A person subject to lifetime parole at the time of the commission of the offense for which he or she is being released. (Pen. Code, § 3000.08, subd. (a).)
- 3) Requires all other offenders released from prison to be placed on post-release community supervision (PRCS) under the supervision of a county agency, such as a probation department. (Pen. Code, §§ 3000.08, subd. (b), 3450.)
- 4) Provides that, notwithstanding any other law, a person released from prison prior to October 1, 2011, is subject to parole under CDCR supervision. (Pen. Code, § 3000.09.)
- 5) Establishes parole-term lengths based on the committing offense and the date the offense is committed. (Pen. Code, §§ 3000, subd. (b)(6), 3000.1.)
- 6) Provides for the opportunity for early discharge from parole for all parolees after a certain period of continuously-successful parole. (Pen. Code, § 3001.)
- 7) Entitles a parolee to an annual review hearing until the statutory maximum period of parole expires. (Pen. Code, § 3001, subd. (d).)

- 8) Prohibits, for an inmate who has committed specified crimes and is released on parole, from being returned to a location within 35 miles of the residence of a victim or witness if the victim or witness makes such a request and the Board of Parole Hearings (BPH) finds that the placement is necessary to protect the victim or witness. (Pen. Code, § 3003, subds. (f) & (h).)

This bill:

- 1) Provides that a person on parole serving a determinate period of parole is entitled to earn reintegration credits to reduce the term of that parole, except as specified.
- 2) Provides that a person on parole subject to lifetime parole may earn reintegration credits to advance the date of the parolee's discharge review.
- 3) Specifies the rates at which reintegration credits are earned for completing specific types of programs or activities while on parole.
- 4) Specifies the following credit earning rates for the completion of an accredited academic program or course.
- 5) Defines "accredited" as a program or course that is accredited by an accrediting agency recognized by the U.S. Department of Education or the State of California.
- 6) Awards reintegration credits for other specified activities, including completion of a certified career or technical education or training program, a cognitive behavioral treatment program, a substance abuse treatment program or residential treatment program that is not court-ordered, and voluntary service hours.
- 7) Specifies that if no other credits are earned in the 12-month period before the annual review, a person on parole may earn 15 days of credit per month for remaining free of any new arrests or parole violations.
- 8) Provides that reintegration credits may be awarded for academic achievements completed while on parole in cases in which the parolee began the academic program during the period of incarceration.

- 9) Prohibits reintegration credits from being awarded for the completion of any counseling or treatment that the person is required to complete pursuant to a court order.
- 10) Requires that reintegration credits earned during the 12-month period before each annual review be awarded at the annual review. Requires the department to reduce the period of parole imposed on a person on parole by the amount of reintegration credit awarded at the parolee's annual review. Prohibits earned credits from being revoked once earned and provides that they may not be waived by any court, parolee, or other government agency.
- 11) Provides that any reintegration credits earned during the 12-month period before each annual review may, at the discretion of the parole agent, be revoked and not awarded only if a person on parole has had a new arrest or a parole violation during that 12-month period.
- 12) Provides that a person on parole may not be awarded more than 12 months of credit earned during a 12-month period. Prohibits excess credits earned in a 12-month period before an annual review from being awarded in a subsequent year.
- 13) Requires that a person on parole be awarded retroactive credits for educational or training programs that were completed during the parolee's current period of parole but before the effective date of this bill, subject to the specified restrictions.
- 14) Excludes a person who is required to register as a sex offender pursuant to Section 290 from eligibility to earn reintegration credits.
- 15) Defines "voluntary service" 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.
- 16) Authorizes a parolee who successfully earns and is awarded any amount of reintegration credits to have their 50-mile radius of restricted travel increased by 25 miles after each annual review during which credits are awarded, except as prohibited by law and subject to the approval of the parole agent. Provides that the total restricted radius of travel authorized shall not exceed 125 miles.

- 17) Provides that a parolee may travel outside of their radius of restricted travel for educational or employment-related purposes, except as provided and subject to the approval of their parole agent. Provides that an increase in travel area excludes any areas within 35 miles of a victim or witness, as described, and does not authorize travel across state borders without a travel pass.
- 18) Prohibits, as a condition of continued state funding, an 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.
- 19) Directs CDCR and BPH to adopt regulations to carry out these provisions.
- 20) Includes language requiring the program to award credits for participation in a substance abuse treatment program consistent with another bill if that bill is enacted.

## **Background**

Prior to realignment, individuals released from prison were placed on parole and supervised in the community by parole agents of CDCR. Realignment shifted the supervision of some released prison inmates from CDCR parole agents to local probation departments. Parole under the jurisdiction of CDCR for inmates released from prison on or after October 1, 2011 is limited to those defendants whose term was for a serious or violent felony; were serving a Three-Strikes sentence; are classified as high-risk sex offenders; who are required to undergo treatment as mentally disordered offenders; or who, while on certain paroles, commit new offenses. (Pen. Code, §§ 3000.08, subds. (a) and (c), and 3451, subd. (b).) All other inmates released from prison are subject to up to three years of PRCS under probation supervision. (Pen. Code, §§ 3000.08, subd. (b), and 3451, subd. (a).) This bill would apply only to individuals released from prison and placed on parole, not on PRCS.

