
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 2232 **Hearing Date:** June 30, 2026
Author: Patterson
Version: April 23, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Parole advancement hearings: reporting*

HISTORY

Source: Placer County District Attorney

Prior Legislation: SB 81 (Skinner), vetoed, 2023
AB 89 (Sanchez), held in Senate Appropriations, 2023
SB 412 (Archuleta), Ch. 712, Stats. of 2023
SB 1341 (Hueso), not heard in Senate Public Safety, 2016
AB 487 (Gonzalez), vetoed, 2015

Support: (EM)power + Resilience Project; California State Sheriffs' Association; Los Angeles County District Attorney's Office; The California Baptist Capitol Ministry

Opposition: Initiate Justice

Assembly Floor Vote: 65 - 0

PURPOSE

The purpose of this bill is to require the Board of Parole Hearings (BPH) to maintain a written summary of all decisions to grant or deny requests to advance parole hearing dates and to collect and publish annual data regarding requests to advance parole hearing dates and administrative review processes of those requests.

Existing law entitles victims to be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender. (Cal. Const., art. I, § 28, subd. (b)(15).)

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 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 requires BPH to send the incarcerated person a written statement setting forth the reason or reasons for denying parole within 20 days following a parole denial. (Pen. Code, § 3041.5, subd. (b)(2).)

Existing law outlines the timing of an incarcerated person's next parole hearing following a parole denial. (Pen. Code, § 3041.5, subd. (b)(3).)

Existing law authorizes the board in its discretion, after considering the views and interests of the victim, to advance a hearing to an earlier date, when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (b)(4).)

Existing law provides that an incarcerated individual may request that the board exercise its discretion to advance a hearing (following a parole denial) to an earlier date, by submitting a written request to the board, with notice, upon request, and a copy to the victim. Requires the request to set forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (d)(1).)

This bill requires BPH, in coordination with the Department of Corrections and Rehabilitation (CDCR), to collect and publish annual data regarding requests to advance parole consideration hearing dates and administrative review processes of those requests.

This bill requires BPH to submit the report to the Legislature by March 1, 2027, and annually thereafter. Requires BPH to make the report publicly available on its website on March 1, 2027, and annually thereafter.

This bill requires the report to include all of the following:

- Volume and outcomes, including:
 - Total number of requests to advance parole consideration hearing dates filed.

- Total number of requests to advance parole consideration hearing dates granted, denied, and pending.
- Percentage of requests to advance parole consideration hearing dates granted.
- Number of hearings advanced through administrative review by the board versus the number of hearings advanced through requests by incarcerated persons.
- Timing and impact, including:
 - Average duration of an incarcerated person's denial period for advancement of a parole consideration hearing date.
 - Average time during an incarcerated person's denial period that a request to advance a parole consideration hearing date is granted, expressed in months or years into an incarcerated person's denial period.
 - Frequency of repeat advancement requests.
- General criteria and factors relied upon in granting or denying advancement, including all of the following:
 - Evidence of rehabilitation.
 - Institutional behavior.
 - Nature of psychological evaluations.
 - Nature and severity of the offense.
 - Rehabilitation metrics, including:
- Types of rehabilitative programming considered, including cognitive behavioral interventions.
 - Completion rates of programming recommended by the board.
 - Correlation, if any, between program completion and advancement decisions.
 - The amount of time the incarcerated person waited to be admitted into these programs.
- Victim considerations, including:
 - Whether victim notification was provided.
 - Whether victim input was received and considered.
 - General categories of victim concerns raised.
 - Measures taken to ensure compliance with victim rights pursuant to Section 28 of Article I of the California Constitution (Marsy's Law).
 - Outcomes of hearings that are advanced, including:
 - Grant rates for advanced hearings versus regularly scheduled hearings.
 - Time to release following advancement of the hearing.
 - Any available recidivism or return-to-custody data.

This bill requires BPH to maintain a written summary of the decision for each request to advance a parole consideration hearing date made by an incarcerated person. Specifies that the summary include the basis for approval or denial and the primary factors considered.

This bill requires that the summaries be made available to all of the following: the incarcerated person or their counsel; the victim or next of kin, upon request; and the district attorney's office.

This bill includes a sunset provision that the bill is repealed on January 1, 2032.

