

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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.~~ *specified limits*. 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 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

1 rehabilitation program. Commencing upon the promulgation of
2 those regulations, the department shall thereafter calculate and
3 award credit reductions authorized by this section. However, a
4 prisoner may not have his or her term of imprisonment reduced
5 more than 18 weeks for credits awarded pursuant to this section
6 during any 12-month period of continuous confinement.

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

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

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

22 (e) (1) A person serving a term of imprisonment for an offense
23 specified in subdivision (c) of Section ~~667.5, or a 667.5~~ *is not*
24 *eligible for program credit reductions pursuant to this section that,*
25 *in combination with credit reductions pursuant to any other law,*
26 *are in excess of the limits imposed by Section 2933.1.*

27 (2) A person sentenced to state prison pursuant to Section
28 1170.12 or subdivisions (b) to (i), inclusive, of Section 667 ~~shall~~
29 *is not be* eligible for program credit reductions pursuant to this
30 section that, in combination with credit reductions pursuant to any
31 other law, are in excess of the limits imposed by paragraph (5) of
32 subdivision (c) of Section 667 or paragraph (5) of subdivision (a)
33 of Section 1170.12.

34 ~~(2)~~

35 (3) All of the following prisoners ~~shall are not be~~ eligible for
36 program credit reductions pursuant to this section:

37 (A) A person sentenced to state prison pursuant to Section
38 667.61 or 667.71.

39 (B) A person excluded from eligibility pursuant to Section
40 2933.5

- 1 (C) A person serving a life sentence without the possibility of
- 2 parole.
- 3 (D) A person sentenced to death.
- 4 (f) The changes made to subdivision (e) by the act that added
- 5 this subdivision apply retroactively.