

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 356 (Jones) – As Amended July 2, 2026

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill provides that a person sentenced under the one-strike sex offense statute, 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 are ineligible for elderly parole until age 65 and after serving a minimum of 25 years of continuous incarceration.

FISCAL EFFECT:

- 1) Ongoing General Fund costs to CDCR for extended incarceration of the affected population. Under existing law, a person sentenced for one of the specified sex offenses is eligible for elderly parole consideration at age 50 after 20 years served; under the bill, eligibility is delayed to age 65 after 25 years served. CDCR confirms the bill would result in longer incarceration periods for certain individuals currently in custody and a corresponding increase in the state prison population. At CDCR's current average per capita incarceration cost (approximately \$133,000 annually), each additional year of incarceration for an affected individual represents a cost of that magnitude; aggregate cost will depend on the size of the affected population and the extent to which current-law elderly parole grants would otherwise have resulted in release. CDCR notes that some affected individuals may remain eligible for earlier parole consideration through youth offender parole or their minimum eligible parole date, which partially offsets the delayed-eligibility effect.
- 2) Significant ongoing California Correctional Health Care Services (CCHCS) costs (General Fund) of an unknown amount for geriatric medical care for the affected population. Incarcerated individuals over age 55 incur substantially higher healthcare costs than the general CDCR population due to age-related chronic conditions, long-term care needs, and end-of-life care.

COMMENTS:

- 1) **Purpose.** According to the author, the bill “reinforces public safety while preserving parole opportunities for incarcerated individuals who have reached a genuinely advanced age after serving substantial prison terms,” and “does not eliminate parole opportunities, alter the Board of Parole Hearings’ authority, or affect victim participation rights.”
- 2) **Background.** The Elderly Parole Program was established in response to a 2014 order of the three-judge federal court overseeing California’s prison overcrowding litigation (*Coleman v. Brown / Plata v. Brown*). The Board of Parole Hearings (BPH) began conducting elderly

parole hearings on October 1, 2014. AB 1448 (Weber), Chapter 676, Statutes of 2017 codified the program in statute. AB 3234 (Ting), Chapter 334, Statutes of 2020 lowered the minimum age from 60 to 50 and reduced the time-served requirement from 25 years to 20 years.

Eligibility for elderly parole is not equivalent to release. BPH holds a suitability hearing and may grant parole only after considering the full range of suitability factors under title 15 of the California Code of Regulations, including the gravity of the offense, institutional behavior, remorse, rehabilitation, and risk of future violence. For individuals convicted of sex offenses, BPH is also required under Penal Code section 3053.9 to obtain a comprehensive risk assessment conducted by a licensed psychologist using actuarial instruments. Between 2022 and 2024, approximately 16% of elderly parole hearings resulted in a grant of parole, with grant rates declining substantially for individuals with sex offense convictions. Individuals excluded from the statutory Elderly Parole Program may remain eligible for elderly parole consideration under the court-ordered program, which operates under the three-judge court's 2014 order and uses a separate age-60 / 25-year-served threshold.

- 3) **Support and Opposition.** The bill is supported by law enforcement associations and district attorneys, who argue that individuals serving lengthy life sentences for the most serious sex offenses against children can become eligible for parole at age 50 after serving a small fraction of their sentences, and that the bill's adjusted thresholds better reflect the severity of these crimes and the expectations of victims. The bill is opposed by a coalition of civil rights, criminal justice reform, and defense organizations, who argue that recidivism rates for persons released through the Elderly Parole Program are exceptionally low, that the existing parole suitability process already rigorously screens candidates, that restricting elderly parole risks the state's compliance with the federal overcrowding order, and that delaying parole eligibility concentrates incarceration and healthcare spending at the most expensive end of the age distribution.
- 4) **Related Legislation.** AB 2727 (Nguyen), of this legislative session, contains an identical elderly parole provision and additionally expands the authority and timing of referrals for sexually violent predator evaluation. The bill is pending before the Senate Appropriations Committee.

AB 2570 (Lackey), of this legislative session, increases the elderly parole eligibility age from 50 to 65. The hearing in the Assembly Public Safety Committee on AB 2570 was canceled at the request of the author.

AB 47 (Nguyen), of this legislative session, provides that a person sentenced for a one-strike sex offense or as a habitual sex offender is ineligible for elderly parole until age 60 after a minimum of 25 years served. AB 47 was held on this committee's suspense file.

SB 1278 (Niello), of this legislative session, excludes persons sentenced for specified sex offenses from the Elderly Parole Program. SB 1278 failed passage in the Senate Public Safety Committee.

SB 286 (Jones), of this legislative session, excludes from elderly parole eligibility individuals convicted of murder or specified felony sex offenses. SB 286 was held in suspense in the Senate Appropriations Committee.

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