

California provides compassionate release¹ to eligible incarcerated individuals with serious medical conditions through **Recall of Sentence**,² **Medical Parole**,³ and to eligible individuals aged 50 and older through **Elderly Parole**.⁴

RECALL OF SENTENCE

On the recommendation of the California Department of Corrections and Rehabilitation (Department), a sentencing court may “recall” the sentence of an eligible incarcerated individual who is terminally ill or permanently incapacitated.⁵ A recall of sentence is a resentencing process.⁶

I. ELIGIBILITY

Medical Condition – To be eligible for a Recall of Sentence, an individual must meet one of the following medical criteria:

- The individual has a serious and advanced illness with an end-of-life trajectory.⁷ Examples include, but are not limited to, metastatic solid-tumor cancer, amyotrophic lateral sclerosis (ALS), end-stage organ disease, and advanced-end-stage dementia.⁸
- The individual is permanently medically incapacitated, with a medical condition or functional impairment that renders them permanently unable to perform “basic activities of daily living.” These include, but are not limited to, bathing, eating, dressing, toileting, transferring, and walking. Individuals with progressive end-stage dementia are also eligible.⁹ Additionally, the condition causing the physical incapacitation must not have existed at the time the individual was sentenced.¹⁰

Exclusions – Individuals sentenced to death or serving life without parole are not eligible for a Recall of Sentence.¹¹ Additionally, individuals are not eligible if they were convicted of first-degree murder of a peace officer killed while performing their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer, or if the victim was a current or former peace officer intentionally killed in retaliation for performing their duties.¹²

II. APPLICATION OR REFERRAL

Department Referral – Any Department physician, or their designee, who determines an individual has a serious and advanced illness with an end-of-life trajectory or is permanently medically incapacitated, shall notify the institution’s Chief Medical Executive (CME).¹³ This referral triggers a 45-day period within which the Department decides whether to refer the individual’s case to the court.¹⁴ The physician consults with the CME to initiate the referral to the Department’s Director of Health Care

Services (Director).¹⁵

If the Director does not agree the individual meets the medical criteria, the Director documents the reason in a written letter to the physician, CME, and individual.¹⁶

If the Director agrees the individual meets the medical criteria, they notify the Warden, Classification Services Unit, and Classification and Parole Representative (C&PR).¹⁷

Referral Request – The incarcerated individual, a family member, or another designee may also independently request consideration for a Recall of Sentence by contacting the institution’s CME and the procedures above are followed.¹⁸

III. DOCUMENTATION AND ASSESSMENT

Initial Documentation – Within 48 hours of the eligibility determination, the C&PR notifies the incarcerated individual they are eligible and explains the recall process. If the individual is capable of consenting, they may complete forms to authorize a family member or agent to be notified of the individual’s condition, prognosis, and recall process, and to waive their physical or remote presence at their Recall of Sentence hearing.¹⁹ If the individual is not capable of consenting, their emergency contact is notified and informed of the recall referral and process. The C&PR will also note if the individual lacks capacity on the waiver of appearance.²⁰

Referral Packet – The C&PR then prepares a referral packet. It includes a Case Factor Summary prepared by a Corrections Counselor and the forms required earlier in the process.²¹ The Case Factor Summary contains information from the individual’s central file, including the current commitment, prior criminal history, institutional behavior, work and education assignments, self-help activities, and requirements for victim notifications, registration, and parole residency restrictions.²² The Warden signs the referral packet and then it is submitted to the Classification Services Unit (CSU).²³

IV. DECISION-MAKING PROCESS

Decision-Maker – The incarcerated individual’s sentencing court makes all decisions regarding a Recall of Sentence.²⁴

Notice – CSU submits the packet to the sentencing court, the District Attorney’s Office, the Public Defender’s Office, and offices within the Department, including the Office of Victim and Survivor Rights and Services (OVSRS).²⁵ OVSRS notifies all victims registered with the Department.²⁶

Hearing – The sentencing court must hold a hearing within 10 days of receiving the referral packet.²⁷ Once an individual is recommended for a Recall of Sentence they

have a right to counsel, including a court-appointed lawyer if the individual cannot afford one.²⁸ If possible, the hearing should be before the original sentencing judge.²⁹ The referring physician or designees must be available to the court or the individual's defense as necessary.³⁰ The individual or their legal representative may request to attend the hearing, and the Department is responsible for facilitating attendance.³¹

Decision Factors – There shall be a presumption favoring recall and resentencing if the court finds that an individual meets the medical criteria. The presumption may only be overcome if a court finds the individual is an unreasonable risk of danger to public safety based on their current physical and mental condition.³² An unreasonable risk of danger exists when there is an unreasonable risk the individual will commit a new violent felony.³³

Placement – The Department is required to include a post-release plan in their recommendation to the court.³⁴ The Department will not approve a recommendation if there is not a suitable placement available to provide the individual's needed care.³⁵

Decision – C&PR notifies the individual of the court's decision.³⁶

V. POST-DECISION

Release – If the court approves a Recall of Sentence, the Department must release the incarcerated individual within 48 hours of receiving the order unless the person agrees to, or the court orders, a longer time period.³⁷ If the person agrees to waive the 48-hour release requirement, the Department must ask the sentencing court to order that release be within 30 calendar days to allow for the coordination of housing and medical support in the community.³⁸

At the time of release, the Warden must ensure that the individual has a discharge medical summary, complete medical records, state identification, parole medications, and all personal property.³⁹

Generally, there are no parole restrictions or supervision requirements for a Recall of Sentence.⁴⁰

Denials and Appeals –The California Penal Code and Department regulations do not address grieving or appealing denials. The Prison Law Office has published advice for challenging actions (or lack of action) at different steps in the process:

- If a prison doctor delays or refuses to determine whether the incarcerated individual has a qualifying terminal illness or the relevant medical staff determine that the individual does not meet the medical criteria, the individual can file a health care grievance with the Department.⁴¹
- If prison medical staff determine the individual has a qualifying medical

condition, but the Department does not complete the referral process in a timely manner or decides not to refer the case to the sentencing court, the individual can file a regular administrative grievance with the Department.⁴²

- After exhausting administrative remedies by following the Department’s grievance process, an individual can file a state court petition for a writ of *habeas corpus* challenging the Department’s decision not to recommend a Recall of Sentence.⁴³

Revocation and Termination – There is no mention of conditions that would lead to revocation or termination of Recall of Sentence.

