
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 1011 **Hearing Date:** July 1, 2025
Author: Hoover
Version: April 10, 2025
Urgency: No **Fiscal:** Yes
Consultant: CA

Subject: *Crimes: child abuse and neglect: sentence credits*

HISTORY

Source: Author

Prior Legislation: AB 3032 (Hoover), failed in Assembly Public Safety, 2024
AB 1746 (Hoover), failed in Assembly Public Safety, 2023
AB 3000 (Budget Committee), Ch. 1124, Stats. of 2022

Support: California Association of Highway Patrolmen; California State Sheriffs' Association; Child Abuse Prevention Center and its Affiliates Safe Kids California, Prevent Child Abuse California and the California Family Resource Association

Opposition: ACLU California Action; Californians United for a Responsible Budget; Ella Baker Center for Human Rights; Initiate Justice; Initiate Justice Action; Justice2jobs Coalition; LA Defensa; San Francisco Public Defender

Assembly Floor Vote: 74 - 0

PURPOSE

The purpose of this bill to make a person convicted of specified crimes against a child ineligible to earn credits typically awarded to an incarcerated firefighter.

Existing law provides that any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where their person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years. (Pen. Code, § 273a, subd. (a).)

Existing law provides that any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully

causes or permits that child to be placed in a situation where their person or health may be endangered, is guilty of a misdemeanor. (Pen. Code, § 273a, subd. (b).)

Existing law provides that any person convicted of child endangerment, who under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or injury that results in death, or having the care or custody of any child, under circumstances likely to produce great bodily harm or death, willfully causes or permits that child to be injured or harmed, and that injury or harm results in death, shall receive a four-year enhancement for each violation, in addition to the sentence provided for that conviction. This does not affect the applicability of murder or manslaughter laws. This section shall not apply unless the allegation is included within an accusatory pleading and admitted by the defendant or found to be true by the trier of fact. (Pen. Code, § 12022.95.)

Existing law provides that any person, having the care or custody of a child who is under eight years of age, who assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life. This does not affect the applicability of murder or manslaughter laws. (Pen. Code, § 273ab, subd. (a).)

Existing law allows for work time credits towards a state prison term to be earned, as specified. (Pen. Code, § 2933, subd. (a).)

Existing law provides that for every six months of continuous incarceration, except as specified, a person incarcerated in state prison may earn a six-month work-time credit reduction from their term of confinement (one-for-one post-sentence credit). (Pen. Code, § 2933, subd. (b).)

Existing law provides that a person who is assigned to a California Department of Corrections and Rehabilitation (CDCR) conservation camp and is eligible to receive one day of work-time credit for every one day of incarceration (one-for-one credits) shall instead receive two-for-one credits. The service performed must be after January 1, 2003. (Pen. Code, § 2933.3, subd. (a).)

Existing law provides that a prisoner who has completed training for assignment to a conservation camp or to a correctional institution as an incarcerated firefighter or who is assigned to a correctional institution as an incarcerated firefighter and is eligible to earn one-for-one credits shall receive two two-for-one credits. Application is limited to persons who are eligible after July 1, 2009. (Pen. Code, § 2933.3, subd. (b).)

Existing law allows an incarcerated person who has successfully completed training for a firefighter assignment to also receive a credit reduction from their confinement pursuant to regulations adopted by the secretary. Application is limited to persons who are eligible after July 1, 2009. (Pen. Code, § 2933.3, subd. (c).)

Existing law provides that for time spent in the county jail, a term of four days will be deemed to have been served for every two days spent in actual custody. (Pen. Code, § 4019.)

Existing law provides that a person in a county jail assigned to a conservation camp by a sheriff and who is eligible to earn day-for-day credits shall instead earn two-for-one credits. (Pen. Code, § 4019.2, subd. (a).)

Existing law provides that a person incarcerated in a county jail who has completed training for assignment to a conservation camp or to a state or county facility as an incarcerated firefighter or who is assigned to a county or state correctional institution as an incarcerated firefighter and who is eligible to earn day-for-day credits shall instead earn two-for-one credits. Application is limited to those eligible after October 1, 2011. (Pen. Code, § 4019.2, subd. (b).)

Existing law allows persons incarcerated in a county jail who have successfully completed training for firefighter assignments to also receive a credit reduction from their term of confinement. Application is limited to those eligible after October 1, 2011. (Pen. Code, § 4019.2, subd. (d).)

Existing law states that a person convicted of a violent felony may not use work-time credits to reduce their term by more than 15%. (Pen. Code, § 2933.1.)

