

Date of Hearing: June 30, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 356 (Jones) – As Amended March 5, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides that a person sentenced for a one-strike sex offense, as a habitual sex offender, for aggravated sexual assault of a child, or for specified sex acts on a child 10 years of age or younger, is ineligible for elderly parole until the person is 65 years old or older and has served a minimum of 25 years of continuous incarceration on their current sentence.

EXISTING LAW:

- 1) Establishes the Elderly Parole Program, to be administered by the Board of Parole Hearings (BPH), for purposes of reviewing the parole suitability of any inmate who is 50 years of age or older and has served a minimum of 20 years of continuous incarceration on the inmate's current sentence, serving either a determinate or indeterminate sentence. (Pen. Code, § 3055, subd. (a).)
- 2) Requires BPH, when considering the release of an inmate, as specified, to give special consideration to whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate's risk for future violence. (Pen. Code, § 3055, subd. (c).)
- 3) Requires BPH, when scheduling a parole consideration hearing date or when considering a request for an advance hearing, as specified, to consider whether the inmate meets or will meet the age and time-served criteria. (Pen. Code, § 3055, subd. (d).)
- 4) States that an individual who is subject to this section shall meet with BPH pursuant to subdivision (a) of Section 3041. (Pen. Code, § 3055, subd. (e).)
- 5) Requires BPH, if an inmate is found suitable for parole under the Elderly Parole Program, to release the individual on parole, as specified. (Pen. Code, § 3055, subd. (e).)
- 6) Requires BPH, if parole is not granted, to set the time for a subsequent elderly parole hearing, as specified, and provides that no subsequent elderly parole hearing shall be necessary if the offender is released pursuant to other statutory provisions prior to the date of the subsequent hearing. (Pen. Code, § 3055, subd. (f).)
- 7) Provides the following exceptions to the Elderly Parole Program:
 - a) Persons who had a prior conviction for a serious or violent felony;
 - b) Persons who were sentenced to life in prison without the possibility of parole or death; or,

- c) Persons convicted of first-degree murder of a peace officer, as defined, who was killed while engaged in the performance of their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of their duties, or the victim was a peace officer or a former peace officer and was intentionally killed in retaliation for the performance of their official duties. (Pen. Code, § 3055, subd. (g) & (h).)
- 8) Provides that the provisions of the Elderly Parole Program do not alter the rights of victims at parole hearings. (Pen. Code, § 3055, subd. (i).)
- 9) Provides that one year before the inmate's minimum eligible parole date (MEPD) a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole, as specified. (Pen. Code, § 3041, subd. (a)(2).)
- 10) Provides that, upon a grant of parole, the inmate shall be released subject to all applicable review periods, except an inmate shall not be released before reaching his or her MEPD, as specified, unless the inmate is eligible for earlier release under their youth offender parole eligibility date or elderly parole eligibility date. (Pen. Code, § 3041, subd. (a)(4).)
- 11) Requires BPH to grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. (Pen. Code, § 3041, subd. (b)(1).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsors:** Author-sponsored
- 2) **Author's Statement:** According to the author, "California's Elderly Parole Program was created to provide parole consideration for incarcerated individuals who have reached an advanced age after serving lengthy prison terms. However, in 2020, the Legislature lowered eligibility from age 60 after 25 years of incarceration to age 50 after 20 years served, dramatically expanding access to the program. Most Californians would not consider a 50-year-old to be elderly. Yet under current law, individuals convicted of serious crimes may become eligible for elderly parole at an age when many Californians are still raising families, building careers, and actively participating in their communities.

"SB 356 restores the program's original eligibility standards of age 60 and 25 years served. The bill does not eliminate parole opportunities, alter the Board of Parole Hearings' authority, or affect victim participation rights. Restoring the original eligibility standards reinforces public safety while preserving parole opportunities for incarcerated individuals who have reached an advanced age. The bill returns the Elderly Parole Program to its original purpose, ensuring that this specialized parole pathway remains available to individuals who have attained a genuinely advanced age after serving substantial prison terms."