VI. REPORTING AND STATISTICS

The California Judicial Council is required to publicly release an annual report on the Recall of Sentence program.⁴⁴ The report must include the number of people referred to the court broken down by criteria, number released, number denied resentencing, number who died before completing the recall process, number denied resentencing based on a lack of a post-release plan, and number of cases pending decision.⁴⁵

- In 2023, a total of 89 cases were referred for Compassionate Release. Of the 89 cases, 67 people were released, 15 were denied release, and five died prior to a decision. Two cases were pending at the time of the report.⁴⁶
- In 2024, a total of 140 cases were referred for Compassionate Release. Of the 140 cases, 87 were released or are pending release, 22 were denied release, and 10 died prior to a decision. Twenty-one cases were pending at the time of the report.⁴⁷

MEDICAL PAROLE

The Medical Parole process was in effect until December 2024, at which time the California Department of Corrections and Rehabilitation (Department) began only using the Recall of Sentence process to release individuals based on a medical condition.⁴⁸

I. ELIGIBILITY

Medical Condition – To be eligible for Medical Parole, an incarcerated individual must be permanently medically incapacitated, with a medical condition that results in a permanent inability to perform activities of basic daily living and a need for 24-hour care.⁴⁹ The individual’s incapacitation must not have existed at the time of sentencing.⁵⁰ Activities of daily living include breathing, eating, bathing, dressing, transferring, toileting, use of arms, and walking.⁵¹

Exclusions – An incarcerated individual will not be considered for Medical Parole if sentenced to death or life in prison without the possibility of parole⁵² or serving a sentence for which parole is prohibited.⁵³ Individuals are also ineligible for Medical Parole if convicted of first-degree murder where the victim was a peace officer killed while performing their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer, or if the victim was a current or former peace officer intentionally killed in retaliation for performing their duties.⁵⁴

II. APPLICATION OR REFERRAL

Department Referral – When a Department of Corrections and Rehabilitation (Department) primary care physician identifies an incarcerated individual they believe meets the Medical Parole medical criteria, they must recommend to the institution’s Chief Medical Officer (CMO) that the individual be referred to the California Board of Parole Hearings (Board).⁵⁵ Within 30 days of receiving a primary care physician’s recommendation, the CMO reviews the individual’s *Medical Parole* form and any additional documentation and decides on referral to the Board.⁵⁶

If the CMO disagrees with the primary care physician’s recommendation, they return the *Medical Parole* form within three working days to the primary care physician, noting the reasons for the denial.⁵⁷ The CMO must also inform the incarcerated individual in writing within 30 working days of the reason for the denial.⁵⁸ If the CMO agrees with the primary care physician’s recommendation, they send the individual’s *Medical Parole Form* and documentation to the institution’s Classification and Parole Representative (C&PR) within three working days.⁵⁹

Referral Request – An incarcerated individual or the individual’s family member, attorney, or other authorized person may also contact the CMO to request consideration for Medical Parole.⁶⁰

Within 30 days of receiving a referral request, the CMO consults with the primary care physician to determine whether the individual meets the Medical Parole medical criteria.⁶¹ If the CMO does not believe that the individual meets the medical criteria, the individual or authorized person is given a written explanation why the request is denied.⁶² If the CMO decides the incarcerated individual meets the medical criteria, the case moves forward.⁶³

III. DOCUMENTATION AND ASSESSMENT

The Department has 30 working days from the CMO’s decision to refer the incarcerated individual for Medical Parole consideration to the Board.⁶⁴

Statutory Eligibility – The C&PR has three working days from their receipt of the incarcerated individual’s file to review it for statutory eligibility for Medical Parole.⁶⁵ If the person is not eligible, the C&PR notes the reason on the *Medical Parole Form* and returns it to the CMO, who then notifies the individual or their designee in writing

of the reasons for the denial.⁶⁶ If the individual meets the statutory requirements, the C&PR returns the *Medical Parole Form* to the CMO, with the following information:⁶⁷

- Abstract of Judgment for current commitment offense.
- Probation Officer's Report for current commitment offense.
- Legal Status Summary.
- Institutional Staff Recommendation Summary.
- Criminal Identification and Information Number.
- Most recent form CDCR 128-G, *Classification Chrono*.⁶⁸

The C&PR also requests an evaluation report from the individual's caseworker.⁶⁹

Evaluation Report – The caseworker completes an evaluation report and submits it to the C&PR within five working days.⁷⁰ The report must include the information listed above as well as:

- Individual's name and CDCR number.
- Current commitment offense, brief description of crime, and sentence.
- County of commitment and county of last legal residence.
- Prior juvenile and adult criminal history, with all arrests and convictions.
- Active or potential holds, warrants, and detainers.
- Institutional adjustment, including rule violation reports, counseling reports, pending disciplinary actions, disruptive group information, placement score, housing assignment, work and education assignments, participation in self-help activities, and other information relevant to the individual's case factors.⁷¹

The C&PR reviews the evaluation and attachments and forwards the information to the Warden or the Warden's designee within three working days.⁷² The Warden signs and forwards the evaluation and attachments to the Classification Services Unit.⁷³

Placement Review – The CMO sends the *Medical Parole Form*, *Authorization for the Release of Protected Health Information*, and the information provided by the C&PR to the designated California Prison Health Care Services office. This office identifies a suitable placement for the individual, documents the required placement plan information, and forwards everything to the Division of Adult Parole Operations (Division) Re-Entry Unit (Unit) within eight working days.⁷⁴ Placement must be in a contracted care facility.⁷⁵

The Unit then forwards these documents to the appropriate parole unit, where an assigned parole agent reviews the recommended placement. Within eight working days, the agent documents their assessment of the plan and forwards it, along with the form *Conditions of Medical Parole*, to the designated Prison Health Care Services staff, noting whether they approve the plan. A copy is also forwarded to the

Classification Services Unit.⁷⁶

If the agent does not approve the placement, the reasons are documented on the *Medical Parole Form*, and it is sent back to the Prison Health Care Services office to consider an alternative placement.⁷⁷

Final Review – The Classification Services Unit reviews the *Medical Parole Form*, the evaluation report, and all other documents to make sure they are complete and forwards everything to the Board within three working days.⁷⁸

IV. DECISION-MAKING PROCESS

Decision-Maker – The California Board of Parole Hearings (Board) makes the final decision whether to release an incarcerated individual on Medical Parole.⁷⁹

Upon receiving a Medical Parole recommendation from the CMO, the Board makes an independent judgment regarding whether the release conditions would pose a reasonable threat to public safety.⁸⁰ Victim rights are the same as they are for any other parole process.⁸¹

Notice – The Department must notify the county of conviction (and, if different, the proposed county of release) at least 30 days “or as soon as feasible” prior to the date of the Medical Parole hearing.⁸² Additionally, notice requirements for parole hearings generally apply.⁸³ Victims are entitled to notice of all proceedings if requested.⁸⁴