Existing law prohibits a person convicted of murder from accruing work-time or program credit reductions. (Pen. Code, § 2933.2.)

This bill provides that a person incarcerated in state prison, who was convicted of child endangerment resulting in death or assault of a child under eight years of age resulting in death, is ineligible to earn two days of credit for every one day of service (two-for-one credits) at a California Department of Corrections and Rehabilitation (CDCR) conservation camp as an incarcerated firefighter.

This bill provides that a person incarcerated in the county jail, who was convicted of these offenses, is similarly ineligible to earn two-for-one credits for this service.

COMMENTS

1. Need for This Bill

According to the author:

Child abuse is always heartbreaking but when it results in death it is the worst kind of tragedy. Unfortunately, child abuse happens far too frequently in our country and usually at the hands of a parent or caretaker. Under California law, child abuse is considered a “non-serious, non-violent” offense. That means when an individual is found guilty of this crime, the offender qualifies for early release programs. That is also true even when the abuse results in a child’s death. This bill would prohibit a person whose abuse causes a child’s death from being eligible to serve in a conservation/fire camp, which is the state’s most generous early release program. Killing a child is a horrific crime and should be treated as such.

2. **Conservation (Fire) Camps:** According to CDCR’s website: “The primary mission of the Conservation (Fire) Camp Program is to support state, local and federal government agencies as they respond to emergencies including fires, floods, and other natural or disasters. Additionally, hand crews respond to rescue efforts in local parks or flood suppression. “CDCR, in cooperation with the California Department of Forestry and Fire Protection (CAL FIRE) and the Los Angeles County Fire Department (LACFD), jointly operates 35 conservation camps, commonly known as fire camps, located in 25 counties across

California. All camps are minimum-security facilities and staffed with correctional staff.” (<https://www.cdcr.ca.gov/facility-locator/conservation-camps/> [as of June 17, 2025].)

The conservation camp can be a vital part of a person’s rehabilitation. “Just as in every CDCR prison, every conservation camp offers rehabilitative and educational services, including substance abuse programs, religious programs, and GED.” (<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/> [as of June 17, 2025].)

The participants are volunteers and must have “minimum custody” status – i.e., the lowest-security classification for an incarcerated person based on good behavior, following rules, and participating in rehabilitative programing. Minimum custody status notwithstanding, the person must have eight years or less remaining on their sentence to be considered. Moreover, certain convictions automatically make a person ineligible for a conservation camp assignment. (<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/>, *supra*.)

Persons are excluded from fire camp based on any of the following: a conviction requiring sex offender registration; a life sentence; a sentence for escape within the last 10 years; an arson conviction; a felony hold; validated active or inactive prison gang membership or association; a public interest case; current or prior convictions of murder, rape, or kidnap (violent felonies); or a pattern of excessive misconduct or disruption of the orderly operations of the institution. (https://www.cdcr.ca.gov/facility-locator/conservation-camps/fire_camp_expungement/ [as of June 17, 2025].)

Most incarcerated fire crew members receive 2-for-1 credits, meaning they receive two additional days off their sentence for every one day they serve on a fire crew. Camp volunteers who work as support staff, but not on a fire crew, receive day-for-day credits, meaning they receive one day off their sentence for every one day they serve as a firefighter. (<https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/>, *supra*.)

This bill provides that incarcerated persons in state prison, who have been convicted of specified child endangerment and abuse offenses resulting in the child’s death, may not earn enhanced credits for their service as an incarcerated firefighter. Anyone convicted of assault of a child under eight years of age resulting in death is currently excluded from participation in Conservation (Fire) Camp by virtue of the life sentence. (See Pen. Code, § 273ab.) If the death of the child results in a murder conviction, the incarcerated person is also already excluded.

3. Constitutional Authority to Award Credits Given to CDCR in Proposition 57:

Proposition 57 was passed by the electorate (Ballot Pamp., Gen. Elec. Nov. 8, 2016) and implemented as Article I, section 32 of the California Constitution. Section 32, subdivision (a)(2) of Article I states: “Credit Earning: The Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or educational achievements.” Thus Proposition 57 gave CDCR the authority to create its own credit rules. (See <https://www.capolicylab.org/wp-content/uploads/2022/08/Three-Strikes-in-California.pdf> at p. 8 [as of June 17, 2025].)

Under current CDCR regulations, full-time conservation workers and people training for these jobs may earn credits at a rate of 66.6% (two-for-one credits). However, if the person has a violent felony conviction, they may only earn credits at a rate of 50% (one-for-one credits). (<https://www.cdcr.ca.gov/proposition57/> [as of June 17, 2025].)

