
THIRD READING

Bill No: SB 672
Author: Rubio (D), et al.
Amended: 5/23/25
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/22/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto
NO VOTE RECORDED: Dahle

SUBJECT: The Youth Rehabilitation and Opportunity Act

SOURCE: Anti-Recidivism Coalition
National LWOP Leadership Council
Human Rights Watch
USC Gould School of Law Post-Conviction Justice Project

DIGEST: This bill expands youth offender parole eligibility to include individuals convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the person was sentenced to life without the possibility of parole (LWOP), except as specified.

ANALYSIS:

Existing law:

- 1) Provides that a youth offender parole hearing is a hearing by the Board of Parole Hearings (BPH) for the purpose of reviewing the parole suitability of any incarcerated individual who was 25 years of age or younger, or was under

18 years of age if sentenced to LWOP, at the time of the controlling offense. (Penal (Pen.) Code, § 3051, subd. (a)(1).)

- 2) Defines “incarceration” as detention in a city or county jail, a local juvenile facility, a mental health facility, a Division of Juvenile Justice facility, or a Department of Corrections and Rehabilitation facility. (Pen. Code, § 3051, subd. (a)(2)(A).)
- 3) Defines “controlling offense” as the offense or enhancement for which any sentencing court imposed the longest term of imprisonment. (Pen. Code, § 3051, subd. (a)(2)(B).)
- 4) Defines “youth parole eligible date” as the earliest date upon which a youth offender is eligible for release on parole at a youth offender parole hearing. (Pen. Code, § 3051, subd. (a)(2)(C).)
- 5) Provides the following parole mechanism for a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger:
 - a) If the controlling offense was a determinate sentence, the person is eligible for release during person’s 15th year of incarceration;
 - b) If the controlling offense was a life term less than 25-years-to-life, the person is eligible for release during the person’s 20th year of incarceration; and,
 - c) If the controlling offense was a life term of 25-years-to-life, the person is eligible for release during the person’s 25th year of incarceration. (Pen. Code, § 3051, subd. (b)(1)-(3).)
- 6) Provides that a person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the person was sentenced to LWOP is eligible for release during the person’s 25th year of incarceration. (Pen. Code, § 3051, subd. (b)(4).)
- 7) Provides that BPH conduct a youth offender parole hearing to consider release. Provides that if the person is found suitable for parole at the youth offender parole hearing, the person must be granted parole. (Pen. Code, § 3051, subd. (d).)

- 8) Provides that in reviewing a person's suitability for parole in a youth offender parole hearing, BPH must give great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the person in accordance with relevant case law. (Pen. Code, §§ 3051, subd. (d) & 4801, subd. (c).)
- 9) Requires that the youth offender parole hearing provide for a meaningful opportunity to obtain release. (Pen. Code, § 3051, subd. (e).)
- 10) Excludes the following from youthful offender parole eligibility: a person sentenced under the Three Strikes law or the One Strike Sex Offense law; a person sentenced to LWOP whose controlling offense was committed after the person had attained 18 years of age; or an individual who would otherwise be eligible for youth offender parole, but who, subsequent to attaining 26 years of age, commits an additional crime for which malice aforethought is a necessary element of the crime or for which the individual is sentenced to life in prison. (Pen. Code § 3051, subd. (h).)
- 11) Establishes various deadlines for BPH to complete youth offender parole hearings based on the type of sentence and when the person became entitled to have their parole suitability considered at a youth offender parole hearing. (Pen. Code, § 3051, subd. (i)(1)-(3).)
- 12) Requires BPH to complete all youth offender parole hearings for individuals who were sentenced to LWOP and who are or will be entitled to have their parole suitability considered at a youth offender parole hearing by July 1, 2020. (Pen. Code, § 3051, subd. (i)(4).)

This bill:

- 1) Provides that a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the person was sentenced to LWOP is eligible for release on parole at a youth offender parole hearing during their 25th year of incarceration. Provides that the youth parole eligible date for such a person is the first day of their 25th year of incarceration.
- 2) Excludes from youth offender parole eligibility a person who committed the controlling offense when they were 18 years of age or older at the time of the

crime and was convicted of special circumstance murder for the murder of a peace officer or federal law enforcement officer or agent.