Hearings – Two-member Board panels conduct Medical Parole hearings.⁸⁵ If there is a tie vote, the case is referred to the full Board for a decision.⁸⁶ Decisions require a majority vote of all members present.⁸⁷ Hearings may be conducted in person or via videoconferencing.⁸⁸ Medical Parole hearings may be heard “in absentia,” meaning that the incarcerated individual does not have to be present.⁸⁹ An attorney is appointed to represent the incarcerated individual and is physically present with the individual for the hearing unless their presence is waived or prevented by the individual’s medical condition.⁹⁰ Victims are entitled to participate in the proceeding or submit a statement⁹¹ and a representative of the prosecuting agency may attend.⁹²

V. POST-DECISION

Prerelease Process – Once the Board approves an individual’s Medical Parole, it notifies the C&PR to process the Medical Parole “packet” and forward it within five working days to the parole unit that will supervise the person.⁹³ If the individual is already in the community, the parole agent works with the institution to complete parole release documents.⁹⁴ The parole agent notifies the local law enforcement agency about any required registrations.⁹⁵ The individual’s central file is forwarded to the institution which has oversight of the individual.⁹⁶

Notice of Release – The Department notifies the county where the person was convicted (and, if different, the proposed county of release) of the individual’s release at least 30 days “or as soon as feasible” prior to the scheduled release.⁹⁷ Registered victims must also be notified.⁹⁸

Medical Information – Upon release, the Department must provide a discharge medical summary, full medical records, and medications. After release, any additional records are sent to the individual’s forwarding address.⁹⁹

Public Benefits – The Department must ensure that individuals approved for Medical Parole apply for federal entitlement programs, such as Social Security and Medicaid, for which they are eligible.¹⁰⁰ The Department will also determine if the individual is eligible for Medi-Cal, the state Medicaid program. If the individual is ineligible for Medi-Cal and unable to pay for their medical care, the Department will pay all allowable costs.¹⁰¹

Conditions – The Board and the Division may impose “reasonable conditions” on individuals released on Medical Parole.¹⁰² These conditions are documented and remain in effect until transition to general parole.¹⁰³ Individuals may be given “special” conditions in addition to general conditions.¹⁰⁴ When the Division imposes a special condition, a parole unit supervisor or higher-level staff may remove or modify that special condition.¹⁰⁵ If the Board imposes a special condition, only the Board may remove or modify it.¹⁰⁶

Individuals on Medical Parole may be required to be electronically monitored.¹⁰⁷ In addition, they may be examined periodically by a Board-selected physician, who then submits a report and diagnosis to the Board.¹⁰⁸

Effect of Medical Parole Request on Other Parole Eligibility – Medical Parole decisions do not affect one’s eligibility for any other form of parole or release provided by California law.¹⁰⁹ Individuals sentenced to a determinate term remain on Medical Parole until their earliest possible release date at which time they begin serving parole under general parole laws.¹¹⁰ Individuals sentenced to an indeterminate term remain on Medical Parole until their minimum eligible parole date at which time they are eligible to be considered for parole generally.¹¹¹ While on Medical Parole, individuals sentenced to an indeterminate term continue to have parole consideration hearings.¹¹² Release allowances - money provided to assist with reentry - are not issued to individuals on Medical Parole until they transition to general parole.¹¹³ Classification processes are suspended while on Medical Parole.¹¹⁴

Supervision – Individuals are assigned parole agents to ensure compliance with all general and “special” conditions of Medical Parole.¹¹⁵ The parole agent conducts an in-person initial interview at the placement location, takes a digital photograph and completes a Medical Parole interview form.¹¹⁶

Denials and Appeal Rights – The statute and regulation do not provide information on

appealing Medical Parole decisions. If an individual is not approved for Medical Parole, they are not automatically scheduled for a future hearing.¹¹⁷ Requests for Medical Parole consideration by the individual, a family member, or attorney will not be processed if the individual was considered within the previous 90 days.¹¹⁸ Individuals are generally not evaluated for Medical Parole more than once every six months.¹¹⁹

Revocation and Termination – If the Board determines that, based on a physician’s examination, the individual’s medical condition has improved such that the Medical Parole criteria are no longer met, it will order the individual returned to Department custody.¹²⁰ In addition, if the individual’s parole agent determines that the person is a threat to self, another person, or public safety or there has been a significant change in the individual’s conditions of release, the agent can make a recommendation to return the person to custody.¹²¹ The parole agent contacts the Director of Parole Operations and requests that Medical Parole be suspended pending review by the Board and submits a written recommendation to the Chief Deputy Commissioner of the Board for removal or alternate placement.¹²²

Medical Parole is terminated when an individual serving a determinate sentence reaches their earliest possible release date or an individual serving an indeterminate sentence reaches their minimum eligible parole date, at which point they transition to the appropriate general parole process.¹²³

VI. REPORTING AND STATISTICS

The California Board of Parole Hearings reported the following statistics:

- In 2023, the Board held 52 Medical Parole hearings, with 32 cases approved, eight cases denied, and 12 hearings cancelled or postponed.¹²⁴
- In 2024, the Board held 46 Medical Parole hearings, with 22 approved, five denied, and 19 hearings cancelled or postponed.¹²⁵

ELDERLY PAROLE

The California Board of Parole Hearings (Board) can grant Elderly Parole to older incarcerated individuals who have served at least 20 years in prison.¹²⁶

I. ELIGIBILITY

Age and Time Served – To be eligible for Elderly Parole, an individual must be age 50 or older and have served a minimum of 20 years of continuous incarceration on the current sentence.¹²⁷

Exclusions – Individuals are not eligible for Elderly Parole if they were sentenced

under California’s “Three Strikes” laws for a second or third strike or have a sentence of death or life without parole.¹²⁸ Additionally, individuals are not eligible for Elderly Parole if they were convicted of first-degree murder of a peace officer killed while performing their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer or if the victim was a current or former peace officer, intentionally killed in retaliation for performing their duties.¹²⁹

II. APPLICATION OR REFERRAL

There is no specific application or referral for Elderly Parole. The Elderly Parole process follows the process for parole generally and incorporates the considerations and requirements given for Elderly Parole.¹³⁰ Individuals who qualify as an “elderly incarcerated person” are given an Elderly Parole Eligible Date (EPED), which is the date they are eligible for release based on the age and time served criteria.¹³¹ Credits do not advance an EPED.¹³² Within 60 days of the individual’s admission to the Department of Corrections and Rehabilitation’s (Department), case record staff determine whether they qualify and calculates the EPED.¹³³ If the individual is eligible for parole at an earlier date under another provision of the law, the earlier date is considered their parole eligible date.¹³⁴

III. DOCUMENTATION AND ASSESSMENT

There is no specific documentation or assessment for Elderly Parole; incarcerated individuals are assessed in the same manner as they would be for parole generally.

