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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** SB 906                      **Hearing Date:** April 21, 2026  
**Author:** Jones  
**Version:** March 11, 2026  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Parole: closed session*

## HISTORY

**Source:** Author

**Prior Legislation:** SB 81 (Skinner), vetoed, 2023

**Support:** Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Baptist for Biblical Values; California Coalition of School Safety Professionals; California District Attorneys Association; California Narcotic Officers' Association; California Reserve Peace Officers Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; The California Baptist Capitol Ministry

**Opposition:** All of Us or None; California Coalition for Women Prisoners; California Public Defenders Association; Friends Committee on Legislation of California; Justice2Jobs Coalition; La Defensa; Legal Services for Prisoners With Children; Smart Justice California; UnCommon Law

## PURPOSE

*The purpose of this bill is to require: 1) an en banc review by the Board of Parole Hearings (BPH or board) to be conducted by all, rather than a majority, of commissioners holding office on the date the matter is heard by the board; 2) require the board's decision to grant or deny parole to be a public record and the vote of each commissioner to be a public record; and 3) prohibit an en banc review conducted by the board from being held in a closed session.*

*Existing law* establishes the Board of Parole Hearings (BPH) which is comprised of 21 commissioners, who are appointed by the Governor and subject to Senate confirmation, for three-year terms. (Gov. Code, § 12838.4.)

*Existing law* requires the board to meet with each incarcerated person during the sixth year prior to the inmate's minimum eligible parole date (MEPD) for the purposes of reviewing and documenting the incarcerated person's activities and conduct pertinent to both parole eligibility. Requires that the board to provide the incarcerated person with information about the parole hearing process, legal factors relevant to their suitability or unsuitability for parole, and individualized recommendations for the person regarding their work assignments, rehabilitative programs, and institutional behavior during the consultation. (Pen. Code, § 3041, subd. (a)(1).)

*Existing law* requires a panel of two or more commissioners or deputy commissioners to meet with the incarcerated person that one year prior to the inmate's MEPD. Provides that the panel shall normally grant parole. (Pen. Code, § 3041, subd. (a)(2).)

*Existing law* requires, in the event of a tie vote, the matter to be referred for an en banc review of the record that was before the panel that rendered the tie vote. Requires the board to vote to either grant or deny parole and render a statement of decision upon en banc review. (Pen. Code, § 3041, subd. (a)(3).)

*Existing law* requires that an incarcerated person be released upon a grant of parole, subject to all applicable review periods. Prohibits the release of an incarcerated person who has not reached their MEPD unless the incarcerated person is eligible for earlier release pursuant to their youth offender parole eligibility date or elderly parole eligible date. (Pen. Code, § 3041, subd. (a)(4).)

*Existing law* requires the panel or board, sitting en banc, to grant parole to an incarcerated person unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. (Pen. Code, § 3041, subd. (b)(1).)

*Existing law* prohibits a decision of a panel from being disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting. (Pen. Code, § 3041, subd. (b)(3).)

*Existing law* provides that an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. (Pen. Code, § 3041, subd. (e).)

*Existing law* requires that an en banc review be conducted in compliance with the following:

- The commissioners conducting the review must consider the entire record of the hearing that resulted in the tie vote.
- The review must be limited to the record of the hearing. Requires the record to consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. Prohibits new evidence or comments from being considered in the en banc proceeding.
- The board must separately state reasons for its decision to grant or deny parole.
- A commissioner who was involved in the tie vote must be recused from consideration of the matter in the en banc review.  
(Pen. Code, § 3041, subd. (e).)

*Existing law* authorizes the Governor, any time before an incarcerated person's release, to request review of a decision by a parole authority concerning the grant or denial of parole to any inmate in a state prison. Requires the Governor to state the reason or reasons for the request, and whether the request is based on a public safety concern, a concern that the gravity of current or past convicted offenses may have been given inadequate consideration, or on other factors. (Pen. Code, § 3041.1, subd. (a).)

