

How to Determine Whether an Inmate Qualifies as a "Youth Offender" under PC § 3051:

STEP ONE: Review the complete criminal history, including any crimes committed while incarcerated, to determine the single crime or enhancement for which any court sentenced the inmate to the longest term. This is the "controlling offense" for the purposes of this statute.

STEP TWO: Did the inmate commit the controlling offense, as defined above, prior to reaching his or her 23rd birthday?

YES

NO

STEP THREE: When sentenced for the controlling offense, did the inmate receive sentence enhancements under PC 1170.12, PC 667(b)-(i), or PC 667.61 for prior serious or violent felonies? (three-strike cases)

YES

The inmate does **NOT** qualify for a Youth Offender Parole Hearing under PC § 3051.

NO

STEP FOUR: When sentenced for the controlling offense, was the inmate sentenced to life without the possibility of parole?

YES

YES

YES

NO

STEP FIVE: Did the inmate commit any additional crimes after reaching age 23, for which the inmate was convicted in a court of law? (*would likely be in prison*)

YES

STEP SIX: Was "malice aforethought" a necessary element of the crime committed after reaching age 23?

NO

STEP SEVEN: Was the inmate sentenced to any term of life for the crime committed after reaching age 23?

NO

The inmate **DOES** qualify for a youth offender parole hearing under PC § 3051.

NO