Consultation – The Board meets with individuals in the sixth year before their minimum eligible date to review their activities and conduct.¹³⁵ During this consultation, the Board provides information and recommendations on the parole hearing process, legal factors affecting suitability for parole, and individualized recommendations for work assignments, rehabilitative programs, and institutional behavior.¹³⁶ The Board provides findings and recommendations in writing within 30 days of the consultation.¹³⁷

Risk Assessment – A forensic clinical psychologist employed by the Board conducts Comprehensive Risk Assessment (CRA) ahead of a hearing.¹³⁸ The psychologist interviews the individual and uses risk assessment tools to determine risk for future violence.¹³⁹ The CRA includes personal history, family background, juvenile and adult criminal history, commitment offenses, rehabilitative programming, prison disciplinary history, mental health, substance abuse, parole plans, mental state, and current and historical risk factors.¹⁴⁰

Supporting Documents – An incarcerated individual may submit documents to the Board, such as evidence the individual has addressed the issues leading to incarceration; strategies for their success after release; apology letters to victims; evidence of educational, vocational, or self-help programming; release and relapse

prevention plans; and letters of support.¹⁴¹

IV. DECISION-MAKING PROCESS

Decision-Maker – The California Board of Parole Hearings makes all final decisions on Elderly Parole requests.¹⁴² Elderly Parole hearings are held according to the process required for parole hearings generally.¹⁴³ Hearings are conducted by a panel of the Board.¹⁴⁴

Factors – When considering an individual for Elderly Parole, the Board considers the individual’s risk for future violence.¹⁴⁵ The Board must give special consideration to an individual’s age, time served and diminished physical condition when determining risk for future violence.¹⁴⁶

For age, the Board considers if the individual is experiencing cognitive decline and any impact on the ability to:

- Process information.
- Convert thought to action.
- Learn or plan.
- Recall, organize, or reorganize information.
- Control impulses.
- Execute a task.
- Sustain complex attention and ability to calm self.
- Incorporate feedback and alter strategy.¹⁴⁷

Consideration of time served includes:

- Reduced criminal propensity.
- Alteration of attitudes and beliefs over time.
- Evidence of prosocial routines.
- Social conformity.
- Detachment from crime-producing environments and peers.¹⁴⁸

Finally, the Board’s consideration of an individual’s diminished physical condition includes:

- Capability to physically commit crimes and violence.
- Chronic or terminal illness.
- Evidence of sensory impairment because of a visual, hearing, or speech impairment.
- Inability to walk or difficulty walking without an assistive device.

- Level of nursing care needed.
- Diminished mental capacity.
- Assistance with daily living activities, including but not limited to feeding, bathing, dressing, grooming, work, homemaking, or communication.
- Permanent incapacitation due to medical, physical, or mental health condition or any condition resulting in permanent incapacitation.
- Any other evidence of physical condition.¹⁴⁹

The hearing panel also reviews the individual's CRA, central file, medical and mental health records, substance use and treatment records, testimony, participant statements, and submitted documents.¹⁵⁰

Hearing Scheduling – The Board must consider an individual's eligibility for Elderly Parole when scheduling a parole suitability hearing date or considering hearing requests under other state parole provisions.¹⁵¹ An Elderly Parole hearing must be scheduled within six months following the EPED.¹⁵² If an individual has a determinate sentence, they will not be scheduled for a hearing based on their EPED if their regular parole eligible date is within one year of the EPED or if the date of the hearing is within six months of release on their regular parole-eligible date.¹⁵³

Notice – The incarcerated individual and their attorney are notified four to six months before the parole hearing and told whether it will be in person or via teleconference.¹⁵⁴ The Board notifies registered victims and victims' family members, the prosecuting attorney, the individual's trial attorney, and investigating law enforcement agency 90 days before the hearing.¹⁵⁵

Hearing – Elderly Parole hearings are held with the same requirements and procedures as regular parole hearings.¹⁵⁶ Five months before a hearing date, the Board appoints an attorney to represent the incarcerated individual at the state's expense; the individual may waive the attorney or hire a private attorney.¹⁵⁷

Ten days before the hearing, the individual is allowed to review the file the hearing panel will be reviewing and make a written response to any of the materials.¹⁵⁸ The individual is allowed to speak and ask and answer questions at the hearing.¹⁵⁹

Victims' rights are the same in Elderly Parole hearings as they are for parole hearings generally.¹⁶⁰ Victims or their family or other designated representative have the right to appear, personally or by counsel, and share their views.¹⁶¹

Decision – The Elderly Parole decision process is the same for parole generally, except for consideration of the Elderly Parole factors previously mentioned. The hearing panel uses a “structured decision-making framework” (SDMF) to assess the individual's risk to public safety.¹⁶² The panel first reviews the individual's CRA and identifies current risk factors.¹⁶³ Then, the panel determines if the individual has factors that fall within the SDMF's seven risk areas: criminal history, self-control,

programming, institutional behavior, personal change, release plan, and case-specific factors.¹⁶⁴ The hearing panel rates each domain according to the likelihood they will aggravate or mitigate the risk of the individual committing a new crime upon release.¹⁶⁵ The hearing panel then considers the previously discussed factors for Elderly Parole.¹⁶⁶

If the hearing panel decides an individual does not pose an unreasonable risk of danger to society, it will grant the person's release.¹⁶⁷ If parole is denied, the Board will set a date and time for a subsequent hearing.¹⁶⁸ The subsequent hearing may be scheduled between three and fifteen years after the initial hearing, depending on how the Board assess the individual's risk to public safety and any victim's safety.¹⁶⁹ After a denial, the hearing panel must explain the evidence that outweighs the Elderly Parole factors to find the individual a current and unreasonable risk to public safety.¹⁷⁰

V. POST-DECISION

Release – Incarcerated individuals granted Elderly Parole are eligible for release after the decision undergoes a review period, which can take up to five months.¹⁷¹ The Division will work with individuals prior to release to ensure they have housing.¹⁷² The Board often requires individuals to stay in transitional housing for six months as a condition of parole.¹⁷³

Review – The hearing panel's decision to grant parole is considered a "proposed decision" until 120 days after the hearing.¹⁷⁴ During this time, the Board's legal division reviews the decision for errors of law and fact and any new information that "has a substantial likelihood of resulting in a substantially different decision if there was a new hearing."¹⁷⁵ A member of the hearing panel who believes the Board erred may request a review by the entire Board, held at the Board's monthly meeting.¹⁷⁶ Additionally, any person may request a review of a parole decision, including denials of parole, within 60 days of the hearing.¹⁷⁷

The Governor of California can review parole decisions and may reverse or modify the decision or refer the decision for a review by the entire Board.¹⁷⁸

If an incarcerated individual disagrees with determinations earlier in the process, such as their EPED or their qualification for Elderly Parole, they must follow the Department's grievance process.¹⁷⁹

VI. REPORTING AND STATISTICS

The California Board of Parole Hearings has reported the following statistics:

- In 2023, 3,435 hearings for Elderly Parole were scheduled. The Board granted 672 paroles, denied 1,228 paroles, and stipulated 215 cases due to

unsuitability. The other 1,365 hearings were waived, postponed, continued or cancelled.¹⁸⁰

- In 2024, 3,580 hearings for Elderly Parole were scheduled. The Board granted 606 paroles, denied 1,272 paroles and stipulated 204 cases due to unsuitability. Three cases had tie-grant votes. The other 1,495 hearings were waived, postponed, continued, or cancelled.¹⁸¹

CALIFORNIA COMPASSIONATE RELEASE

PRIMARY LEGAL SOURCES

RECALL OF SENTENCE

Statute

California Penal Code § 1172.2 (2025), available through the California State Legislature, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=1172.2.