This bill would arguably not affect CDCR's authority to nonetheless grant enhanced credits for an inmate's post-sentence participation in these programs or training, pursuant to Proposition 57. "By its plain terms, article I, section 32, subdivision (a)(2) authorizes the Department to award—or to not award—conduct credits as it sees fit." (*In re Canady* (2020) 57 Cal.App.5th 1022, 1034, citing *Brown v. Superior Court* (2016) 63 Cal.4th 335, 359, 361 (dis. opn. of Chin, J.)) "The broad and permissive language of article I, section 32, subdivision (a)(2) suggests that the voters intended for the Department to have substantial discretion in determining how credits are applied to early parole consideration...." (*In re Canady*, *supra*, 57 Cal. App.5th at p. 1034.)

4. Sheriff Fire Camp Programs:

Under Penal Code section 4019.2, persons incarcerated in a county jail may similarly earn credits for participation in a sheriff's conservation camp or successful completion of training for assignment to a conservation camp or as an incarcerated firefighter. An individual eligible to earn one day of credit for every day of incarceration (one-for-one credits) would instead be able to earn two days of credit for every one day served (two-for-one credits).

The use of such programs, as well as standards and training, can vary by county. For example, the San Diego County Sheriff's Department, in recognizing the usefulness of reentry services, offers a fire camp program collaboratively administered by Cal Fire and CDCR. To be eligible, the incarcerated person must be sentenced under realignment (Pen. Code, § 1170, subdivision (h)). (<https://www.sdsheriff.gov/bureaus/detention-services-bureau/county-parole-and-alternative-custody> [as of June 17, 2025].) Realignment, as passed by California voters in 2011, diverts defendants convicted of less serious felonies to serve their time in local county jail rather than in state prison. Persons are excluded from realignment if they have suffered a serious or violent felony conviction, aggravated theft conviction, or are required to register as a sex offender. (Pen. Code, § 1170, subd. (h)(3).)

This bill would prohibit persons convicted of specified child endangerment and abuse offenses resulting in the death of the child from earning enhanced credits for their service as an incarcerated firefighter or after completing incarcerated firefighting training. Anyone convicted of assault of a child under eight years of age resulting in death is currently excluded from realignment by virtue of the state prison sentence attendant to the offense, and thus wouldn't be eligible to participate in, for example, the San Diego Sheriff's fire camp program. (See Pen. Code, § 273ab.)

5. Argument in Support

According to the California State Sheriffs' Association:

Existing law provides generous sentencing credits for most offenders who go to prison or jail, especially those assigned to a conservation camp or who serve as an inmate firefighter.

Limiting credit earning opportunities for sentences related to these violations is an appropriate sanction to highlight the severity of the offense....

6. Argument in Opposition

According to the American Civil Liberties Union California Action:

AB 1011 will lead to higher prison costs and higher recidivism rates, with no improvement in public safety.

The commission of such harm against a child already carries steep penalties. Existing law makes it a crime for a person who has the care or custody of a child to willfully cause or permit the person or health of that child to be injured or willfully cause or permit that child to be placed in a situation where the child's health may be endangered. Existing law imposes a 4-year enhancement on a person who violates that provision and who willfully causes or permits a child to suffer, inflicts unjustifiable physical pain or injury that results in death, or, having the care or custody of a child, willfully causes or permits that child to be injured or harmed and that injury or harm results in death. Existing law also requires a person who, having the care or custody of a child who is under 8 years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, to be punished by imprisonment in the state prison for 25 years to life.

AB 1011 will not prevent child neglect or support families - it is an attempt at degrading the opportunity for rehabilitation and good conduct credits, which are strongly supported by California voters. Under existing law, people in prison can earn 2 days of credit for every one day served as an incarcerated firefighter or upon completion of firefighter training. This bill would deny these credits altogether if someone has a child abuse related conviction as outlined by AB 1011. Furthermore, AB 1011 is misguided in the wake of the incredible heroism and bravery of incarcerated firefighters in response to the Los Angeles fires of January 2025. We should not deny firefighter credits based on a certain conviction, especially when there is no legitimate connection between the conviction and participation in a fire program. Good conduct credits are not a "get out of jail free" card as opponents claim it be - instead, they are one of the most important investments into rehabilitation and education programming California has ever enacted. We should be incentivizing as many incarcerated people towards such programming as possible to help them turn their lives around, not curtailing access.

Furthermore, significant research has found that lengthy prison terms do not have a strong deterrent effect on future crime.¹

– END –

¹ National Institute of Justice, *Five Things About Deterrence*, U.S. Department of Justice (2016).