COMMENTS

1. Need For This Bill

According to the author:

There should be transparency and accountability in the parole process. While individuals may request that their parole consideration hearing be advanced, there is currently limited information available regarding how often these requests are granted or denied and the factors that drive those decisions. This bill increases transparency by requiring the Board of Parole Hearings to document and report on requests to advance parole hearings, providing policymakers, victims, families, and the public with greater insight into how these decisions are made. Greater transparency promotes confidence in the parole system and helps ensure consistency and accountability in its administration.

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.)

3. Advancement of Parole Hearings

When a person is denied parole at a parole hearing, the hearing panel will decide the denial length (i.e., the amount of time until the person’s next parole hearing). The parole denial length is between 3 and 15 years. (Pen. Code, § 3041.5, subd. (b)(3).) Once BPH has set the date of the person’s next parole hearing, the future hearing date can be advanced one of two ways: the incarcerated person can file a petition to advance their next hearing date or BPH may advance the hearing on its own. (Pen. Code, § 3041.5, subds. (b)(4), (d)(1).) Both processes allow for the hearing date to be advanced when there is a change in circumstance or new information establishes a reasonable likelihood that public safety does not require the person to remain incarcerated. (*Ibid.*)

Petition to advance

An incarcerated person may submit a petition to advance their next hearing to BPH. (Pen. Code, § 3041.5, subd. (d)(1).) The petition to advance may be filed at any time after their first parole hearing, even if the person stipulated to being unsuitable for parole at that hearing. (Cal. Code Regs., tit. 15, § 2150.) A petition to advance a parole hearing may only be submitted once every three years from the date of the Board’s decision approving or denying their last petition. (Pen.

Code, § 3041.5, subd. (d)(3).) A person may not submit a petition to move up the date of their initial parole hearing; the timing of a person's first parole hearing is generally determined by statute. In the petition, the incarcerated person must describe a change in circumstances or new information establishing there is a reasonable likelihood that public safety does not require them to serve more time in prison. (Pen. Code, § 3041.5, subd. (d)(1).)

Administrative review

After considering the views and interests of the victim and their family members, BPH may advance an incarcerated person's next parole hearing date if the Board finds there has been a change in circumstances or new information establishing a reasonable likelihood that public safety does not require the person to serve more time in prison. (Pen. Code, § 3041.5, subds. (b)(4).) BPH may review an incarcerated person's circumstances at any time to determine if there is a reasonable likelihood they are suitable for parole. (*In re Vicks* (2013) 56 Cal.4th 274.) The Board uses the "administrative review" process to identify incarcerated persons who have a good possibility of being found suitable for parole and review their cases to determine if the Board should advance their next hearing date.

To determine if a hearing should be advanced, the Board conducts an administrative review of all incarcerated persons denied parole for a period of three years who have a low or moderate overall risk rating on their most recent comprehensive risk assessment. (Cal. Code Regs., tit. 15, §§ 2153-2154.) This review happens 11 months after the person's parole hearing. (*Ibid.*) The Board initially screens each case to see if the case meets the criteria for a full review—a "review on the merits." If any of the following apply, the case will be screened out and the Board will not conduct a full review:

- The incarcerated person stipulated to unsuitability at their last parole hearing;
- The person's last parole hearing resulted in a denial of more than three years;
- The person's overall risk rating was high on their most recent comprehensive risk assessment;
- The person or their attorney submitted a petition to advance since their last parole hearing, which was either approved or denied (i.e., "reviewed on the merits");
- The person was found guilty of a specified serious rule violation since their last parole hearing; The person was convicted of a new crime since their last parole hearing; or
- The person's next hearing date has already been advanced since their last parole hearing. (Cal. Code Regs., tit. 15, § 2154.)

If none of the above apply, the Board will conduct a full review of the case and decide whether to move up the person's next parole hearing date.

In addition to the process outlined above, BPH may initiate an administrative review—referred to as an "ad hoc administrative review"—of an incarcerated person at any time to determine whether to advance the date of the person's next parole hearing. (Cal. Code Regs., tit. 15, § 2152.) When the Board initiates an ad hoc administrative review, it conducts a "review on the merits." (Cal. Code Regs., tit. 15, § 2156.) An ad hoc administrative review is most often initiated to address unique or unexpected changes in circumstances or new information when the case is not eligible for review under a petition to advance or the administrative review process

for three-year denials. The Board may conduct ad hoc reviews for individuals who were denied parole for more than three years. (Cal. Code Regs., tit. 15, § 2152.)