Regulations

California Code of Regulations, Title 15, § 3999.209 (2025), available through the California Office of Administrative Law, [https://govt.westlaw.com/calregs/Document/IBC35D240FE7411EF9C9ADEB3DCCFDE67?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IBC35D240FE7411EF9C9ADEB3DCCFDE67?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

Agency Policy and Publications

Judicial Council of California, Report on the Compassionate Release Program (Jan. 1, 2025), <https://courts.ca.gov/system/files/file/2024-report-compassionate-release-program.pdf> (main webpage found at <https://courts.ca.gov/news-reference/reports-publications/reports-legislature>).

MEDICAL PAROLE

Statute

California Penal Code § 3550 (2025), available through the California Office of Administrative Law, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3550&lawCode=PEN.

Regulations

California Code of Regulations, Title 15, §§ 3359.1-3359.6 (2025), available through the California Office of Administrative Law, <https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=ID182F7B05A1F11EC8227000D3A7C4BC3&transitionType=Default&contextData=%28sc.Default%29#ID1F568915A1F11EC8227000D3A7C4BC3>.

Agency Policy and Publications

California Board of Parole Hearings, The California Parole Hearing Process Handbook (Mar. 8, 2024), <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2025/03/CA-Parole-Hearing-Process-Handbook-For-Publication-03-08-24-2.pdf> (click dropdown menu "Resources" then "Parole Hearing Handbook" from main page at <https://www.cdcr.ca.gov/bph/>).

CALIFORNIA COMPASSIONATE RELEASE

PRIMARY LEGAL SOURCES

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ELDERLY PAROLE

Statute

California Penal Code § 3055 (2025), available through the California State Legislature, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3055&lawCode=PEN.

Regulations

California Code of Regulations, Title 15, §§ 2449.40-2449.43 (2025), available through the California Office of Administrative Law, <https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I4392AA60198A11EDA0E0B9BD55B6AA79&transitionType=Default&contextData=%28sc.Default%29#I85E43EF0198B11ED84FCACD7FECA4899>.

California Code of Regulations, Title 15, §§ 3449-3449.2 (2025), available through the California Office of Administrative Law, [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IF8385A000C0011EE87D9EA38375021E4&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IF8385A000C0011EE87D9EA38375021E4&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

Agency Policy and Publications

California Board of Parole Hearings, The California Parole Hearing Process Handbook (Mar. 8, 2024), <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2025/03/CA-Parole-Hearing-Process-Handbook-For-Publication-03-08-24-2.pdf> (click dropdown menu "Resources" then "Parole Hearing Handbook" from main page at <https://www.cdcr.ca.gov/bph/>).

California Board of Parole Hearings, Elderly Parole Fact Sheet (Mar. 2022), https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2022/03/Elderly-Parole-Fact-Sheet3_18-1.pdf (click link for fact sheet at <https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/>).

NOTES

* *Id.* means see prior note. *Supra* means refer to specified note for full citation.

¹ Note the following statutes related to compassionate release or release for medical reasons are excluded from discussion because they are outside the scope of this memo: Cal. Gov. Code § 26605.5, 26605.6, 26605.7 (2025) (releases from county jail); Cal. Wel. & Inst. Code § 4146 (2025) (release for individuals with mental health issues); Cal. Wel. & Inst. Code § 7294 (2025) (release for treatment of a mental health issue); Cal. Pen. Code § 2690 (2025) (temporary removal for medical care).

² Cal. Penal Code § 1172.2 (2024); Cal. Code Regs. tit. 15, § 3999.209 (2025) (emergency regulations in effect as of Mar. 3, 2025, permanent adoption pending).

Note that the Department, state regulations, and some news reports sometimes refer to Recall of Sentence as Compassionate Release.

³ Cal. Penal Code § 3550 (2024); Cal. Code Regs. tit. 15, §§ 3359.1-3359.6 (2025).

⁴ Cal. Penal Code § 3055 (2025); Cal. Code Regs. tit. 15, §§ 2449.40-2449.43 (2025).

⁵ Cal. Penal Code § 1172.2(a); Cal. Code Regs. tit. 15, § 3999.209(a).

⁶ Cal. Penal Code § 1172.2(b).

⁷ Cal. Penal Code § 1172.2(b)(1); Cal. Code Regs. tit. 15, § 3999.209(b)(1).

⁸ Cal. Penal Code § 1172.2(b)(1); Cal. Code Regs. tit. 15, § 3999.209(b)(1).

⁹ Cal. Penal Code § 1172.2(b)(2); Cal. Code Regs. tit. 15, § 3999.209(b)(2).

¹⁰ Cal. Penal Code § 1172.2(b)(2); Cal. Code Regs. tit. 15, § 3999.209(b)(2).

¹¹ Cal. Penal Code § 1172.2(o).

¹² *Id.* § 1170.02 (2025).

“Peace officer” includes any sheriff, undersheriff, or deputy sheriff; chief of police or chief, director, or chief executive officer of a municipal public safety agency that performs police functions; any marshal or deputy marshal of a superior court or county; any port warden or port police officer; or any inspector or investigator in the office of a district attorney (*Id.*, citing Cal. Penal Code §§ 830.1-830.37, 830.4, 830.5, 830.6, 830.10-830.12 (2025)).

¹³ Cal. Penal Code § 1172.2(d); Cal. Code Regs. tit. 15, § 3999.209(b), (d).

Note the Chief Medical Executive may also be referred to as the Chief Medical Officer or head physician and the identifying physician may be referred to as the Primary Care Provider (PCP).

¹⁴ Cal. Penal Code § 1172.2(e); Cal. Code Regs. tit. 15, § 3999.209(d).

¹⁵ Cal. Code Regs. tit. 15, § 3999.209(d).

