

ASSEMBLY THIRD READING  
AB 2232 (Patterson)  
As Amended April 23, 2026  
Majority vote

## SUMMARY

Requires the Board of Parole Hearings (BPH) to publish an annual report on the advance parole consideration hearing process.

### Major Provisions

- 1) Requires Board of Parole Hearings, in coordination with the Department of Corrections and Rehabilitation, shall collect and publish annual data regarding requests to advance parole consideration hearing dates pursuant to subdivision (d) of Section 3041.5 and administrative review processes of those requests.
- 2) The board shall submit the report to the Legislature by March 1, 2027 and annually thereafter. The board shall make the report publicly available on its internet website no later than March 1, 2027 of each year following the submission of the report to the Legislature.
- 3) The report shall include, but not be limited to, all of the following:
  - a) Volume and outcomes, including:
    - i) Total number of requests to advance parole consideration hearing dates filed.
    - ii) Total number of requests to advance parole consideration hearing dates granted, denied, and pending.
    - iii) Percentage of requests to advance parole consideration hearing dates granted.
    - iv) Number of hearings advanced through administrative review by the board, as specified, versus number of hearings advanced through requests, as specified.
  - b) Timing and impact, including:
    - i) Average duration of an incarcerated person's denial period for advance of a parole consideration hearing date.
    - ii) Average time during an incarcerated person's denial period that a request to advance a parole consideration hearing date is granted, expressed in months or years into an incarcerated person's denial period.
    - iii) Frequency of repeat advancement requests.
  - c) General criteria and factors relied upon in granting or denying advancement, including all of the following:
    - i) Evidence of rehabilitation.
    - ii) Institutional behavior.

- iii) Nature of psychological evaluations.
  - iv) Nature and severity of the offense.
  - d) Rehabilitation metrics, including:
    - i) Types of rehabilitative programming considered, including cognitive behavioral interventions.
    - ii) Completion rates of programming recommended by the board.
    - iii) Correlation, if any, between program completion and advancement decisions.
    - iv) The amount of time the incarcerated person waited to be admitted into these programs.
  - e) Victim considerations, including:
    - i) Whether victim notification was provided.
    - ii) Whether victim input was received and considered.
    - iii) General categories of victim concerns raised.
    - iv) Measures taken to ensure compliance with victim rights pursuant to Section 28 of Article I of the California Constitution (Marsy's Law), including consideration of victim safety and consideration of emotional psychological impact.
  - f) Outcomes of hearings that are advanced, including:
    - i) Grant rates for advanced hearings versus regularly scheduled hearings.
    - ii) Time to release following advancement of the hearing.
    - iii) Any available recidivism or return-to-custody data.
- 4) For each request to advance a parole consideration hearing date pursuant to subdivision (d) of Section 3041.5, the board shall maintain a written summary of the decision, including the basis for approval or denial and the primary factors considered.
- 5) The summaries shall be made available to all of the following:
- a) The incarcerated person or their counsel.
  - b) The victim or next of kin, upon request.
  - c) The district attorney's office.
- 6) This section shall remain in effect until January 1, 2032, and is repealed as of that date.