Review and the decision

When deciding whether to move up an incarcerated person's next parole hearing date, a deputy commissioner will conduct a "review on the merits." During a review on the merits, a deputy commissioner reviews any statements received from the victim or victim's family member, and in the case of a petition to advance, information in the petition. (Cal. Code Regs., tit. 15, § 2156.) The deputy commissioner also reviews the incarcerated person's institutional records, documents previously submitted to the Board, and the decision from the person's last parole hearing. (*Ibid.*) The deputy commissioner then determines whether there has been a change in circumstances or new information establishing a reasonable likelihood that consideration of public safety does not require the person serve more time in prison. (*Ibid.*) If so, the person's next parole hearing date will be advanced. (*Ibid.*) If the deputy commissioner determines there has not been a change in circumstances or new information meeting the standard, the person's next parole hearing will not be advanced. (*Ibid.*)

The Board sends notice of its decision to the incarcerated person and any victim and victim's family member who received notice of the review. (Cal. Code Regs., tit. 15, § 2156.) If the incarcerated person disagrees with the decision, they may request that the decision be reviewed. (*Ibid.*) The request must be in writing and submitted within 30 calendar days of the person being served with the decision. (*Ibid.*) The request for review of the decision must include a description of why the person believes the decision was not correct and may include additional information that was not available at the time the decision was made. (Cal. Code Regs., tit. 15, § 2157.) The Board must complete its review of the decision within 15 business days of receiving the request. (*Ibid.*) If the review resulted in a previous decision being overturned or modified, the Board must also notify any registered victim and victim's family members within five business days. (*Ibid.*)

In addition to the outcomes described above, the deputy commissioner can reduce the length of the denial the person received at their last hearing. (Cal. Code Regs., tit. 15, § 2156, subd. (g).)

4. Effect of This Bill

This bill creates new data collections requirements related to the parole hearing advancement process. Specifically, this bill requires BPH to collect and publish data annually regarding requests to advance parole consideration hearing dates and the administrative review processes of those requests. This provision may need a clarifying amendment. The petition to advance a hearing (which is initiated by an incarcerated person) and BPH's administrative review are two separate mechanisms that can advance a parole hearing date. If the intent of this provision is to require the reporting of information relating to both processes, then the author may wish to consider clarifying that. If the intent is to only apply data collection and reporting to the requests to advance a parole hearing date via Penal Code section 3041.5, subdivision (d), then the author may wish to amend the bill to replace the phrase "administrative review processes of those requests" with "the board's review of those requests."

Among the data that would be included in the annual report are:

- Total number of requests to advance parole consideration hearing dates filed.
- Total number of requests to advance parole consideration hearing dates granted, denied, and pending.
- Percentage of requests to advance parole consideration hearing dates granted.
- Number of hearings advanced through administrative review by the board versus the number of hearings advanced through requests by incarcerated persons.
- Average duration of an incarcerated person's denial period for advancement of a parole consideration hearing date.
- General criteria and factors relied upon in granting or denying advancement, including all of the following, such as evidence of rehabilitation, institutional behavior, and nature of psychological evaluations, among others.
- Types of rehabilitative programming considered, including cognitive behavioral interventions.
- Victim considerations, including whether victim input was received and considered.
- Outcomes of hearings that are advanced, including grant rates for advanced hearings versus regularly scheduled hearings.

This bill additionally requires BPH to maintain a written summary of the decision for each request to advance a parole consideration hearing date made by an incarcerated person which must include the basis for the approval or denial and the main factors considered. The summaries are must be made available to the incarcerated person or their counsel, the victim or next of kin, upon request, and the district attorney's office. Finally this bill contains a sunset date of January 1, 2032.

5. Argument in Support

The California State Sheriffs' Association writes:

[AB] 2232 ... would require the Board of Parole Hearings (BPH) to collect and publish annual data regarding requests to advance parole consideration hearing dates.

Existing law authorizes BPH, in its discretion and after considering the views and interests of the victim, to advance a parole hearing to an earlier date, when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require additional incarceration.

Flaws in existing law, such as the authority to grant early parole hearings, have undermined the integrity of parole denials by weakening their intended purpose and creating instability in the justice process. When a parole board determines that an individual should not be reconsidered for several years, that decision is meant to provide certainty, accountability, and a period of relief for victims' families. This bill will provide meaningful data regarding requests to advance parole consideration hearing dates, thereby enhancing public protection and transparency.

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