- 3) Excludes from youth offender parole eligibility a person who committed the controlling offense when they were 18 years of age or older at the time and was convicted of sex offenses committed during the course of a special circumstance murder while the defendant was engaged in, or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit robbery, kidnapping, rape, sodomy, lewd or lascivious act upon a child under 14, oral copulation, burglary, arson, train wrecking, mayhem, rape by instrument, or carjacking.
- 4) Excludes from youth offender parole eligibility a person who committed the controlling offense when they were 18 years of age or older at the time and was convicted of special circumstance murder that was intentional and involved the infliction of torture.
- 5) Excludes from youth offender parole eligibility a person who committed the controlling offense when they were 18 years of age or older at the time and was convicted of first-degree murder as the actual killer if three or more people are killed in a shooting incident at a school or place of worship. Defines school as a public or private prekindergarten school, K–12 school, and postsecondary educational institution.
- 6) Includes technical and conforming changes.

Background

In accordance with U.S. Supreme Court and California Supreme Court case law, SB 260 (Hancock, Chapter 312, Statutes of 2013), established a parole eligibility mechanism for individuals sentenced to determinate and indeterminate terms for crimes committed when they were juveniles. (Pen. Code, § 3051.) Under the youth offender parole process created by SB 260, a person has an opportunity for a parole hearing after having served 15, 20, or 25 years of incarceration depending on their controlling offense. (Pen. Code, § 3051.) SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded eligibility for a youth offender parole hearings to those whose controlling offense occurred before they reached the age of 23.

In *People v. Franklin* (2016) 63 Cal.4th 261, the California Supreme Court held the enactment of Penal Code section 3051 satisfied the requirement that a

defendant who was a minor at the time of an offense have a meaningful opportunity to gain release during his or her natural lifetime because it requires that the defendant receive a parole hearing during the person's 25th year of incarceration.

AB 1308 (Stone, Chapter 675, Statutes of 2018), further expanded youth offender parole eligibility to include individuals whose controlling offense was committed when the person was 25 or younger.

Youth Offender Parole for Individuals Sentenced to LWOP. Prior to the enactment of SB 394 (Lara, Chapter 684, Statutes of 2017), juveniles sentenced to LWOP were not eligible for youth offender parole. Instead, most individuals sentenced to LWOP for crimes committed when they were under 18 could petition for recall and resentencing after serving at least 15 years of the sentence via a process established by SB 9 (Yee, Chapter 828, Statutes of 2012). This recall and resentencing process was found to be an inadequate remedy for a *Miller* violation. (*In re Kirchner* (2017) 2 Cal.5th 1040, 1052-1054.) In 2016, the U.S. Supreme Court held that *Miller* announced a substantive rule of constitutional law that applied retroactively. (*Montgomery v. Louisiana* (2016) 577 U.S. 190, 206.)

SB 394 (Lara) applied the youth offender parole process to individuals sentenced to LWOP who were under 18 years of age at the time of the controlling offense and provided that such individuals would be eligible for a youth offender parole hearing during their 25th year of incarceration.

People v. Hardin. The exclusion of young adult offenders sentenced to LWOP from youth offender parole eligibility has been challenged. In 2024, the California Supreme Court held that the exclusion of this category of offenders from youth offender parole did not violate equal protection. (*People v. Hardin* (2024) 15 Cal. 5th 834 (*Hardin*).) The appellant in *Hardin* was convicted of first-degree murder with a special circumstance following the robbery and murder of an elderly neighbor when the appellant was 25 years old. The appellant received an LWOP sentence.

In deciding the case, the court observed that in enacting Penal Code section 3051, the Legislature sought to bring California's juvenile sentencing in line with a series of court decisions identifying Eighth Amendment limits on the sentencing of juvenile offenders. (*Id.* at pp. 843-845.) The court acknowledged that as initially enacted, the youth offender parole statute only applied to individuals whose crimes were committed before the age of 18, and was later expanded, first to apply to

older offenders and then to apply to juvenile offenders sentenced to LWOP. (*Id.* at pp. 845-846.) The court noted that the expansion to include young adults explicitly excluded individuals sentenced to LWOP. (*Id.* at p. 846.)

The court summarized the appellant's argument as follows: "Hardin effectively challenges the life without parole exclusion on its face, in all of its applications. He also challenges the exclusion more specifically as it applies to young adult offenders who are, like him, serving life without parole sentences following convictions for first degree murder with one or more special circumstances." (*Id.* at p. 847.)

