

ASSEMBLY BILL

No. 512

Introduced by Assembly Member Mark Stone

February 23, 2015

An act to amend Section 2933.05 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 512, as introduced, Mark Stone. Corrections: program credit reductions.

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Except as provided, existing law requires that for every 6 months of continuous incarceration, a state prisoner be awarded credit reductions from his or her term of confinement of 6 months. Existing law authorizes an award to the prisoner of up to 6 weeks of additional credit during any 12-month period of continuous confinement for the prisoner's successful completion of certain programs offered by the department.

This bill would increase the number of weeks of additional program credit reductions that may be awarded to a prisoner pursuant to the provision described above from 6 to 18.

Existing law, as added by Proposition 184, adopted November 8, 1994, and amended by Proposition 36, adopted November 6, 2012, commonly known as the Three Strikes Law, prohibits the total amount of credits awarded to certain recidivist offenders from exceeding one-fifth of the total term of imprisonment imposed. Existing law, as amended by Proposition 83, the Sexual Predator Punishment and Control Act, adopted November 7, 2006, commonly known as Jessica's Law, requires a person convicted of certain felonies under specified

circumstances to be committed to prison for a term of years to life. Existing law excludes certain prisoners from eligibility for the additional program credit reduction provision described above, including any person convicted of, or sentenced to state prison pursuant to provisions relating to, specified serious or violent felonies, any person required to register as a sex offender, and any person serving a term of imprisonment as a result of a violation of parole without a new term.

This bill would revise the exclusion described above by instead providing that specified prisoners, including, among others, a person serving a life sentence without the possibility of parole, a person sentenced to death, and a person sentenced pursuant to the provisions of Jessica's Law described above, are not eligible for program credit reductions. The bill would also provide that a person convicted of, or sentenced to state prison pursuant to provisions relating to, specified serious or violent felonies is not eligible to receive program credit reductions that, in combination with credit reductions pursuant to any other law, are in excess of the limits imposed by the Three Strikes Law. The bill would specify that these changes apply retroactively.

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

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

1 SECTION 1. Section 2933.05 of the Penal Code is amended
2 to read:
3 2933.05. (a) In addition to any credit awarded pursuant to
4 Section 2933, the department may also award a prisoner program
5 credit reductions from his or her term of confinement as provided
6 in this section. Within 90 days of the enactment of this section,
7 the secretary shall promulgate regulations that provide for credit
8 reductions for inmates who successfully complete specific program
9 performance objectives for approved rehabilitative programming
10 ranging from credit reduction of not less than one week to credit
11 reduction of no more than ~~six~~ 18 weeks for each performance
12 milestone. Regulations promulgated pursuant to this subdivision
13 shall specify the credit reductions applicable to distinct objectives
14 in a schedule of graduated program performance objectives
15 concluding with the successful completion of an in-prison
16 rehabilitation program. Commencing upon the promulgation of
17 those regulations, the department shall thereafter calculate and

1 award credit reductions authorized by this section. However, a
2 prisoner may not have his or her term of imprisonment reduced
3 more than ~~six~~ 18 weeks for credits awarded pursuant to this section
4 during any 12-month period of continuous confinement.

5 (b) Program credit is a privilege, not a right. Prisoners shall
6 have a reasonable opportunity to participate in program credit
7 qualifying assignments in a manner consistent with institutional
8 security and available resources. Assignments made to program
9 credit qualifying programs shall be made in accordance with the
10 prisoner's case plan, when available.

11 (c) As used in this section, "approved rehabilitation
12 programming" shall include, but is not limited to, academic
13 programs, vocational programs, vocational training, and core
14 programs such as anger management and social life skills, and
15 substance abuse programs.

16 (d) Credits awarded pursuant to this section may be forfeited
17 pursuant to the provisions of Section 2932. Inmates shall not be
18 eligible for program credits that result in an inmate overdue for
19 release.

20 ~~(e) The following prisoners shall not be eligible for program~~
21 ~~credits pursuant to this section:~~

22 ~~(1) Any person serving a term of imprisonment for an offense~~
23 ~~specified in subdivision (c) of Section 667.5.~~

24 ~~(2) Any person sentenced to state prison pursuant to Section~~
25 ~~1170.12 or subdivisions (b) to (i), inclusive, of Section 667.~~

26 ~~(3) Any person required to register as a sex offender pursuant~~
27 ~~to Chapter 5.5 (commencing with Section 290) of Title 9 of Part~~
28 ~~4.~~

29 ~~(4) Any person serving a term of imprisonment as a result of a~~
30 ~~violation of parole without a new term.~~

31 *(e) (1) A person serving a term of imprisonment for an offense*
32 *specified in subdivision (c) of Section 667.5, or a person sentenced*
33 *to state prison pursuant to Section 1170.12 or subdivisions (b) to*
34 *(i), inclusive, of Section 667 shall not be eligible for program credit*
35 *reductions pursuant to this section that, in combination with credit*
36 *reductions pursuant to any other law, are in excess of the limits*
37 *imposed by paragraph (5) of subdivision (c) of Section 667 or*
38 *paragraph (5) of subdivision (a) of Section 1170.12.*

39 *(2) All of the following prisoners shall not be eligible for*
40 *program credit reductions pursuant to this section:*

- 1 (A) A person sentenced to state prison pursuant to Section
- 2 667.61 or 667.71.
- 3 (B) A person excluded from eligibility pursuant to Section 2933.5
- 4 (C) A person serving a life sentence without the possibility of
- 5 parole.
- 6 (D) A person sentenced to death.
- 7 (f) The changes made to subdivision (e) by the act that added
- 8 this subdivision apply retroactively.