**COMMENTS**

*Effect of this Bill:* BPH is required to hold a hearing on a person's suitability for parole one year before the person's minimum eligible parole date to determine if the person should be released from prison. (Penal Code, Section 3041, subd. (a)(2).) Existing law requires BPH to grant parole unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of the current or past convicted offense or offenses, is such that consideration of public safety requires a more lengthy period of incarceration for this individual. (Penal Code, Section 3041, subd. (b)(1).) BPH can consider all relevant, reliable information available. (15 California Code of Regulations, title 15, Section 2281, subdivision. (b).) Factors showing unsuitability include, among others, whether the person abused their victim during the offense or the offense was exceptionally cruel or callous; and, whether the person has an unstable social history, committed a sadistic sexual offense, demonstrates a lack of remorse, or has engaged in serious misconduct while incarcerated. (15 California Code of Regulations, title 15, Section 2281, subdivision (c).) However, regardless of the length of time served, a person must be found unsuitable for and denied parole if BPH determines that the person poses an unreasonable risk of danger to society if released from prison. (California Code of Regulations, title 15, Section 2281, subdivision (a).) If BPH denies parole, then it must schedule the next parole hearing, after considering the views and interests of the victim, 15 years after the hearing at which parole was denied, unless BPH finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than 10 additional years; 10 years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than seven additional years; or three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the inmate, but does not require a more lengthy period of incarceration for the inmate than seven additional years. (Penal Code, Section 3041.5, subdivision (b)(3)(A)-(C).) If a parole consideration hearing results in a denial period of three years, BPH must initiate an administrative review 11 months later to determine whether to advance the date of the inmate's next parole consideration hearing, as specified, unless the incarcerated person was determinately sentenced and is within 24 months of being released as a result of their Earliest Possible Release Date. (California Code of Regulations, title 15, Section 2153.) Notwithstanding a denial of parole, BPH has the discretion, after considering the views and interests of the victim, to advance a parole hearing to an earlier date when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration. (Penal Code, Section 3041.5, subdivision (b)(4).) Even if BPH does not exercise this discretion, an incarcerated person may request an advance hearing date by submitting a written request to BPH, with notice, upon request, and a copy to the victim, setting forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate. (Penal Code, Section 3041.5, subdivision (d)(1).) After considering the views and interests of the victim, BPH decides whether to grant or deny a request for an advance hearing date, a decision that is subject to review by a court or magistrate only for a manifest abuse of discretion. (Penal Code, Section 3041.5, subdivision (d)(2).) BPH may summarily deny a request that does not comply with specific requirements or that does not set forth a change in circumstances or new information sufficient to justify granting an advance

hearing date. (Penal Code, Section 3041.5, subdivision. (d)(2).) An incarcerated person may make only one written request for an advance hearing date every three years. (Penal Code, Section 3041.5, subdivision (d)(3).) Provides that, to file a written petition to advance the date of the inmate's next parole consideration hearing, the incarcerated person or their attorney of record must send BPH a completed Petition to Advance Hearing Date Form or a written request that includes the following the incarcerated person's name; their CDCR number; the institution at which the incarcerated person is housed; a statement of the change in circumstances or new information since the date of the incarcerated person's most recent hearing resulting in a denial or stipulation of unsuitability; how the change in circumstances or new information establishes a reasonable likelihood that consideration of the public safety does not require that the inmate remain incarcerated until the date of his or her next parole consideration hearing; and the incarcerated person's signature and date of signature. (California Code Regulations, title 15, Section 2150, subdivision (b).) BPH, within 10 business days of receiving an advance hearing petition, must review the petition to determine whether the board has jurisdiction to advance the date of the inmate's next parole consideration hearing. (California Code Regulation, title 15, Section 2151, subdivision (a).) BPH has jurisdiction to advance the date of the incarcerated person's next parole consideration hearing if all of the following are true: the incarcerated person's last parole consideration hearing resulted in a denial of parole or a stipulation of unsuitability, and the incarcerated person has not submitted a petition to advance a parole consideration hearing date that was reviewed on the merits within the past three years. (California Code of Regulations, title 15, Section 2151, subdivisions (b)(1) & (2).) This bill would require BPH to publish an annual report on the advance parole consideration hearing process. The bill would require BPH to report, among other things, on the number of requests for advance parole consideration hearings and the of those requests, and whether the advance hearing process was initiated by BPH or by an incarcerated person's petition. It would also have to include information on the criteria BPH relied on when making a determination on whether to advance a parole consideration hearing, and what rehabilitation metrics were used to evaluate the incarcerated person's suitability for parole. Further, it would have to provide information related to victim notification and whether the victim submitted input on the suitability of the incarcerated person. The outcomes of the advanced parole considerations hearing must also be reported.

### **According to the Author**

"Victims deserve stability and predictability in the parole process. Under current law, parole hearings can be repeatedly advanced after a denial, forcing victims and their families to relive traumatic events sooner than expected. [This bill] reinforces the timelines approved by voters, prevents repeated attempts to circumvent parole denials, and strengthens confidence in the parole system for victims, families, and the public."