The referral includes forms CDCR 128-C, Medical-Psychiatric-Dental (Chrono), and CDCR 7385, Authorization for Release of Protected Health Information.

Note the referral to the Director and the following steps are only in the regulations and not in the statute.

¹⁶ Cal. Code Regs. tit. 15, § 3999.209(e)(1).

¹⁷ *Id.* § 3999.209(e)(2).

Note the statute says the CME notifies the warden when they concur with the physician’s prognosis and does not include the involvement of the Director, Classification Services Unit, and C&PR (Cal. Penal Code § 1172.2(d)).

¹⁸ Cal. Penal Code § 1172.2(g); Cal. Code Regs. tit. 15, § 3999.209(c).

¹⁹ Cal. Code Regs. tit. 15, § 3999.209(f)(1), (2).

The forms are CDCR 3038, Notification and Authorization to Incarcerated Person Regarding Compassionate Release, and CDCR 3039, Waiver of Defendant's Physical or Remote Presence at Compassionate Release Hearing, respectively. Note the statute says the warden notifies the individual and their family of the process and updates them on the progress of the Recall (Cal. Penal Code § 1172.2(d), (f)).

²⁰ Cal. Code Regs. tit. 15, § 3999.209(f)(1), (2).

²¹ *Id.* § 3999.209(g).

The required forms are CDCR 128-C (medical information), CDCR 7385 (release of medical information), CDCR 3038 (notification authorization), and CDCR 3039 (waiver of appearance at hearing).

Recommendations for a Recall of Sentence must include one or more medical evaluations, a post-release plan, and the findings showing the individual meets the medical criteria (Cal. Penal Code § 1172.2(h)).

²² Cal. Code Regs. tit. 15, § 3999.209(g).

²³ *Id.* § 3999.209(h).

²⁴ Cal. Penal Code § 1170(e).

²⁵ Cal. Code Regs. tit. 15, § 3999.209(i).

²⁶ *Id.* § 3999.209(i)(1).

²⁷ Cal. Penal Code § 1172.2(c); Cal. Code Regs. tit. 15, § 3999.209(j).

²⁸ Cal. Penal Code § 1172.2(k).

²⁹ *Id.* § 1172.2(i).

³⁰ *Id.*

³¹ Cal. Code Regs. tit. 15, § 3999.209(j).

³² Cal. Penal Code § 1172.2(b).

³³ *Id.* § 1170.18(c) (2025), citing Cal. Penal Code § 667(e)(2)(C)(iv) (2025).

Felonies listed include sexually violent offenses, sexual acts with minors under fourteen years of age, homicide offenses, solicitation for murder, assault on a peace officer with a machine gun, possession of a weapon of mass destruction, any felony offense punishable in California by life imprisonment or death (*Id.* § 667(e)(2)(C)(iv)).

³⁴ *Id.* § 1172.2(h).

³⁵ California Correctional Health Care Services, *Palliative Care Guide* 19, (June 2024) [hereinafter *Palliative Care Guide*], <https://cchcs.ca.gov/wp-content/uploads/sites/60/Palliative-Care-Guide.pdf> (main webpage found at <https://cchcs.ca.gov/clinical-resources/>, select document under "Palliative Care").

³⁶ Cal. Code Regs. tit. 15, § 3999.209(k).

³⁷ Cal. Penal Code § 1172.2(l); Cal. Code Regs. tit. 15, § 3999.209(l).

³⁸ Cal. Code Regs. tit. 15, § 3999.209(l).

³⁹ Cal. Penal Code § 1172.2(l).

⁴⁰ *Palliative Care Guide*, *supra* note 35.

⁴¹ Prison Law Office, *Compassionate Release for People in CDCR Prisons* 6 (Apr. 2025), <https://static1.squarespace.com/static/658e00fdc5430956416678f7/t/684871b0903e40175f82d68b/1749578160456/Compassionate+Release%2C+June+2025.pdf> (start at main webpage, prisonlaw.com, then click menu at top of page for "Resources" and the dropdown option "Informational Resources." Then click "Post-Conviction * Criminal Law" in the middle of page and select box for "Compassionate Release").

⁴² Prison Law Office, *supra* note 41.

⁴³ *Id.*

⁴⁴ Cal. Penal Code § 1172.2(p).

⁴⁵ *Id.* § 1172.2(p)(1).

⁴⁶ Judicial Council of California, *Report on the Compassionate Release Program* (Jan. 1, 2024), <https://courts.ca.gov/sites/default/files/courts/default/2024-12/report-on-the-compassionate-release-program.pdf> (main webpage found at <https://courts.ca.gov/news-reference/reports-publications/reports-legislature>).

⁴⁷ Judicial Council of California, *Report on the Compassionate Release Program* (Jan. 1, 2025), <https://courts.ca.gov/system/files/file/2024-report-compassionate-release-program.pdf> (main webpage found at <https://courts.ca.gov/news-reference/reports-publications/reports-legislature>).

⁴⁸ Prison Law Office, *supra* note 41, at 1.

See also California Board of Parole Hearings, *2022 Report of Significant Events 13-14* (Apr. 10, 2023, rev. Jan. 12, 2024) [hereinafter *2022 Report*] (on file with FAMM, Office of the General Counsel).

⁴⁹ Cal. Penal Code § 3550(a); Cal. Code Regs. tit. 15, § 3359.1(a).

⁵⁰ Cal. Penal Code § 3550(a); Cal. Code Regs. tit. 15, § 3359.1(a)(2).

⁵¹ Cal. Code Regs. tit. 15, § 3359.1(a)(1).

⁵² Cal. Penal Code § 3550(b)(1); Cal. Code Regs. tit. 15, § 3359.1(a)(3)-(4).

⁵³ Cal. Penal Code § 3550(b)(2).

⁵⁴ *Id.* § 3550(b)(3).

“Peace officer” includes any sheriff, undersheriff, or deputy sheriff; chief of police or chief, director, or chief executive officer of a municipal public safety agency that performs police functions; any marshal or deputy marshal of a superior court or county; any port warden or port police officer; or any inspector or investigator in the office of a district attorney (*Id.*, citing Cal. Penal Code §§ 830.1-830.37, 830.4, 830.5, 830.6, 830.10-830.12).

⁵⁵ *Id.* § 3550(c); Cal. Code Regs. tit. 15, §§ 3359.1(b)(1), 3359.2(a), referencing forms CDCR 7478-EMP, *Medical Parole* and CDCR 7385-MP, *Medical Parole Authorization for Release of Information* [now CDCR 7385 *Authorization for Release of Protected Health Information*].

Note the Medical Parole statute and rules use the terms “Chief Medical Officer,” “head physician,” and “Chief Medical Executive” interchangeably.