*Existing law* requires the request, if one has been made, to be reviewed by a majority of commissioners specifically appointed to hear adult parole matters and who are holding office at the time. Requires, in case of a review, a vote in favor of parole by a majority of the commissioners reviewing the request to be required to grant parole to any incarcerated person. (Pen. Code, § 3041.1, subd. (b).)

*Existing law* provides that it is the intent of the Legislature that, during times when there is no backlog of incarcerated individuals awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings will be conducted by a panel of three or more members, the majority of whom must be commissioners. Requires BPH to report monthly on the number of cases where an incarcerated individual has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required, as specified, unless the person has waived the right to those timeframes. Provides that the report is to be considered the backlog of cases and must include information on the progress toward eliminating the backlog, and on the number of incarcerated individuals who have waived their right to the above timeframes. (Pen. Code, § 3040, subd. (d).)

*Existing law*, the Bagley-Keene Open Meeting Act, generally requires the proceedings of public state agencies to be conducted openly so that the public may remain informed. (Gov. Code, § 11120.)

*Existing law* contains several exemptions to the Bagley-Keene Open Meeting Act, including an exemption that allows a state body to hold a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case. (Gov. Code, § 11126.)

*This bill* requires an en banc review by the board to be conducted by all, rather than a majority, of commissioners holding office on the date the matter is heard by the board.

*This bill* requires the board's decision to grant or deny parole to be a public record. Requires the vote of each commissioner to be a public record.

*This bill* prohibits an en banc review conducted by the board from being held in a closed session.

## COMMENTS

### 1. Need For This Bill

According to the author:

While California law generally promotes transparency in state decision-making, parole determinations fall within a statutory exception that permits closed-session

deliberations. As a result, when cases are elevated to the full Board, there is no requirement to disclose how commissioners voted or to provide a clear public record of the outcome. This lack of transparency limits the ability of policymakers, victims, and the public to evaluate whether parole standards are being applied consistently.

SB 906 addresses this gap by requiring full Board participation in en banc and Governor-requested reviews and by making each commissioner's vote and the final decision a matter of public record. The bill does not change parole eligibility criteria or release standards. Instead, it ensures that decisions of significant public consequence are made in a manner consistent with California's broader commitment to transparency and accountability.

## 2. Parole Suitability

Incarcerated individuals who are indeterminately sentenced must be granted parole by the BPH in order to be released from prison. The Penal Code provides that the parole board "shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual." (Pen. Code, § 3041, subd. (b).) The fundamental consideration when making a determination about an individual's suitability for parole is whether the individual currently poses an unreasonable risk of danger to society if released from prison. (*In re Shaputis* (2008) 44 Cal.4th 1241.) The decision whether to grant parole is an inherently subjective determination. (*In re Rosenkrantz* (2002) 29 Cal.4th 616, 655.)

In deciding whether to grant parole, the BPH must consider all relevant and reliable information available. (Cal. Code Regs., tit. 15, § 2281, subd. (b).) Factors the BPH must consider include the nature of the commitment offense, including the circumstances of the person's social history; past and present mental state; past criminal history, including involvement in other criminal misconduct which is reliably documented; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment or control, including the use of special conditions under which the individual may safely be released to the community; and any other information which bears on the individual's suitability for release. (Cal. Code Regs., tit. 15, §§ 2281, subd. (b).) The regulations further state that "[c]ircumstances which taken alone may not firmly establish unsuitability for parole may contribute to a pattern which results in a finding of unsuitability." (*Ibid.*)

