



SENATE MINORITY LEADER
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Senate Bill 286 Fact Sheet – “Mary Bella’s Law” – Elderly Parole Disqualification

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SUMMARY

SB 286, “Mary Bella’s Law,” aligns the Elderly Parole Program with the Youth Offender Parole Program by excluding some violent and repeat sex offenders from being eligible for early release under the program.

BACKGROUND

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. If parole is not granted, the inmate is given a period they must wait before another hearing can be set.

PROBLEM

Existing law unfortunately allows violent sex offenders to gain eligibility for an elderly parole hearing, including offenders convicted under the One-Strike Sex Offense Law (Penal Code §667.61), based solely on turning 50 years old so long as they have been incarcerated for 20 years, regardless of time remaining on their sentence.

Conversely, the similarly age-based 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.

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

SB 286 will prevent certain violent and serial sex offenders from gaining eligibility under Elderly Parole and will create parity with the Youth Offender Parole Program.

This will assure sex offense victims have the peace and security of knowing that the person who violated them will not be eligible for release simply for reaching 50 years of age.

SUPPORT

San Diego County District Attorney Stephan (Sponsor)
Crime Victims United
CA District Attorneys Association
CA Police chiefs Association
CA State Sheriff’s Association
CA State Lodge Fraternal Order of Police
Riverside County Sheriff Chad Bianco
Fight for Victims

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