⁵⁶ Cal. Penal Code § 3550(c); Cal. Code Regs. tit. 15, § 3359.2(b).

⁵⁷ Cal. Penal Code § 3550(c); Cal. Code Regs. tit. 15, § 3359.2(b)(1).

⁵⁸ Cal. Code Regs. tit. 15, § 3359.2(b)(1).

⁵⁹ *Id.* § 3359.2(b).

Note that the statute states the CMO will send the referral to the Board.

⁶⁰ Cal. Penal Code § 3550(d); Cal. Code Regs. tit. 15, § 3359.1(b)(2)-(4).

“Family members” include a legal spouse; a registered domestic partner; natural, adoptive, step, or foster parents; grandparents; natural, step, or foster brothers or sisters; natural, adoptive, or stepchildren; and grandchildren of the incarcerated individual (Cal. Code Regs. tit. 15, § 3000 (2025)).

Note that referral requests will not be considered if the physician has reviewed the incarcerated person’s Medical Parole eligibility within the previous 90 days (Cal. Code Regs. tit. 15, § 3359.1(c)).

⁶¹ Cal. Penal Code § 3550(d).

⁶² *Id.*; Cal. Code Regs. tit. 15, § 3359.2(b)(1).

⁶³ Cal. Penal Code § 3550(d). Cal. Code Regs. tit. 15, § 3359.2(b)(2).

⁶⁴ Cal. Code Regs. tit. 15, § 3359.1(a).

⁶⁵ *Id.* § 3359.2(c).

⁶⁶ *Id.* § 3359.2(c)(1).

⁶⁷ *Id.* § 3359.2(c)(2).

⁶⁸ *Id.* § 3359.2(d)(10)-(15).

⁶⁹ *Id.* § 3359.2(c)(2).

⁷⁰ *Id.* § 3359.2(d).

⁷¹ *Id.* § 3359.2(d)(1)-(9).

⁷² *Id.* § 3359.2(e).

⁷³ *Id.* § 3359.2(f).

⁷⁴ *Id.* § 3359.2(g).

The placement plan is listed as a requirement in Cal. Penal Code § 3550(e), which states that the Department must complete a parole plan, including a plan for residency and medical care, for all individuals referred to the Board for Medical Parole consideration.

⁷⁵ *2022 Report of Significant Events*, *supra* note 48, at 13-14. *See also Palliative Care Guide*, *supra* note 35, at 19-20 (stating placement must be in a contracted care facility).

⁷⁶ Cal. Code Regs. tit. 15, § 3359.2(h). The form *Conditions of Medical Parole* is CDCR 1515-MP.

⁷⁷ *Id.* § 3359.2(h)(1).

⁷⁸ *Id.* § 3359.2(i).

⁷⁹ Cal. Penal Code § 3550(a); Cal. Code Regs. tit. 15, § 3559.1(a).

⁸⁰ Cal. Penal Code § 3550(a), (g); Cal. Code Regs. tit. 15, § 3559.1(d).

As of 2021, United States Department of Health and Human Services Centers for Medicare & Medicaid Services policy no longer allows conditions to be placed on an individual in a skilled nursing facility receiving Medicare or Medicaid funds. This policy led to a decrease in Medical Parole referrals and the change to the Compassionate Release process (*see 2022 Report*, *supra* note 48, at 13-14).

⁸¹ Cal. Penal Code § 3550(b).

⁸² *Id.* § 3550(k).

⁸³ California Board of Parole Hearings, *The California Parole Hearing Process Handbook 72* (Mar. 8, 2024) [hereinafter *Hearing Process Handbook*], <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2025/03/CA-Parole-Hearing-Process-Handbook-For-Publication-03-08-24-2.pdf> (click dropdown menu "Resources" then "Parole Hearing Handbook" from main page at <https://www.cdcr.ca.gov/bph/>).

⁸⁴ Cal. Const. art. 1, § 28(b)(7) (2025).

⁸⁵ Cal. Penal Code § 3550(f).

⁸⁶ *Id.*

⁸⁷ *Id.* § 5076.1(c) (2025).

⁸⁸ Cal. Code Regs. tit. 15, § 2057 (2025).

⁸⁹ Cal. Penal Code § 3550(f).

⁹⁰ Cal. Code Regs. tit. 15, § 2057(a)-(c); *Hearing Process Handbook*, *supra* note 83, at 72.

⁹¹ Cal. Const. art. 1, § 28(b)(7)-(8), (b)(15); Cal. Code Regs. tit. 15, § 2057(b)-(d).

Other requirements for parole hearings generally may apply. See Cal. Penal Code §§ 3041.8-3043.6 (2025).

⁹² Cal. Code Regs. tit. 15, § 2057(b)-(c).

⁹³ *Id.* § 3359.3(a).

⁹⁴ *Id.* § 3359.3(b).

⁹⁵ *Id.* § 3359.3(c).

⁹⁶ *Id.* § 3359.3(d).

⁹⁷ Cal. Penal Code § 3550(k).

⁹⁸ Cal. Const. art. 1, § 28(b)(15).

⁹⁹ Cal. Penal Code § 3550(i).

¹⁰⁰ *Id.*

¹⁰¹ *Id.* § 2065(c)-(d).

¹⁰² *Id.* § 3550(h).

See *also* Cal. Penal Code § 3053 (2024) and Cal. Code Regs. tit. 15, § 2512-2513 (2024) for laws governing conditions of parole generally.

See reference to federal policy in note 80.

¹⁰³ Cal. Code Regs. tit. 15, § 3359.5(b) (2025).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* § 3359.5(b)(4).

¹⁰⁶ *Id.* § 3359.5 (b)(5).

¹⁰⁷ Cal. Penal Code § 3550(h). See *also* Cal. Code Regs. tit. 15, § 3359.5(b)(3).

Individuals may be required to pay for the cost of electronic monitoring unless the Department determines the individual is unable to pay (see Cal. Penal Code § 3004(c) (2025)).

¹⁰⁸ Cal. Penal Code § 3550(h).

¹⁰⁹ *Id.* § 3550(j).

¹¹⁰ *Id.* § 3550(h)(1). See Cal. Penal Code §§ 3000-3007.09, 3040-3073.1 (2025) for laws governing parole generally.

¹¹¹ *Id.* § 3550(h)(2). See Cal. Penal Code §§ 3000-3007.09, 3040-3073.1 for laws governing parole generally.

¹¹² Cal. Code Regs. tit. 15, § 3359.4(b).

¹¹³ *Id.* § 3359.3(e), referencing Cal. Code Regs. tit. 15, § 3075.2(d) (2025).

¹¹⁴ *Id.* § 3359.4(a).

¹¹⁵ *Id.* §§ 3359.3(a), 3359.5(b) (2025).

¹¹⁶ *Id.* § 3359.5(a).

