



## **SENATE MINORITY LEADER** **BRIAN W. JONES**

### **Senate Bill 286 Fact Sheet – Elderly Parole Disqualifications**

#### **SUMMARY**

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SB 286 aligns the Elderly Parole Program with the Youth Offender Parole Program by excluding violent sex offenders and murderers from being eligible for early release.

#### **BACKGROUND**

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During the 2020-2021 session, AB 3234 (Ting – 2020) was gutted and amended to include provisions taken from the budget trailer bill AB 88 (Budget – 2020). These provisions changed Penal Code §3055 by lowering the age threshold for elderly parole from 60 years of age to 50 years of age. Additionally, the bill reduced the minimum amount of time required to be served to be considered for elderly parole from 25 years to 20 years.

Penal Code §3055 now provides that inmates who are 50 years of age or older and who have been incarcerated for 20 years or more are eligible for an elderly parole hearing. At the hearing, the Board of Parole Hearings (BPH) is required to give “great weight” to the inmate’s advanced age, long-term confinement, and diminished physical condition, if any. If an inmate is granted parole at an elderly parole hearing, the inmate will be eligible for release immediately after the decision is final (which can take up to five months.) If parole is not granted, the inmate is given a period they must wait before another hearing can be sent.

#### **PROBLEM**

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Existing law unfortunately allows violent sex offenders to remain eligible for an elderly parole hearing, including offenders convicted under the One-Strike Sex Offense Law (Penal Code §667.61).

Conversely, the similar Youth Offender Parole Program (Penal Code §3051) recognizes the severity of a conviction of a One-Strike Sex Offense and excludes those inmates from qualifying for the program. Proponents of AB 3234 vowed that criminals whose crimes require them to register as a sex offender (Penal Code §667) would not be eligible for elderly parole. This exclusion was recently upheld by the California Supreme Court in *People v. Williams* (2024) 17 Cal.5<sup>th</sup> 99.

When originally created, the Elderly Parole Program required offenders to be 60 years old with 25 years served. However, since AB 3234’s passage, a 50-year-old with only 20 years of their sentence served can apply for an Elderly Parole hearing, even after they committed some of the most heinous sex offenses, releasing them back into the public with plenty of opportunity to reoffend.

#### **SOLUTION**

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SB 286 will prevent any sex offender or murderer from being eligible for Elderly Parole.

This will assure sex offense victims, and families who had their loved ones murdered, have the peace and security of knowing that the person who violated them physically, mentally, and emotionally will serve their full term, regardless of the age the criminal happens to be now.

#### **SUPPORT**

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San Diego County District Attorney Stephan (Sponsor)  
Fight for Victims

#### **CONTACT**

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