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# SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2023 - 2024 Regular Session

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## SB 94 (Cortese) - Recall and resentencing: special circumstances

**Version:** March 23, 2023  
**Urgency:** No  
**Hearing Date:** May 18, 2023

**Policy Vote:** PUB. S. 4 - 1  
**Mandate:** No  
**Consultant:** Matthew Fleming

**Bill Summary:** SB 94 would create a process for a person who has been sentenced to death or life imprisonment without the possibility of parole (LWOP) for an offense that occurred before June 5, 1990, and who has spent at least 20 years in prison, to seek a recall of their sentence and be resentenced to a lesser sentence.

### \*\*\*\*\* ANALYSIS ADDENDUM – SUSPENSE FILE \*\*\*\*\*

The following information is revised to reflect amendments  
adopted by the committee on May 18, 2023

#### Fiscal Impact:

- **Judicial Branch:** Unknown court workload cost pressures to adjudicate review petitions for recall and resentencing and hold additional review and resentencing hearings (Trial Court Trust Fund, General Fund).
- **OSPD:** Staff notes potential ongoing costs, likely in the low to mid hundreds thousands, as a result of additional staff workload for the Office of the State Public Defender (OSPD) (General Fund).
- **DOJ:** Staff notes ongoing costs to the Department of Justice (DOJ), likely in the hundreds of thousands for additional staff resources in the Appeals, Writs, and Trials division (General Fund). Actual costs will depend on how many petitions are filed under SB 94 and how many are the responsibility of the Attorney General (AG) as opposed to the district attorney who originally handled the case.
- **Incarceration Savings:** Unknown, potential annual savings in reduced state incarceration costs as a result of inmates being resentenced and possibly being released on parole (General Fund).

#### Author Amendments:

- Remove eligibility for resentencing for persons who have been sentenced to death.
- Require a person to have served 25 years in order to be eligible to petition for resentencing.
- Specify that resentencing under these provisions shall only result in a sentence of 25 years to life with the possibility of parole, followed by review by the Board of Parole Hearings as specified.

- Provide that a person who is denied resentencing may only submit two subsequent petitions, for a total of three.

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