- 3) **Elderly Parole Program:** As the result of severe prison overcrowding, the Three-Judge Court ordered the California Department of Corrections and Rehabilitation (CDCR) to

implement several population reduction measures, including to “[f]inalize and implement a new parole process whereby inmates who are 60 years of age or older and have served a minimum of twenty-five years of their sentence will be referred to the Board of Parole Hearings to determine suitability for parole.” (February 10, 2014 Order, 2:90-cv-0520 LKK DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown*) In response to the order, BPH created the Elderly Parole Program and began holding elderly parole hearings on October 1, 2014. Inmates with determinate terms as well as those sentenced to life with the possibility of parole are eligible for the program.¹ Inmates who are sentenced to life without the possibility of parole, or who are sentenced to death are not eligible for the program.²

AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program. However, AB 1448 narrowed the eligibility criteria by excluding individuals who were sentenced pursuant to “Three Strikes” or who were convicted of first-degree murder of a peace officer from the Elderly Parole Program. (Pen. Code, § 3055, subs. (g) & (h).) AB 3234 (Ting), Chapter 334, Statutes of 2020, expanded the eligibility criteria for elderly parole. Specifically, AB 3234 lowered the minimum age at which an incarcerated individual is eligible for elderly parole from 60 to 50 and the amount of time that must be served from 25 years to 20 years. Incarcerated individuals who meet the eligibility criteria of the court-ordered Elderly Parole Program but who are excluded from the statutory Elderly Parole Program are eligible for elderly parole consideration under the court-ordered program.³

- 4) **General Overview of the Parole Process:** This bill would delay the time persons convicted of specified sex crimes are eligible for elderly parole. Notably, a person eligible for elderly parole does not mean they are automatically suitable for parole, but rather that they are eligible for a hearing to determine their suitability.

BPH is required to hold a hearing on a person’s suitability for parole one year before the person’s MEPD to determine if the person should be released from prison. (Pen. Code, § 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 current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. (Pen. Code, § 3041, subd. (b)(1).)

The Elderly Parole Program requires BPH “to give special consideration to whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate’s risk for future violence, when considering the release of an inmate.” (Pen. Code, § 3055, subd. (c).) BPH can consider all relevant, reliable information available. (Cal. Code Regs., tit. 15, § 2281, subd. (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. (Cal. Code Regs., tit. 15, § 2281, subd. (c).) Circumstances tending to show suitability include, among others, a stable social history, signs of remorse, age, understanding and future plans, and positive institutional behavior. (Cal. Code Regs., tit. 15, § 2281, subd. (d).)

¹ <<https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/>> [as of May 29, 2026].

² *Ibid.*

³ BPH, *Elderly Parole Fact Sheet* (Mar. 2022), p. 1 available at <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2022/03/Elderly-Parole-Fact-Sheet3_18-1.pdf> [as of May 29, 2026].

least 25 years served, to preserve the program's framework while ensuring it reflects genuine aging and substantial time served. The gravity of eligible offenses cannot be overstated, including murder, serial rape, kidnapping, and serial child molestation. Your bill's adjusted thresholds better reflect the severity of these crimes and the expectations of victims and the public regarding the meaning of life sentences.

“In Ventura County, many of the inmates qualifying for elderly parole are serial child molesters serving many-decades-long life sentences that reflect the lifelong harm they caused their victims. These inmates will be eligible for parole after serving only a small fraction of their sentences simply because they reach age 50 and have served 20 years. This is a gross injustice to their child victims and a threat to children in our community.