Under the highly deferential rational basis review standard, the court "presume[s] that a given statutory classification is valid 'until the challenger shows that no rational basis for the unequal treatment is reasonably conceivable.'" (*Id.* at p. 852 (citing *Chatman, supra*, 4 Cal.5th at p. 288-289.) Applying this standard, the court found that the appellant had failed to demonstrate that the Legislature had acted irrationally in excluding young adults sentenced to LWOP from youth offender parole eligibility. (*Id.* at pp. 855-857.)

Although the court upheld the youth offender parole statute's exclusion of young adults sentenced to LWOP, the majority opinion observed that several intermediate appellate court opinions had encouraged the Legislature "to give further careful consideration to the issue." (*Id.* at p. 864.)

This bill expands youth offender parole eligibility to include individuals convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the person was sentenced to LWOP. This bill includes a number of exceptions, including individuals convicted of any of the following offenses: special circumstance murder of a peace officer or federal law enforcement officer or agent; a sex offense committed during the course of a special circumstance murder while the defendant was engaged in, or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit robbery, kidnapping, rape, sodomy, lewd or lascivious act upon a child under 14, oral copulation, burglary, arson, train wrecking, mayhem, rape by instrument, or carjacking; special circumstance murder that was intentional and involved the infliction of torture; and first-degree murder as the actual killer if three or more people are killed in a shooting incident at a school or place of worship.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:No

According to the Senate Appropriations Committee:

Significant costs to the California Department of Corrections Rehabilitation (CDCR) (General Funds) likely in the millions of dollars. CDCR estimates that approximately 1,634 incarcerated individuals were sentenced to life without the possibility of parole (LWOP) for offenses committed between the ages of 18 and 25 and would therefore be required to receive a parole suitability hearing by January 1, 2028, if SB 672 is enacted. While largely unclear how many individuals would be excluded from eligibility, based on a small sampling, CDCR anticipates that only a small number of the 1,634 incarcerated individuals identified would be excluded from eligibility.

SUPPORT: (Verified 5/23/25)

Anti-Recidivism Coalition (co-source)

National LWOP Leadership Council (co-source)

Human Rights Watch (co-source)

USC Gould School of Law Post-Conviction Justice Project (co-source)

ACLU California Action

All of Us or None Los Angeles

Amnesty International USA

Asian American Criminal Trial Lawyers Association

Asian Law Alliance

Asian Prisoner Support Committee

Bar Association of San Francisco, Court Appointment Programs, Lawyer Referral & Information Service

California Catholic Conference

California Coalition of Women Prisoners

California Faculty Association

California Hispanic Chambers of Commerce

California Innocence Coalition

California Public Defenders Association

California Youth Defender Center

Californians for Safety and Justice

Californians United for a Responsible Budget

Communities United for Restorative Youth Justice

Community Interventions

Courage California

Death Penalty Focus
Ella Baker Center for Human Rights
Everychild Foundation
Fair Chance Project
Famm
Felony Murder Elimination Project
Freedom 4 Youth
Friends Committee on Legislation of California
GRIP Training Institute
Healing Dialogue and Action
Initiate Justice
Initiate Justice Action
Justice2Jobs Coalition
Juvenile Law Center
LA County Public Defenders Union, Local 148
La Defensa
LatinoJustice PRLDEF
League of Women Voters of California
Legal Services for Prisoners with Children
Life Without Parole Alliance Group - Calipatria State Prison
Los Angeles County Public Defender's Office
MILPA Collective
National Center for Youth Law
Peace and Justice Law Center
PICO California
Post-Conviction Justice Project
Rubicon Programs
San Francisco Public Defender
SEIU California
Silicon Valley De-Bug
Sister Warriors Freedom Coalition
Smart Justice California
South Asian Network
Spirit Awakening Foundation
Survived & Punished
The Center for Life Without Parole Studies
The Change Parallel Project
UnCommon Law
Underground Scholars Initiative, UC Berkeley
Underground Scholars Initiative, University of California Los Angeles
Underground Scholars Initiative, University of California, Irvine
University of San Diego School of Law, Children's Advocacy Institute

Urban Peace Movement
Vera Institute of Justice
Viet Voices
W. Haywood Burns Institute
Youth Forward
Multiple Individuals

OPPOSITION: (Verified 5/23/25)

California District Attorneys Association
California Police Chiefs Association
Crime Victims United of California
Orange County District Attorney's Office
Riverside County District Attorney
San Diego County District Attorney's Office

Prepared by: Stephanie Jordan / PUB. S. /
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