



**Effective January 1, 2013**

## **Senate Bill 9 – Offenders sentenced as LWOP’s under 18 years of age**

### ***Key Points:***

- This bill authorizes an offender who was: under 18 years of age at the commitment of the offense, sentenced to life in prison without the possibility of parole, and having served 15 years of that sentence, to submit a petition to the sentencing court for recall and resentencing provided they meet all eligibility criteria and considerations.
- Because this new law requires resentencing, no offenders will be automatically released.
- The bill would not allow a prisoner to petition, who tortured his or her victim, or whose victim was a public safety official.

### ***Background:***

This initiative provides that offenders who were sentenced under the age of 18 to life without parole can be resentenced providing they meet all eligibility criteria.

### ***Eligibility criteria:***

- Requires a statement from the offender that includes that he or she was under 18 years of age at the time of the crime and was sentenced to life without parole
- Describes his or her remorse and work towards rehabilitation
- And describes that one of the following is true:
  - Offender was convicted to felony murder or aiding and abetting murder
  - Offender does not have juvenile felony adjudications prior to the considered sentence for assault or other felony crimes with a potential for personal harm
  - Offender committed the offense with at least one adult co-offender
  - Offender has performed acts that tend to indicate rehabilitation or the potential for rehabilitation (i.e.: rehabilitative education, vocational programs, evidence of remorse, self-study for self-improvement)

### ***What is the process for resentencing?***

The offender would submit a petition for recall/resentencing to the sentencing court, including a statement explaining fulfillment of eligibility criteria.

County courts would determine whether the inmate’s criminal offense history would make them eligible for resentencing.

If any of the eligibility criteria is missing from the petition the court shall return the petition to the offender to revise.



A reply to the petition, if any, shall be filed within 60 days of the date on which the prosecuting attorney was served the petition.

If the court finds the statements in the petition true, the court will hold a hearing to consider recall and/or resentencing (the new sentence cannot be greater than the initial sentence).

Victims and/or victims' family members shall retain the rights to participate in the hearing.

***What happens to the inmate if the court does not resentence him/her?***

Offenders whose requests for resentencing are denied by the courts would continue to serve out their terms as originally sentenced.

***For additional information and assistance:***

**Call Toll Free 1-877-256-6877**

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