Although the parole board is required to consider the circumstances of the offense, the California Supreme Court has held that the parole board may not rely solely on the commitment offense when deciding to grant parole unless the circumstances of the offense "continue to be predictive of current dangerousness." (*In re Lawrence* (2008) 44 Cal.4th 1181, 1221.) The parole board is prohibited from requiring an admission of guilt to any crime for which an incarcerated person was committed to CDCR when considering whether to grant an inmate parole. (Pen. Code, § 5011, subd. (b).) However, "an implausible denial of guilt may support a finding of current dangerousness, without in any sense requiring the inmate to admit guilt as a condition of parole....it is not the failure to admit guilt that reflects a lack of insight, but the fact that the denial is factually unsupported or otherwise lacking in credibility." (*In re Shaputis* (2011) 53 Cal.4th 192, 216.) Although the term "insight" is not explicitly included in the regulations, the

regulations “direct the Board to consider the inmate’s ‘past and present attitude toward the crime’ and ‘the presence of remorse,’ expressly including indications that the inmate ‘understands the nature and magnitude of the offense’.... fit[ting] comfortably within the descriptive category of ‘insight.’” (*Id.* at p. 218 (citations omitted).)

Additional guidance for making parole suitability determinations is provided in the regulations which list circumstances tending to show suitability and those tending to show unsuitability. The following circumstances tend to show unsuitability for release:

- The person committed the offense in an especially heinous, atrocious or cruel manner. The factors to be considered include:
  - Multiple victims were attacked, injured or killed in the same or separate incidents.
  - The offense was carried out in a dispassionate and calculated manner, such as an execution-style murder.
  - The victim was abused, defiled or mutilated during or after the offense.
  - The offense was carried out in a manner which demonstrates an exceptionally callous disregard for human suffering.
  - The motive for the crime is inexplicable or very trivial in relation to the offense.
- The person on previous occasions inflicted or attempted to inflict serious injury on a victim, particularly if the incarcerated person demonstrated serious assaultive behavior at an early age.
- The person has a history of unstable or tumultuous relationships with others.
- The person has previously sexually assaulted another in a manner calculated to inflict unusual pain or fear upon the victim.
- The person has a lengthy history of severe mental problems related to the offense.
- The person has engaged in serious misconduct in prison or jail. (Cal. Code of Regs., tit. 15, § 2281, subd. (c).)

The following are circumstances tending to show suitability:

- The person does not have a record of assaulting others as a juvenile or committing crimes with a potential of personal harm to victims.
- The person has experienced reasonably stable relationships with others.
- The person performed acts which tend to indicate the presence of remorse, such as attempting to repair the damage, seeking help for or relieving suffering of the victim, or indicating that he understands the nature and magnitude of the offense.
- The person committed his or her crime as the result of significant stress in his or her life, especially if the stress has built over a long period of time.
- At the time of the commission of the crime, the person suffered from Battered Woman Syndrome, as defined, and it appears the criminal behavior was the result of that victimization.
- The person lacks any significant history of violent crime.
- The person’s present age reduces the probability of recidivism.
- The person has made realistic plans for release or has developed marketable skills that can be put to use upon release.
- Institutional activities indicate an enhanced ability to function within the law upon release. (Cal. Code of Regs., tit. 15, § 2281, subd. (d).)

The circumstances which tend to show suitability and unsuitability for parole are set forth as general guidelines, and the importance attached to any circumstance or combination of circumstances in a particular case is left to the judgment of the panel. (Cal. Code of Regs., tit. 15, § 2281, subs. (c) & (d).)

### 3. En Banc Review

Cases are referred for en banc review when a parole suitability hearing ends with a tie vote regarding whether to grant the person parole (occurs when there is a two-person hearing panel), when the Chief Counsel of BPH refers the case, and when the Governor requests review of a parole decision. (Pen. Code, §§ 3041, subs. (a), (b), (e); 3041.1; See also BPH, *The California Parole Hearing Process Handbook* (Mar. 8, 2024), pp. 91-92 <<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>> [hereafter Parole Handbook].) Under Penal Code section 3041, subdivision (a)(5), a member of the hearing panel may also refer a case for en banc review.

