

Introduced by Senator Hancock

February 13, 2013

An act relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 260, as introduced, Hancock. Sentencing.

Existing law provides that, subject to specified exceptions, a defendant who was under 18 years old at the time he or she committed his or her offense for which the defendant was sentenced to imprisonment for life without the possibility of parole and who has served at least 15 years of his or her sentence may petition the court to recall and resentence him or her, provided that he or she satisfies certain criteria and follows applicable procedural requirements. If the court finds by a preponderance of the evidence that the statements in the defendant's petition are true, existing law requires the court to hold a hearing to determine whether to recall and resentence the defendant, and, after considering certain factors, the court may recall and resentence the defendant, as specified.

This bill would state the intent of the Legislature to enact legislation creating an alternate judicial mechanism for reconsidering the sentences of individuals, who were convicted of crimes that they committed as children, after they have become adults and served a significant amount of time in state prison.

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. It is the intent of the Legislature to enact
- 2 legislation to create an alternate judicial mechanism for

- 1 reconsidering the sentences of individuals, who were convicted of
- 2 crimes that they committed as children, after they have become
- 3 adults and served a significant amount of time in state prison.