### **Arguments in Support**

According to the *Placer County District Attorney's Office*, the bill's sponsor, "Under current law, inmates may administratively advance their parole suitability hearings--even after the Board of Parole Hearings has conducted a full evidentiary hearing and issued a denial with a specified deferral period. The current system undermines the decisions of the Board Commissioners, disrupts the intended structure of parole review, and imposes unnecessary and repeated trauma on victims and their families. *Penal Code Section 3041.5 (d) expressly conditions the Board's discretion to advance a parole hearing after consideration of the views and interests of the victim, yet this statutory safeguard is not consistently applied within the current administrative review process.*" Parole hearings are not perfunctory proceedings. They are comprehensive,

hours-long evaluations in which the Board carefully weighs the totality of the record, including the severity of the offense, the inmate's insight and accountability, institutional conduct, rehabilitation efforts, a comprehensive psychological and risk analysis, and the enduring impact on victims. These hearings also provide a critical opportunity for victims and their families to prepare statements, relive the facts of the crime, and advocate for their continued safety. When the Board denies parole and sets a deferral period, that decision often reflects a deliberate and informed judgment as to when the matter should be revisited. "The current administrative advancement mechanism disregards that judgment in many cases. This not only diminishes the meaning of a parole board denial in certain cases, but it also erodes confidence in the system's consistency and clarity – for both the inmate and the victims. While we respect statutory opportunity for advancement, the current administrative review process has removed a standard of discretion that existed during Marsy law negotiations. "Further, a parole denial is intended to require the individual to reflect and address the specific deficiencies identified by the Board during a defined deferral period. Permitting some inmates to move their hearings forward through administrative means bypasses the intended decision and weakens the rehabilitative goal behind denying the hearing. This legal loophole gives false hope to the inmate by permitting the individuals to bypass the Board's directive rather than comply with it. "More importantly, it places an extraordinary and unnecessary burden on victims. Our office has witnessed firsthand the profound emotional toll this process exacts. In one case, the Vanderschoot family, whose daughter was murdered by her boyfriend Daniel Bezemer, endured a full parole hearing in 2023, resulting in a five-year denial. They began the difficult process of healing, relying on the certainty that they would not have to revisit the trauma for several years. Just two years later—days before Christmas—they would be required to prepare once again for a parole hearing. Although parole was denied once again because the inmate hadn't done the work requested in the 2023 parole hearing, the harm to the family had already been done. "The current administrative standards do not promote rehabilitation. They do not serve justice. It is unjust to those involved in the parole hearings, including the parole board commissioners, the prosecution, and the victims and their families. "[This bill] addresses this issue by seeking to establish clearer standards and limitations on the administrative advancement of parole hearings following a denial. These changes ensure that the Board's decision are honored, the parole process remains consistent and credible, and victims are not subjected to unnecessary and repeated trauma."

### **Arguments in Opposition**

According to *Uncommon Law*, "[T]he Administrative Review and Petition to Advance] procedures give the Board discretion to advance a parole candidate's subsequent hearing date if the Board determines, after considering the views and interests of the victim, that new information or changed circumstances demonstrate further incarceration may not be necessary for public safety. Eliminating these two procedures would likely violate state and federal constitutional prohibitions on *ex post facto* laws, and likely expose the government to legal challenges for due process violations. Moreover, [this bill] would undermine rehabilitation and public safety by preventing the Board from making informed decisions and removing an important incentive for incarcerated people to sustain rehabilitative efforts after parole denials.

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, "Ongoing cost pressures (General Fund), likely in the low hundreds of thousands of dollars to the California Department of Corrections and Rehabilitation (CDCR) for data collection, written decision summaries for each advancement request, and annual report production through fiscal year 2031-32 for data not

currently captured. To the extent existing systems are insufficient to capture or report the required information, CDCR anticipates incurring one-time information technology costs to modify existing systems or develop new data tracking and reporting functionality."

## **VOTES**

### **ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

### **ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

## **UPDATED**

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