“Consider the example of Francisco Guzman, a 53-year-old inmate from Ventura County who repeatedly molested two young girls ages six and seven for nearly a year. Sentenced to 282-years-to-life, Guzman will be eligible for parole before age sixty after serving only 20 years, less than 10 percent of his "life" sentence. Consider also Brian Humason, age 51, sentenced to 72-years-to-life in Ventura County for forcibly molesting children ages seven and nine. Humason has already had one parole hearing and will have another at only age 54. These two offenders demonstrate the need to reform this misnamed program, which grants leniency to child molesters.

“Although it is appropriate to evaluate whether an offender presents an ongoing danger, it is also appropriate to impose just punishment for the worst sexual offenders and to consider the lifetime suffering of victims. The measure approach of SB 356 respects victims’ rights, preserves community safety, and maintains greater accountability for the most serious crimes while still allowing case-by-case assessment of diminished risk due to genuinely advanced age.”

7) **Argument in Opposition:** According to the *Ella Baker Center for Human Rights*, “**Elderly Parole Was Created in Recognition of Exceptionally Low Recidivism Rates Among Elderly People and to Address Unconstitutional Overcrowding in State Prisons**”

“*Brown v. Plata* (2011) consolidated *Plata v. Schwarzenegger* and *Coleman v. Schwarzenegger*, resulting in a 5-4 Supreme Court ruling that California’s prison overcrowding violated the Eighth Amendment. The Court affirmed a three-judge panel's order requiring California to reduce its prison population to 137.5% of design capacity to improve dire medical and mental health care.

“In 2014, the court in the class action lawsuits mandated that the state create a new geriatric parole consideration process for people 60 or older who have served 25 years, recognizing that elderly people are the safest to release while posing the highest financial burden given their medical needs. The Legislature agreed with this assessment and codified the program in 2018, and later modified the criteria in 2021 so that people aged 50 or older who have served at least 20 years of incarceration are eligible (while keeping in place exclusions for those sentenced to LWOP, death, under the Three Strikes Law, and for first-degree murder of a peace officer). The 2018 version of elderly parole was too narrow to achieve its constitutional purpose so California expanded eligibility to make the remedy actually effective.

“Threatens to Bring the State Out of Compliance with Federal Overcrowding Court Orders

“This bill moves California in the wrong direction at a time when the state remains obligated to maintain compliance with the federal overcrowding mandate established in *Brown v. Plata*. This bill restricts access to elderly parole, one of the system’s most critical, low risk release upward and exposing the state to renewed constitutional violations.

“SB 356 is Unnecessary and Will Not Improve Public Safety

“The Parole Suitability Process Already Rigorously Screens Candidates. California's Elderly Parole Program is a fiscally responsible, evidence-based policy that allows the parole board to consider whether someone is suitable for release on parole. Elder parole eligibility triggers a hearing, not an automatic release. Multiple steps of review stand between eligibility and release, and each parole hearing is a multi-layered, intensive process. If the parole board finds that an individual still poses a risk to public safety despite their age and length of incarceration, that person will not be released from prison. This process is so rigorous that in 2024 less than 17% of scheduled elderly parole hearings actually resulted in a grant.

“Additionally, this bill also undermines rehabilitation as the central question of parole hearings by extending punishment regardless of transformation. Public safety is best served by a parole system that is individualized, evidence-based, and grounded in a person’s current risk, not by exclusions that prolong incarceration irrespective of rehabilitation.

“Recidivism Rates for Elderly People Released Through the Parole Process Are Exceptionally Low. People released through California’s parole hearing process after serving indeterminate sentences consistently have among the lowest recidivism rates not only in our state prison system, but in the nation – approximately 3% overall, including misdemeanor recidivism and just 0.7% for felony crimes against another person. Therefore, the Elderly Parole Program reduces incarceration costs for the state and is backed by decades of research confirming that people aged out of crime, with recidivism rates dropping sharply after age 50.

