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SB-286 Elderly Parole Program. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 286

Introduced by Senator Jones
(Coauthor: Assembly Member Nguyen)

February 06, 2025

An act to amend Section 3055 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 286, as amended, Jones. Elderly Parole Program.

Existing law establishes the Elderly Parole Program for the purpose of reviewing the parole suitability of inmates who are 50 years of age or older and who have served a minimum of 20 years of continuous incarceration on their sentence. Existing law requires the Board of Parole Hearings, when considering the release of qualifying inmates, to give special consideration to whether certain criteria have reduced the elderly inmate's risk for future violence. Existing law excludes various persons from these provisions, including, among others, persons convicted of serious felonies, persons convicted of first-degree murder of a peace officer, or persons sentenced to life in prison without the possibility of parole.

This bill would additionally exclude, among others, ~~persons convicted of first-degree murder~~, persons receiving an enhancement to their sentence for committing certain sexual offenses including, among others, rape, sodomy, or lewd and lascivious acts, and habitual sex offenders. The bill would specify that these exclusions apply to all persons incarcerated as of January 1, 2026, regardless of the person's previous eligibility for parole or the status of any parole petition filed prior to that date.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as Mary Bella's Law.

SEC. 2. Section 3055 of the Penal Code is amended to read:

3055. (a) The Elderly Parole Program is hereby established, to be administered by the Board of Parole Hearings, for purposes of reviewing the parole suitability of any inmate who is 50 years of age or older and has served a minimum of 20 years of continuous incarceration on the inmate's current sentence, serving either a determinate or indeterminate sentence.

(b) (1) For purposes of this code, the term "elderly parole eligible date" means the date on which an inmate who qualifies as an elderly offender is eligible for release from prison.

(2) For purposes of this section, "incarceration" means detention in a city or county jail, local juvenile facility, a mental health facility, or a Department of Corrections and Rehabilitation facility for adults or juveniles.

(c) When considering the release of an inmate specified by subdivision (a) pursuant to Section 3041, the board shall give special consideration to whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate's risk for future violence.

(d) When scheduling a parole consideration hearing date pursuant to subdivision (b) of Section 3041.5 or when considering a request for an advance hearing pursuant to subdivision (d) of Section 3041.5, the board shall consider whether the inmate meets or will meet the criteria specified in subdivision (a).

(e) An individual who is subject to this section shall meet with the board pursuant to subdivision (a) of Section 3041. If an inmate is found suitable for parole under the Elderly Parole Program, the board shall release the individual on parole as provided in Section 3041.

(f) If parole is not granted, the board shall set the time for a subsequent elderly parole hearing in accordance with paragraph (3) of subdivision (b) of Section 3041.5. A subsequent elderly parole hearing shall not be necessary if the offender is released pursuant to other statutory provisions prior to the date of the subsequent hearing.

(g) This section does not apply to cases in which sentencing occurs pursuant to Section 1170.12, subdivisions (b) to (i), inclusive, of Section 667, or in cases which an individual was sentenced to life in prison without the possibility of parole or death.

(h) This section also does not apply if the person was convicted of any of the following:

~~(1) Murder as defined in Section 187.~~

~~(2)~~

(1) Subparagraphs (3) to (6), inclusive, or subparagraphs (11), (16), or (18), of subdivision (c) of Section 667.5.

~~(3)~~

(2) Subparagraphs (3) to (6), inclusive, or subparagraphs (25), (29), (34), (35) or (42), of subdivision (c) of Section 1192.7.

(i) This section does not apply to cases in which sentencing occurs pursuant to subdivisions (c) to (e) inclusive, of Section 667.6, 667.61, or 667.71.

(j) This section does not apply if the person was convicted of first-degree murder if the victim was a peace officer, as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or 830.12, who was killed while engaged in the performance of their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of their duties, or the victim was a peace officer or a former peace officer under any of the above-enumerated sections, and was intentionally killed in retaliation for the performance of their official duties.

(k) The provisions of subdivisions (h) to (j), inclusive, shall apply to a person who is incarcerated as of January 1, 2026, regardless of the person's previous eligibility for parole or the status of any parole petition filed prior to that date.

(l) This section does not alter the rights of victims at parole hearings.

(m) By December 31, 2022, the board shall complete all elderly parole hearings for individuals who were sentenced to determinate or indeterminate terms and who, on the effective date of the bill that added this subdivision, are or will be entitled to have their parole suitability considered at an elderly parole hearing before January 1, 2023.