The Board meets monthly over a few days at its headquarters in Sacramento to manage the Board's business, including reviewing cases that are referred for en banc review. BPH's Parole Hearing Process Handbook describes the monthly executive meetings as follows:

The Board holds an executive board meeting each month, which is open to the public. The meetings are conducted over two or more days. Members of the public may attend in person, by video, or by phone, as indicated on the meeting agenda. The meeting agenda, including all the decisions or "cases" that will be considered at the meeting, is posted on the Board's website at least 10 calendar days before the date of the meeting. For all cases listed on the agenda, the Board notifies the incarcerated person, their attorney, the prosecutor, and any registered victims and victims' family members. At the monthly executive board meeting, panels of commissioners hear public comment on the cases. Comments may be submitted in writing to the Board before the meeting. Those who want to speak during the meeting may attend the meeting and provide their comments. Comments are generally limited to two minutes per speaker. Once public comments have been received, the Board goes into closed session to deliberate and vote on each case. (BPH, *Parole Handbook, supra*, at p. 46 (internal footnotes omitted).)

The Board consists of 21 parole commissioners. (Gov. Code, § 12838.4.) Penal Code section 3041, subdivision (e), provides that an en banc review by the board means "a review conducted by a majority of commissioners holding office on the date the matter is heard by the board." Section 3041 requires an en banc review to comply with the following:

- The commissioners conducting the review must consider the entire record of the hearing that resulted in the tie vote.
- The review must be limited to the record of the hearing. The record must consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments is prohibited from being considered in the en banc proceeding.
- The board must separately state reasons for its decision to grant or deny parole.

- A commissioner who was involved in the tie vote must be recused from consideration of the matter in the en banc review.

The agenda for the monthly executive meeting typically divides agenda items to be voted on between two groups of commissioners with each group consisting of a majority of commissioners (i.e., more than half of the total number of commissioners but fewer than the entire board). (See BPH, *Executive Board Meeting, April 2026 Agenda*, pp. 4, 11-12 <<https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2026/04/April-2026-Agenda-FINAL.pdf>>.)

**4. BPH Backlog**

Penal Code section 3041, subdivision (d), provides: “It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings will be conducted by a panel of three or more members, the majority of whom shall be commissioners.” Section 3041 requires BPH to report monthly on the number of cases where an incarcerated person has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by Section 3041.5, unless the person has waived the right to those timeframes. This monthly number of cases is considered the backlog of cases, and existing law requires that the report include information on the progress toward eliminating the backlog. This report is public and transmitted to the Legislature quarterly.

The following data was provided to this Committee in January 2026 regarding the backlogged lifer parole hearings for the quarterly periods covering January 1, 2025-December 31, 2025:

Quarter	Total Number of Suitability Hrgs Action Taken	Total Number of Suitability Hrgs Backlogged	Changes in Backlogged Hearings
Jan.-Mar. 2025	2033	255	+55
Mar.-Jun. 2025	1882	301	+46
Jul.-Sept. 2025	2142	249	-52
Oct.-Dec. 2025	1825	205	-44

**5. Effect of This Bill**

This bill has three components. First, it requires an en banc review by the board to be conducted by all, rather than a majority, of BPH commissioners holding office on the date the matter is heard by the board. Second, it requires the board’s decision to grant or deny parole to be a public record and the vote of each commissioner to be a public record. Finally, it prohibits an en banc review conducted by the board from being held in a closed session.

This bill raises several questions regarding its impact on BPH’s operations. First, what will be the impact of the requirement that the entire board vote on all matters subject to en banc review? Given that the monthly executive meetings last at least two days and require preparation for each agenda item, how many days per month will each commissioner spend preparing for and attending the monthly meeting? It is important to note that any time a commissioner spends preparing for the monthly meeting, traveling to or from the meeting, or at the meeting, is time that commissioner will not be presiding over parole suitability hearings, rescission hearings,

consultations, or any other matter that the commissioner would have otherwise presided over. When this impact is multiplied by multiple commissioners monthly and annually, it appears that this bill will have a significant impact on the board's operations leading to an increase in the parole backlog. Although not the focus of this Committee, it is worth noting that every day an individual is incarcerated in a state prison longer than they otherwise would has an objective cost.