“SB 356 Will Come at Enormous Fiscal Cost to California Taxpayers

“Expanding the population of elderly individuals held in prison for decades longer than necessary imposes a significant and avoidable burden on taxpayers without improving public safety outcomes. While recidivism risk decreases with age, the cost of incarcerating older individuals rises significantly. The California Legislative Analyst’s Office (LAO) estimates that it costs two to three times more to incarcerate an elderly person compared to the general population, meaning the annual cost of incarcerating elders is \$255,000 to \$383,000 per person. This amounts to an enormous financial burden in California. In this fiscal climate, delaying parole consideration for elderly people and accruing unnecessary incarceration costs is unjustifiable.⁹ Every dollar saved through parole – including elder parole – is a dollar we can put back into the programs that actually make our neighborhoods safer: violence intervention programs, treatment, reentry support, and services for survivors.

“In conclusion, SB 356 ignores well-established desistance research and would result in more

elderly individuals serving excessively long sentences despite their readiness for supervised release, leading to wasted resources that could be better utilized for other purposes, including vital social service programs.”

8) Related Legislation:

- a) AB 2570 (Lackey) would increase the age at which an incarcerated person becomes eligible for the Elderly Parole Program from 50- to 65-years-old. The hearing on AB 2570 was canceled at the request of the author.
- b) AB 2727 (Nguyen) would provide that a person sentenced for a one-strike sex offense, as a habitual sex offender, for aggravated sexual assault of a child, or for specified sex acts on a child 10 years of age or younger, is ineligible for elderly parole until the person is 65 years old or older and has served a minimum of 25 years of continuous incarceration on their current sentence. AB 2727 is pending a hearing in the Senate Public Safety Committee.
- c) SB 1278 (Niello) would exclude persons sentenced for a one-strike sex offense, as a habitual sex offender, or for specified sex offenses classified as a “violent” and/or “serious” felony from the Elderly Parole Program. SB 1278 failed passage in the Senate Public Safety Committee.

9) Prior Legislation:

- a) AB 47 (Nguyen), of the 2025-2026 Legislative Session, would have provided that a person sentenced for a one-strike sex offense or as a habitual sex offender is ineligible for elderly parole until the person is 60 years old or older and has served a minimum of 25 years of continuous incarceration on their current sentence. AB 47 was held in suspense in the Assembly Appropriations Committee.
- b) SB 286 (Jones), of the 2025-2026 Legislative Session, would have exclude from Elderly Parole eligibility individuals convicted of murder or specified felony sex offenses, or sentenced as a habitual sex offender or under the One Strike Sex Offense statute. SB 286 was held in suspense in the Senate Appropriations Committee.
- c) SB 445 (Jones), of the 2021-2022 Legislative Session, would have excluded “One Strike” sex offenses from the Elderly Parole Program. SB 445 failed passage in the Senate Public Safety Committee.
- d) AB 3234 (Ting), Chapter 334, Statutes of 2020, lowered the minimum age limitation for the Elderly Parole Program to inmates who are 50 years of age and who have served a minimum of 20 years.
- e) SB 411 (Jones), of the 2019-2020 Legislative Session, was nearly identical to SB 445 above. SB 411 did not receive a hearing in the Senate Public Safety Committee.
- f) AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program, to be administered by BPH.

- g) SB 224 (Liu), of the 2015-2016 Legislative Session, was substantially similar to AB 1448 above. SB 224 was ordered to the Inactive File on the Senate Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles County District Attorney's Office
Los Angeles County Professional Peace Officers Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
San Diego County District Attorney's Office
The California Baptist Capitol Ministry
Ventura County District Attorney's Office
2 Private Individuals

Opposition

ACLU California Action
California Coalition for Women Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Ella Baker Center for Human Rights
Fair Chance Project
Friends Committee on Legislation of California
Initiate Justice
Justice2jobs Coalition
LA Defensa

San Francisco Public Defender
San Quentin Skunkworks
Saving Lives in Custody California
Smart Justice California, a Project of Beyond Impact
Uncommon Law
4 Private Individuals

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