The length of a person's parole term depends on the commitment offense, the sentence imposed, and the date the offense is committed. Most inmates who received a determinate sentence will serve a three-year period of parole, with the possibility of a one-year extension. (Pen. Code § 3000, subd. (b).) Most parolees can be discharged from parole early by successfully completing a specified amount of parole time without obtaining any violations. Different time periods apply in

determining the presumptive discharge date, depending on the length of parole. (Pen. Code, § 3001.) For example, a person who was not imprisoned for a serious or violent felony, or for a registerable sex offense, and who is subject to a three-year parole period must be discharged from parole within 30 days after a consecutive six-month period of violation-free parole unless BPH decides to retain the person on parole. (Pen. Code, § 3001, subd. (a).)

When a parolee reaches the presumptive discharge date, CDCR prepares a recommendation as to whether or not the person should remain on parole. Parole terminates automatically unless BPH decides to retain the parolee after the presumptive discharge date. If the parolee is retained on parole, the parolee's case will be reviewed annually until the maximum parole date is reached. (Pen. Code, § 3001, subd. (d).) If a parolee has not been discharged early, the parolee must be discharged from parole at the end of the maximum statutory period of parole specified.

#### *Parole Provisions in Public Safety Trailer Bill*

The May Revision to the Governor's proposed 2020-2021 Budget included a proposal to cap parole terms for most parolees at 24 months, establish earned discharge for non-Penal Code section 290 registrants at 12 months, and establish earned discharge at 18 months for specified Penal Code 290 registrants. SB 118, the Public Safety Trailer Bill, amended the proposal in the May Revision. Specifically, the trailer bill:

- Limits the period of parole for a person sentenced to a determinate term to 2 years. Requires the Division of Parole Operations (DAPO) to review for possible discharge from parole no later than 12 months after release, and requires the person to be discharged from parole if there have been no violations and the person is not a mentally disordered offender
- Limits the period of parole for a person sentenced to a life term to 3 years. Requires DAPO to review and refer to the Board of Parole Hearings (BPH) for possible discharge no later than 12 months after release. If BPH decides to retain the person on parole, a review for discharge must take place no later than 24 months after release.
- Provides that parole caps and early discharge from parole does not apply to individuals currently incarcerated for an offense requiring registration as a sex offender

- Does not apply to a person whose parole term at the time of the commission of the offense is less than the parole term prescribed in the trailer bill
- Does not apply to a person whose review period at the time of the commission of the offense provides for an earlier review period than that prescribed in the trailer bill

AB 2342 is complementary to the trailer bill. Presumably, if both AB 2342 and the trailer bill are passed and signed by the Governor, AB 2342 would further reduce the parole period from the newly established parole terms (i.e., parolees could earn a reduction in their parole term for successfully participating in a MAT program or other substance abuse treatment program from either the 2- or 3-year cap established in the trailer bill).

**FISCAL EFFECT:** Appropriation: No Fiscal Com.:Yes Local:No

According to the Senate Appropriations Committee:

- The Department of Corrections and Rehabilitation (CDCR) reports one-time costs totaling \$767,575 for information technology revisions and consulting (\$350,000) and for training and changing regulations (\$417,575). The department indicates ongoing costs of \$185,280 for 2.0 Correctional Case Records Analysts to review discharge dates and process discharge documents to update parole terms to account for reintegration credits. (General Fund)

This measure may result in cost savings if it results in individuals serving a shorter term of parole. The department, however, would experience savings only to the extent that workload reduction was sufficient to sustain a decrease in the number of parole agents. (General Fund)

- The Department of Justice anticipates a minor increase in workload related to individuals litigating denial of parole reintegration credits and a short-term increase in workload to defend against legal challenges to the measure.

**SUPPORT:** (Verified 8/25/20)

#cut50 (co-source)

Anti-Recidivism Coalition (co-source)

Californians for Safety and Justice (co-source)

Legal Services for Prisoner's with Children (co-source)

National Institute for Criminal Justice Reform (co-source)  
Project Rebound, Sacramento State (co-source)  
Root & Rebound (co-source)  
Underground Scholars Initiative (co-source)  
Young Women's Freedom Center (co-source)  
ACLU of California  
Asian Americans Advancing Justice- California  
Asian Solidarity Collective  
California Attorneys for Criminal Justice  
California Catholic Conference  
California Coalition for Women Prisoners  
California Public Defenders Association  
Center for Employment Opportunities  
Democratic Party of the San Fernando Valley  
Drug Policy Alliance  
Ella Baker Center for Human Rights  
Initiate Justice  
Pillars of the Community  
Re:Store Justice  
Reform Alliance  
San Francisco Public Defender's Office  
Smart Justice California  
Think Dignity  
Underground Scholars Initiative at UC Berkeley  
We The People- San Diego

**OPPOSITION:** (Verified 8/25/20)

California District Attorneys Association

**ASSEMBLY FLOOR:** 65-0, 6/15/20

**AYES:** Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Bonta, Brough, Burke, Calderon, Carrillo, Chau, Chiu, Chu, Cooley, Cunningham, Daly, Eggman, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon



NO VOTE RECORDED: Bigelow, Boerner Horvath, Cervantes, Chen, Choi,  
Cooper, Megan Dahle, Diep, Flora, Frazier, Mathis, Obernolte, Patterson, Salas

Prepared by: Stephanie Jordan / PUB. S. /  
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**\*\*\*\* END \*\*\*\***