Second, requiring the board's deliberations to be held in open session raises questions about the likely outcome. Given that most of the cases that the board reviews involve difficult subject matter and graphic depictions of violent crimes and considering some of these cases receive intense media coverage that may stir up emotions, there are arguably legitimate reasons that the board's deliberations are exempt from the state's open meetings law. In an era of social media virality, doxxing, and an uptick in threats, violence, or attempted violence against elected officials and civil servants serving in public-facing roles, there are arguably serious security risks attached to requiring the deliberative process to be public. The same could be true of requiring each commissioner's vote on a particular matter—not just the board's decision as a whole—to be public.

## 6. Argument in Support

According to the California Baptist Capitol Ministry:

SB 906, which would close the loophole in state law that allows the California Board of Parole Hearings to conduct its meetings and votes in secret, shielded from the public oversight that governs virtually every other taxpayer-funded board and commission in the state.

The California Board of Parole Hearings is currently exempt from the Bagley-Keene Open Meeting Act, meaning that its hearings and vote records are hidden from the public. This exemption has enabled the board to release violent sex offenders and other serious criminals with no public knowledge, no public input, and no accountability. Victims and their families have been denied the ability to know who is voting to release the individuals who harmed them. Californians have a right to know what is happening in these hearings and who bears responsibility for these decisions.

SB 906 would bring the parole board under California's open meetings framework, requiring transparency in its proceedings and vote records. A government that acts in secret on matters of public safety is a government that is not accountable to the people it serves. Victims, families, and all Californians deserve to know when dangerous individuals are being considered for release and who is making those decisions.

... Government that conceals its actions from those it governs fails in its most basic duty. SB 906 restores accountability to a process that has operated in the shadows for far too long.

## 7. Argument in Opposition

The Friends Committee on Legislation writes:

This bill prohibits the Board of Parole Hearings (BPH) from conducting en banc reviews in closed sessions and requires all commissioners to participate in an en banc review. The en banc review would take place in the public part of the Executive Board meeting, and the vote of each commissioner would be published. Changing these practices would further politicize the parole hearing process by making each commissioner's vote publicly identifiable and may discourage commissioners from making evidence-based decisions in high-profile cases to protect from individual backlash. Requiring all commissioners to be present could also cause an unnecessary administrative and scheduling burden in an already taxed system.

The California Board of Parole Hearings (BPH) determines if people serving life sentences with parole eligibility are suitable for release, focusing on whether they pose an "unreasonable risk of danger." The process involves pre-hearing assessments, a hearing with testimony, and a review of suitability factors like behavior, remorse, and rehabilitation, followed by a decision review period. In certain circumstances, the Board will conduct an en banc review, defined as a review of the parole decisions conducted by a majority of commissioners holding office on the date the matter is heard by the Board. An en banc review is typically triggered by a request from the Governor, a tie vote, or legal review within 120 days of a grant. A majority of commissioners review the record to affirm, vacate, send for a rescission hearing, or modify the previous panel's decision. At an en banc hearing, the Board accepts comments from the public related to the candidate's suitability for parole and reviews comments submitted in writing before making a decision on the case in a closed session.

The purpose of the en banc review process is to ensure consistency in parole decisions and to correct errors of law or fact. A more politicized en banc process could prevent commissioners from making fair and reasoned parole decisions, undermining rehabilitation and public safety. In high profile cases, for example, the risk of being publicly targeted or attacked may reasonably discourage commissioners from making evidence-based decisions.

Requiring open sessions for the decision portion of the en banc review process would open the door to the targeting of individual commissioners based on their decisions. In recent months, commissioners have been threatened based on their decisions to uphold parole grants in high profile cases. Given the hostility of the current climate, requiring open sessions and identifiable votes would create undue risk for commissioners, including risk to their physical safety.

En banc decisions include discussion of mental health and medical records, comprehensive risk assessments, drug treatment records, and other sensitive, confidential, or protected information that should not be and may not legally be shared in a fully public setting.

Currently, a majority of commissioners are required to be present for en banc reviews, which occur monthly. Requiring all 21 commissioners to be present risks delaying reviews indefinitely, raising the possibility of a variety of legal challenges on the basis of due process.

**-- END --**