

Attn: Ashley Johansson
Initiative Coordinator
Attorney General's Office
Po Box 944255
Sacramento, Ca 94244-2550

RECEIVED**JUL 12 2017****INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

July 10, 2017

Re: Request for Circulating Title and Summary – Second Chance for Youth Second Strikers

I am requesting that you please prepare a circulating title and summary for the enclosed proposed initiative measure; which is to amend Section 3051 of the California Penal Code. The proponent of this initiative is Amy E. Davis.

I have included the required signed statement pursuant to California Elections Code 9001 and 9608, and a check in the amount of \$2000. The public contact information for this initiative is stated below.



Amy E. Davis
1100 N Lemon St. #B3
Fullerton, Ca 92832
714-388-8990
aedavis@twc.com

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(Here set forth the unique numeric identifier provided by the Attorney General and circulating title and summary prepared by the Attorney General. Both the Attorney General's unique numeric identifier and the circulating title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

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We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Penal Code, relating to parole hearings, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments read as follows:

SECTION 1. Section 3051 of the Penal Code is amended to read:

3051. (a) (1) A youth offender parole hearing is a hearing by the Board of Parole Hearings for the purpose of reviewing the parole suitability of any prisoner who was under 23 years of age at the time of his or her controlling offense.

(2) For the purposes of this section, the following definitions shall apply:

(A) "Incarceration" means 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.

(B) "Controlling offense" means the offense or enhancement for which any sentencing court imposed the longest term of imprisonment.

(b) (1) A ~~person~~ prisoner who was convicted of a controlling offense that was committed before the person had attained 23 years of age and for which the sentence is a determinate sentence ~~shall be~~ is eligible for release on parole at a youth offender parole hearing by the board during his or her 15th year of incarceration, unless previously released pursuant to any other statutory provisions: law.

(2) A ~~person~~ prisoner who was convicted of a controlling offense that was committed before the person had attained 23 years of age and for which the sentence is a life term of less than 25 years to life ~~shall be~~ is eligible for release on parole by the board during his or her 20th year of incarceration at a youth offender parole hearing, unless previously released or entitled to an earlier parole consideration hearing pursuant to any other statutory provisions: law.

(3) A ~~person~~ prisoner who was convicted of a controlling offense that was committed before the person had attained 23 years of age and for which the sentence is a life term of 25 years to life ~~shall be~~ is eligible for release on parole by the board

during his or her 25th year of incarceration at a youth offender parole hearing, unless previously released or entitled to an earlier parole consideration hearing pursuant to any other statutory provisions: law

(c) ~~An individual~~ A prisoner subject to this section shall meet with the board pursuant to subdivision (a) of Section 3041.

(d) The board shall conduct a youth offender parole hearing to consider ~~release~~. the release of the prisoner. At the youth offender parole hearing, the board shall release the ~~individual~~ prisoner on parole as provided in Section 3041, except that the board shall act in accordance with subdivision (c) of Section 4801.

(e) The youth offender parole hearing to consider release of a prisoner shall provide for a meaningful opportunity to obtain release. The board shall review and, as necessary, revise ~~existing~~ regulations and adopt new regulations regarding determinations of suitability made pursuant to this section, subdivision (c) of Section 4801, and other related topics, consistent with relevant case law, in order to provide that meaningful opportunity for release.

(f) (1) In assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by the board, shall be administered by licensed psychologists employed by the board and shall take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the ~~individual~~ prisoner.

(2) Family members, friends, school personnel, faith leaders, and representatives from community-based organizations with knowledge about the ~~individual~~ prisoner

before the crime or his or her growth and maturity since the time of the crime may submit statements for review by the board.

(3) ~~Nothing in this section is~~ This section is not intended to alter the rights of victims at parole hearings.

(g) If parole is not granted, the board shall set the time for a subsequent youth offender parole hearing in accordance with paragraph (3) of subdivision (b) of Section 3041.5. In exercising its discretion pursuant to paragraph (4) of subdivision (b) and subdivision (d) of Section 3041.5, the board shall consider the factors in subdivision (c) of Section ~~4801. No~~ 4801. A subsequent youth offender parole hearing shall not be necessary if the offender is released pursuant to any other ~~statutory provisions~~ law prior to the date of the subsequent hearing.

(h) This section ~~shall~~ does not apply to cases in which sentencing occurs pursuant to paragraph (2) of subdivision (c) of Section 1170.12, subdivisions (b) to (i), inclusive, paragraph (2) of subdivision (e) of Section 667, or Section 667.61, or to cases in which an individual ~~was~~ is sentenced to life in prison without the possibility of parole. This section ~~shall~~ does not apply to an individual to whom this section would otherwise apply, but who, subsequent to attaining 23 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.

(i) (1) The board shall complete all youth offender parole hearings for ~~individuals~~ prisoners who became entitled to have their parole suitability considered at a youth offender parole hearing prior to ~~the effective date of the act that added paragraph (2)~~ January 1, 2014, by July 1, 2015.

(2) (A) The board shall complete all youth offender parole hearings for individuals who were sentenced to indeterminate life terms and who become entitled to have their parole suitability considered at a youth offender parole hearing ~~on the effective date of the act that added this paragraph~~ January 1, 2016, by July 1, 2017.

(B) The board shall complete all youth offender parole hearings for individuals who were sentenced to determinate terms and who become entitled to have their parole suitability considered at a youth offender parole hearing ~~on the effective date of the act that added this paragraph~~ January 1, 2016, by July 1, 2021. The board shall, for all individuals described in this subparagraph, conduct the consultation described in subdivision (a) of Section 3041 before July 1, 2017.

(3) The board shall complete all youth offender parole hearings for individuals who became entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the act that added this paragraph by July 1, 2020.

SEC. 2. The provisions of this act may be amended by the Legislature by statute, passed in each house by rollcall vote entered in the journal, a majority of the membership concurring, if the amendment increases the number of prisoners who are eligible for youth offender parole hearings. If Section 3051 of the Penal Code is amended prior to the effective date of this act by the Legislature by a statute that increases the number of prisoners who are eligible for youth offender parole hearings, the provisions of that statute and this act shall be harmonized and both shall be given effect.