

Senate Bill 224: ELDERLY PAROLE PROGRAM

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SUMMARY

This bill codifies the existing Elderly Parole Program implemented by the Brown Administration following the prison overcrowding class action case *Coleman v. Brown* (2013). The bill also lowers the eligibility requirements for parole consideration for inmates who are 50 years or older and have been incarcerated for at least 15 years on their current sentence. Inmates under consideration will be required to have a reentry plan that includes residential, financial, and social integration plans.

BACKGROUND

Following *Coleman v. Brown* (2013), California was ordered to reduce its prison population to 137.5% of design capacity by 2016, owing to overcrowding concerns. On February 10, 2014, the court directed the California Department of Corrections and Rehabilitation (CDCR) to implement a new parole process whereby elderly prisoners are referred to the Board of Parole Hearings (BPH) to determine suitability for parole. Governor Brown, along with the CDCR, subsequently implemented the Elderly Parole Program as part of the state's long-standing plan to decrease prison overcrowding. This program was applied to suitability hearings scheduled after October 1, 2014.

Under the existing Elderly Parole Program, prisoners 60 years and older who have been incarcerated for at least 25 years on either a determinate or indeterminate sentence, are referred to the BPH to determine suitability for parole. Inmates are eligible for a parole hearing if they either have not received their initial hearing or have been previously denied parole.

Parole suitability hearing decisions for elderly parole inmates are currently reviewed in the same manner as for all other parolees. The BPH may deny parole if a determination is made that the release would constitute an unreasonable risk of danger to public safety.

PURPOSE

According to the ACLU and the National Institute of Corrections (NIC), "There has been an overwhelming consensus among correctional experts and criminologists that 50 years of age is the appropriate point marking when a prisoner becomes "aging" or "elderly."¹ Incarcerating elderly prisoners ages 50 years and older costs the United States approximately twice as much compared to other age groups within our prison population.² Specifically, California spends approximately \$55,000 a year per inmate incarceration. And California's growing elderly prison population is costing billions in taxpayer dollars. Health care costs comprise the second largest area of prison spending, approximately 29% (LAO, 2014).³ Given that elderly prisoners also have a lower risk of recidivism, compared to other age groups,⁴ California should release back into society those individuals who are no longer deemed public safety risks. Doing so will alleviate prison overcrowding and the high financial costs associated with incarceration.

¹https://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf

² Ibid.

³<http://www.lao.ca.gov/reports/2014/calfacts/calfacts-2014.pdf>

⁴http://www.cdcr.ca.gov/Adult_Research_Branch/Research_documents/Outcome_evaluation_Report_2013.pdf

SOLUTION

SB 224:

- Reduces eligibility for parole for elderly prisoners from 60 years and older and 25 years of incarceration to 50 years and older and 15 years of incarceration.
- Reduces state costs associated with housing and caring for elderly prisoners
- Allows elderly prisoners deemed not a risk to public safety to reunite with their families sooner

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Legal Services for Prisoners with Children (LSPC)

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