¹¹⁷ *Hearing Process Handbook*, *supra* note 83, at 72.

¹¹⁸ Cal. Code Regs. tit. 15, § 3359.1(c).

¹¹⁹ *Hearing Process Handbook*, *supra* note 83, at 72.

¹²⁰ Cal. Penal Code § 3550(h); Cal. Code Regs. tit.15, § 3359.6(a)(1).

¹²¹ Cal. Code Regs. tit.15, § 3359.6(a)(2).

¹²² *Id.* § 3359.6(b)-(c).

¹²³ Cal. Penal Code § 3550(h)(1)-(2).

¹²⁴ California Board of Parole Hearings, *2023 Report of Significant Events 11* (Mar. 18, 2024) [hereinafter *2023 Report*] (on file with FAMM, Office of the General Counsel).

¹²⁵ California Board of Parole Hearings, *2024 Report of Significant Events 11* (May 15, 2025) [hereinafter *2024 Report*] (on file with FAMM, Office of the General Counsel).

¹²⁶ Cal. Penal Code § 3055(a).

¹²⁷ *Id.*; Cal. Code Regs. tit. 15, § 2449.40(a).

The sentence served can be either determinate (a set length) or indeterminate (life with the possibility of parole).

¹²⁸ Cal. Penal Code § 3055(g); California Board of Parole Hearings, *Elderly Parole Fact Sheet 1-2* (Mar. 2022) [hereinafter *Elderly Parole Fact Sheet*], https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2022/03/Elderly-Parole-Fact-Sheet3_18-1.pdf (click link from main site <https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/>).

Individuals sentenced under the “Three Strikes” laws or for first-degree murder of a peace officer are eligible for a court-ordered Elderly Parole program if they are 60 years old and have served 25 years of continuous incarceration (*Hearing Process Handbook*, *supra* note 83, at 7).

¹²⁹ Cal. Penal Code § 3055(h).

¹³⁰ *Id.* § 3055(e).

¹³¹ *Id.* § 3055(b)(1); Cal. Code Regs. tit. 115, § 3499.1(a).

Note that some regulations and policy documents use “elderly offender” or “elderly inmate” instead of “elderly incarcerated person.” The definitions are the same.

¹³² *Hearing Process Handbook*, *supra* note 83, at 10.

¹³³ Cal. Code Regs. tit. 15, § 3499.1(b)-(c).

¹³⁴ *Hearing Process Handbook*, *supra* note 83, at 8-9.

¹³⁵ Cal. Penal Code § 3041(a)(1) (2024).

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Hearing Process Handbook*, *supra* note 83, at 32.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.* at 22-25.

¹⁴² Cal. Penal Code § 3055(a).

¹⁴³ Cal. Code Regs. tit. 15, § 2449.42(a).

¹⁴⁴ *Id.*

¹⁴⁵ Cal. Penal Code § 3055(c); Cal. Code Regs. tit. 15, § 2449.42(b).

¹⁴⁶ Cal. Penal Code § 3055(c); Cal. Code Regs. tit. 15, § 2449.42(b).

¹⁴⁷ Cal. Code Regs. tit. 15, § 2449.43(a).

¹⁴⁸ *Id.* § 2449.43(b).

¹⁴⁹ *Id.* § 2449.43(c).

¹⁵⁰ *Hearing Process Handbook*, *supra* note 83, at 40.

¹⁵¹ Cal. Penal Code § 3055(d), referencing Cal. Penal Code § 3041.5 (2024) (discussing parole hearings and requests for an advanced hearing).

¹⁵² Cal. Code Regs. tit. 15, § 2449.41(b).

¹⁵³ *Id.* § 2449.41(e); *Hearing Process Handbook*, *supra* note 83, at 12-13.

¹⁵⁴ *Hearing Process Handbook*, *supra* note 83, at 13.

¹⁵⁵ Cal. Penal Code § 3043(a) (2025); *Hearing Process Handbook*, *supra* note 83, at 14.

¹⁵⁶ Cal. Code Regs. tit. 15, § 2449.92(a), citing Cal. Penal Code §§ 3040, 3041, 3041.5, 3041.7, 3042, 3043, 3043.1, 3043.2, 3043.25, 3043.3, 3043.5, 3043.6, 3044, 3046, 3051, 3051.1, 3055 (2024).

For more detailed information on the hearing process generally, including reviewing and submitting documentation, attendance, accommodations, the CRA, and the role of attorneys, *see Hearing Process Handbook*, *supra* note 83.

Note that some policies apply only to individuals serving life sentences, such as the right to an attorney and certain required notices (Cal. Penal Code §§ 3041.7, 3042, 3046).

¹⁵⁷ *Hearing Process Handbook*, *supra* note 83, at 19-20.

¹⁵⁸ Cal. Penal Code § 3041.59(a)(1).

¹⁵⁹ *Id.* § 3041.5(a)(2). Note this does not include speaking to a victim or their family who attend the hearing.

¹⁶⁰ Cal. Penal Code § 3055(i); Cal. Code Regs. tit. 15, § 2449.2(d).

¹⁶¹ Cal. Penal Code §§ 3043(b)(1), 3043.5(b).

¹⁶² *Hearing Process Handbook*, *supra* note 8, 51.

¹⁶³ *Id.* at 32.

¹⁶⁴ *Id.* at 53.

See Hearing Process Handbook, *supra* note 83, at 54-58 for more details on the domains and their criteria.

¹⁶⁵ *Id.* at 53.

¹⁶⁶ *Id.*

¹⁶⁷ Cal. Penal Code § 3055(e).

¹⁶⁸ *Id.* § 3055(f), referencing Cal. Penal Code § 3055(b)(3); Cal. Code Regs. tit. 15, § 2449.41(c).

Note that no Elderly Parole hearing is necessary if the individual is released pursuant to other statutory provisions prior to the date of the hearing.

¹⁶⁹ Cal. Penal Code § 3041.5(b)(3).

¹⁷⁰ Cal. Code Regs. tit. 15, § 2449.42(c).

¹⁷¹ *Elderly Parole Fact Sheet*, *supra* note 128.

¹⁷² *Hearing Process Handbook*, *supra* note 83, at 24.

¹⁷³ *Hearing Process Handbook*, *supra* note 83, at 24.

¹⁷⁴ *Id.* at 44.

¹⁷⁵ *Id.* at 45.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ Cal. Code Regs. tit. 15, § 3499.2.

¹⁸⁰ *2023 Report*, *supra* note 124, at 11.

Note these numbers include hearings for both the statutory and court-ordered Elderly Parole Programs.

¹⁸¹ *2024 Report*, *supra* note 125, at 11.

Note these numbers include hearings for both the statutory and court-ordered Elderly Parole Programs.