

BOARD OF PAROLE HEARINGS

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IMPLEMENTATION OF SENATE BILL 260

This sheet provides clarifications regarding the Board of Parole Hearings' (board's) implementation of Senate Bill 260 (2013).

1. Youth Offender Eligibility Reconsideration Form

The purpose of this form is to allow an inmate or inmate's legal representative to request reconsideration of an official determination from the board that the inmate does not qualify as a youth offender under Penal Code section 3051. In addition to completing the form, the inmate or representative should attach any supporting documentation. If a District Attorney's Office wishes to request reconsideration of a determination that an inmate does qualify as a youth offender, the office should send a letter to the board's legal division.

Please note that, generally speaking, the board considers court records controlling (compared to other official records) when determining an inmate's date of birth, date of offense, etc.

2. Legal Standard for the Youth Factors in Risk Assessments

Under Penal Code section 3051(f)(1), clinicians completing risk assessments for youth offenders must "**take into consideration** the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual." (Emphasis added.) In drawing conclusions regarding the youth offender's risk, a clinician is required to consider the youth factors; however, the clinician is not required to give those factors legally specified weight in forming his or her opinion. The "great weight" requirement regarding the youth factors applies only to the board when the board is "reviewing a prisoner's suitability for parole." (Pen. Code § 4801(c).)

3. Consideration of Information in Prior Risk Assessments

The language of Penal Code section 3051(f)(1), which addresses the risk assessments for youth offenders, states: "**In assessing growth and maturity**, psychological evaluations and risk assessment instruments, if used by the board, shall ... take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual." (Emphasis added.)

The language of this subdivision specifies that this requirement on the risk assessments is only relevant "when assessing growth and maturity." Under this subdivision, the panel is fully able to consider any information contained in any prior risk assessments when assessing other factors of suitability; however, when assessing the inmate's growth and maturity over time, the panel may only consider the final risk assessment (meaning the ultimate conclusion regarding risk: High, Moderate, Low) of those risk assessments that consider the youth factors.