

ASSEMBLY BILL

No. 1256

Introduced by Assembly Member Swanson

February 27, 2009

An act relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1256, as introduced, Swanson. Prisoners: sentencing.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, upon a determination that a prisoner meets specified criteria, to recommend to the court that a prisoner's sentence be recalled. Specifically, a court has the discretion to resentence or recall a sentence if a prisoner is terminally ill with an incurable condition caused by illness or disease that would produce death within months, as determined by a physician, or permanently medically incapacitated, as specified, and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety.

This bill would declare the intent of the Legislature to enact legislation that would permit the early release of state prisoners who meet certain age and illness criteria.

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 that would permit the early release of state prisoners
- 3 who meet certain age and illness criteria.

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