

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 27, 2011
POSITION: Oppose unless amended

BILL NUMBER: SB 9
AUTHOR: L. Yee

BILL SUMMARY: Sentencing

This bill would authorize a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without parole to submit a petition for recall and resentencing to the sentencing court, and to the prosecuting agency, as specified. This bill would also require the petition to include a statement from the defendant that includes his or her remorse and works towards rehabilitation, as specified.

FISCAL SUMMARY

The Judicial Branch indicates that this bill has the potential to add to the courts' caseload, which increases backlogs, and could create a pressure on the General Fund to handle the increased caseload. However, we would note that the courts do not typically receive funding on a caseload basis, therefore, unless this particular caseload becomes significant and can be documented, it is likely to be absorbed.

The California Department of Corrections and Rehabilitation indicates that there would be no costs related to the provisions of this bill.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the original version include significant amendments which change our position from Neutral to Oppose Unless Amended. Though the recent amendments to this measure incorporate changes included in AB 109 (Chapter 15, Statutes of 2011), this version does not reflect the clean-up changes to AB 109 enacted in AB 116 (Chapter 136, Statutes of 2011) and AB 117 (Chapter 39, Statutes of 2011).

COMMENTS

The Department of Finance is opposed to this bill unless it is amended to reflect the changes to Penal Code Section 1170 enacted by AB 116 (Chapter 136, Statutes of 2011) and AB 117 (Chapter 39, Statutes of 2011). We further note that the Administration will be presenting additional amendments to this Penal Code Section. As a result, we are not able to provide suggested amendments at this time.

Existing law provides that the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, or both, may recommend to the court that a prisoner's sentence be recalled, and that a court may recall a prisoner's sentence. This bill would provide that once a defendant who was under 18 years of age at the time of the commission of the offense for which he or she was sentenced to imprisonment for life without the possibility of parole and has served at least 10 years of that sentence, the defendant may submit a petition for recall and resentencing under specified circumstances. Defendants who have served 15 or more years but less than 25 years as of January 1, 2012, would be permitted to submit a petition for recall and resentencing, as specified. This bill would also require the petition to include a statement from the defendant that includes his or her remorse and works towards rehabilitation, as specified.

Analyst/Principal Date Program Budget Manager Date
(0211) J. Osborn Lisa Ann L. Mangat

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO RV	PROP 98	FC	2011-2012 FC	2012-2013 FC	2013-2014			
0250/Jud Branch	SO	No			----- See Fiscal Summary -----				0001
5225/Corr & Rehab	SO	No			----- No/Minor Fiscal Impact -----				0001