

**ASSEMBLY BILL**

**No. 2331**

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**Introduced by Assembly Member Miller**

February 24, 2012

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An act to amend Section 2933 of the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2331, as introduced, Miller. State prisons: credits on term of imprisonment.

Existing law provides that it is the intent of the Legislature that persons sentenced to prison for a determinate sentence serve the entire sentence imposed by the court, except for a reduction in the time served in the custody of the Secretary of the Department of Corrections and Rehabilitation, as specified. Existing law permits a prisoner to earn one day of credit for each day in custody, except when the prisoner commits a specified act of misconduct, including murder or manslaughter.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2933 of the Penal Code is amended to  
2 read:  
3 2933. (a) It is the intent of the Legislature that persons  
4 convicted of a crime and sentenced to the state prison under Section  
5 1170 serve the entire sentence imposed by the court, except for a  
6 reduction in the time served in the custody of the Secretary of the

1 Department of Corrections and Rehabilitation pursuant to this  
2 section and Section 2933.05.

3 (b) For every six months of continuous incarceration, a prisoner  
4 shall be awarded credit reductions from his or her term of  
5 confinement of six months. A lesser amount of credit based on  
6 this ratio shall be awarded for ~~any~~ a lesser period of continuous  
7 incarceration. Credit should be awarded pursuant to regulations  
8 adopted by the secretary. Prisoners who are denied the opportunity  
9 to earn credits pursuant to subdivision (a) of Section 2932 shall  
10 be awarded no credit reduction pursuant to this section. Under no  
11 circumstances shall ~~any~~ a prisoner receive more than six ~~months~~<sup>2</sup>  
12 *months* of credit reduction for any six-month period under this  
13 section.

14 (c) Credit is a privilege, not a right. Credit must be earned and  
15 may be forfeited pursuant to the provisions of Section 2932. Except  
16 as provided in subdivision (a) of Section 2932, every eligible  
17 prisoner shall have a reasonable opportunity to participate.

18 (d) (1) Under regulations adopted by the Department of  
19 Corrections and Rehabilitation, which shall require a period of not  
20 more than one year free of disciplinary infractions, credit ~~which~~  
21 *that* has been previously forfeited may be restored by the secretary.  
22 The regulations shall provide for separate classifications of serious  
23 disciplinary infractions as they relate to restoration of credits, the  
24 time period required before forfeited credits or a portion thereof  
25 may be restored, and the percentage of forfeited credits that may  
26 be restored for these time periods. For credits forfeited as specified  
27 in paragraph (1) of subdivision (a) of Section 2932, the Department  
28 of Corrections and Rehabilitation may provide that up to 180 days  
29 of lost credit shall not be restored and up to 90 days of credit shall  
30 not be restored for a forfeiture resulting from conspiracy or  
31 attempts to commit one of those acts. No credits may be restored  
32 if they were forfeited for a serious disciplinary infraction in which  
33 the victim died or was permanently disabled. Upon application of  
34 the prisoner and following completion of the required time period  
35 free of disciplinary offenses, forfeited credits eligible for restoration  
36 under the regulations for disciplinary offenses other than serious  
37 disciplinary infractions punishable by a credit loss of more than  
38 90 days shall be restored unless, at a hearing, it is found that the  
39 prisoner refused to accept or failed to perform in a credit qualifying  
40 assignment, or extraordinary circumstances are present that require

1 that credits not be restored. “Extraordinary circumstances” shall  
2 be defined in the regulations adopted by the secretary. However,  
3 in any case in which credit was forfeited for a serious disciplinary  
4 infraction punishable by a credit loss of more than 90 days,  
5 restoration of credit shall be at the discretion of the secretary.

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7 (2) *The* prisoner may appeal the finding through the Department  
8 of Corrections and Rehabilitation’s review procedure, which shall  
9 include a review by an individual independent of the institution  
10 who has supervisory authority over the institution.

11 (e) The provisions of subdivision (d) shall also apply in cases  
12 of credit forfeited under Section 2931 for offenses and serious  
13 disciplinary infractions occurring on or after January 1, 1983.

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