

SB 835 -3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Meeting Dates: 3/29, 4/13, 4/13

WHAT THE MEASURE DOES:

Modifies process and requirements for early release of an adult in custody (AIC) from prison. Creates the Medical Release Advisory Committee (the committee) within the State Board of Parole and Post-Prison Supervision (the board). Lists categories of medical conditions that may qualify for early release. Directs the Department of Corrections (DOC) to train staff on the early release process and that DOC take certain steps to create access to and facilitation of the early release application process. Allows an adult in custody to apply for early release by completing an application and submitting it the committee for review, determination and recommendation to the board. Allows an AIC to reapply for early release if circumstances change. Provides the AIC with a right to counsel at the board hearing. If hearing is scheduled, requires the district attorney to make reasonable efforts to notify the victim of the hearing. Directs the DOC to track certain data regarding early release and report the committees of the Legislative Assembly related to the Judiciary by December 31 of each year. Measure requires approval by a two-thirds majority. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Replaces the measure. Modifies process and requirements for early release of adults in custody (AIC) from prison if they have specified medical issues (terminal illness with prognosis of 12 months or less to live; debilitating medical condition; permanent incapacitation; or certain underlying medical conditions coupled with a public health emergency). Creates the Medical Release Advisory Committee within the State Board of Parole and Post Prison Supervision, with members appointed by the Governor. Directs the committee to adopt necessary rules, including rules further defining the criteria for medical release. Requires the Public Defense Services Commission to provide an attorney for financially eligible applicants. Upon receipt of an application, directs the committee to make written findings of its recommendations and sets timelines for both regular and expedited applications. If the committee recommends early release, requires notice to the district attorney, and requires the district attorney to make reasonable efforts to notify the victim of the hearing. Upon receipt of motion, directs the court to schedule a resentencing hearing, giving substantial weight to the committee's recommendation when determining whether to modify the original judgment of conviction. Sets process for re-application of denied resentencing. Directs the committee to annually report to the committees of the Legislative Assembly related to the judiciary by December 31. Measure requires approval by a two-thirds majority. Declares emergency, effective on passage.

BACKGROUND: