



COMMITTEE ON
REVISION OF THE PENAL CODE

Recidivism under felony-murder reform

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Agenda

- **Who we are:** Penal Code Committee and California Policy Lab
- **Context:** crime rates and prison/jail population data
- **Felony murder reform:** summary of resentencing policies, SB 1437 (2018) & SB 775 (2021)
- **Descriptive trends:** demographics and case characteristics of the resentenced population, recidivism outcomes

Penal Code Committee: goals

- improve public safety
- better system for crime victims
- reduce unnecessary incarceration
- address racial disparities

Penal Code Committee: background

- Began January 1, 2020. Government Code § 8280(b).
- Statutory mandate for recommendations, GC § 8290.5:
 - Simplify and rationalize the substance of criminal law.
 - Simplify and rationalize criminal procedures.
 - Establish alternatives to incarceration that will aid in the rehabilitation of offenders.
 - Improve the system of parole and probation.
- Data gathering power. GC §§ 8286 & 8286.5.
- Annual reports. GC § 8293(b).
- No sunset.
- 22 bills implementing recommendations.

Penal Code Committee: members

- Gubernatorial appointees:
 - Chair Michael Romano, Stanford Law School
 - Hon. Peter Espinoza (former LA Office of Diversion and Reentry)
 - Mary Kennedy (former chief counsel to Sen. Public Safety)
 - Professor Priscilla Ocen, Loyola Law School
 - Professor Heidi Rummel, USC Law School
- Legislative members:
 - Assemblymember Sade Elhawary
 - Senator Scott Wiener
- Former members:
 - Hon. Carlos Moreno
 - Hon. Thelton Henderson

DEATH PENALTY REPORT

Committee on Revision of the Penal Code



ANNUAL REPORT AND RECOMMENDATIONS

Committee on Revision of the Penal Code



2023

ANNUAL REPORT AND RECOMMENDATIONS

Committee on Revision of the Penal Code



2024

CPL Mission

The California Policy Lab generates research insights for government impact.

Through hands-on **partnerships with government agencies**, CPL performs rigorous research across issue silos and builds the data infrastructure necessary to improve programs and policies that millions of Californians rely on every day.



CPL's partnership with the Committee on Revision of the Penal Code

- CPL is the lead research partner for the CRPC
- Data holdings: CA Departments of Justice and Corrections and Rehabilitation
- Our work includes policy reports, data briefs, and public dashboards highlighting issues like sentencing, bail reform, and women in prison.

Three Strikes



CA Prison Dashboard



By the Numbers Series



California crime rates, 1969–2025

Rate is per 100,000 population

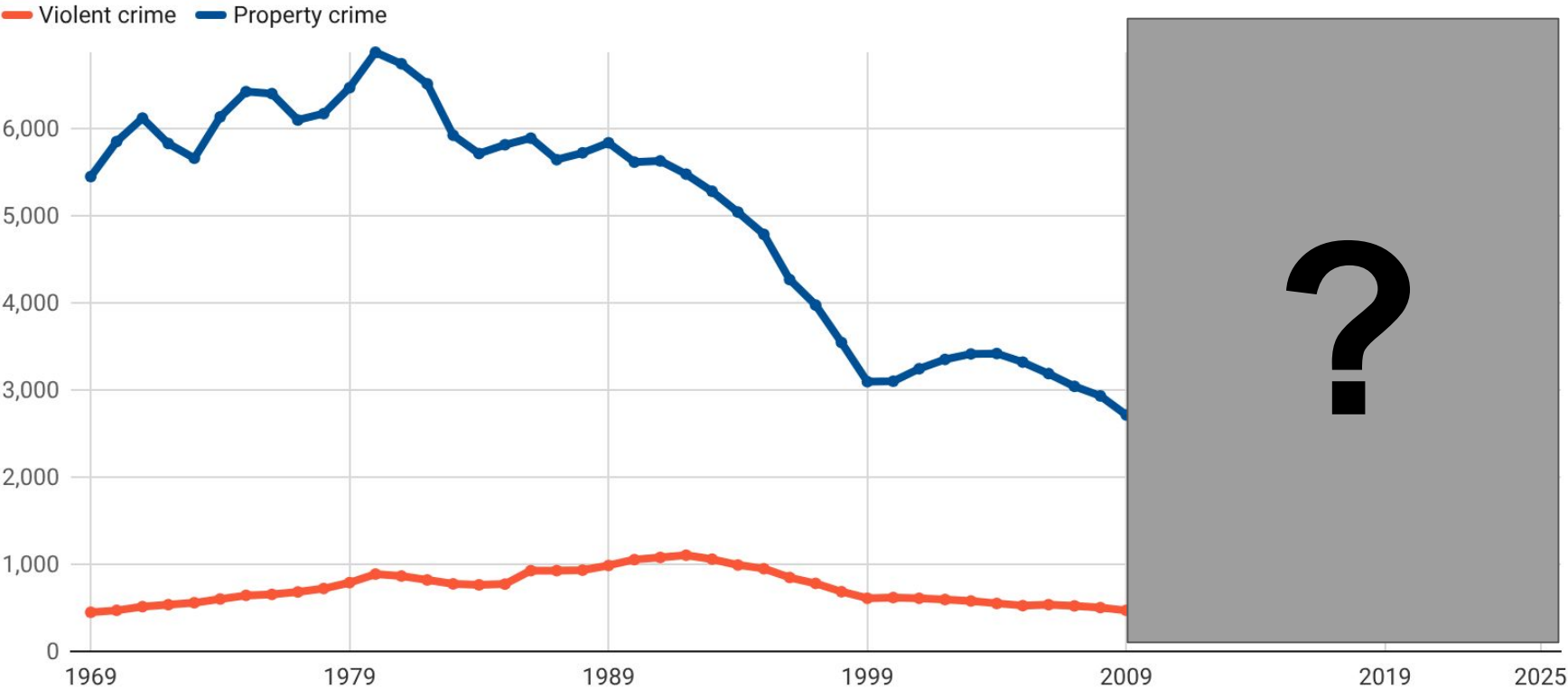


Chart: Committee on Revision of the Penal Code • Source: California Department of Justice, Crime in California, Table 1 • Created with Datawrapper

California crime rates, 1969–2025

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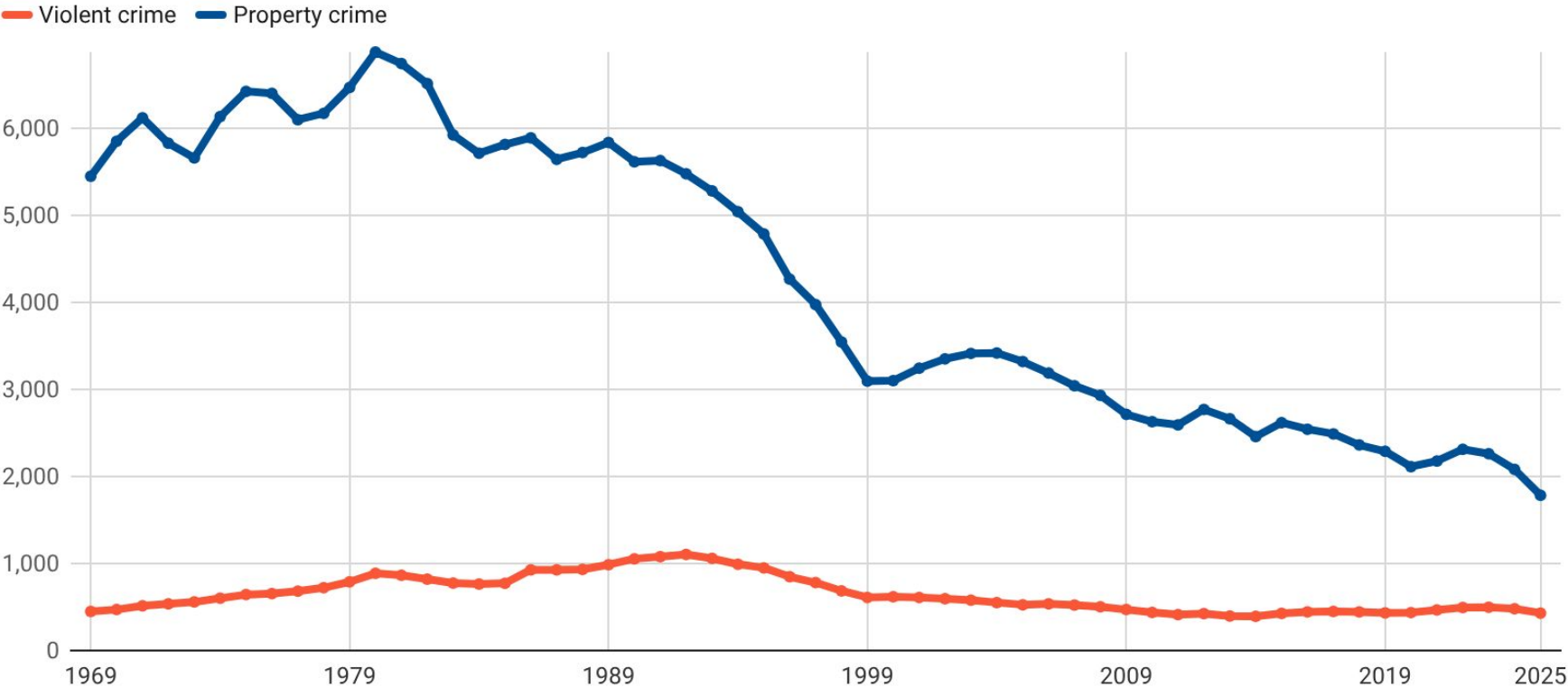
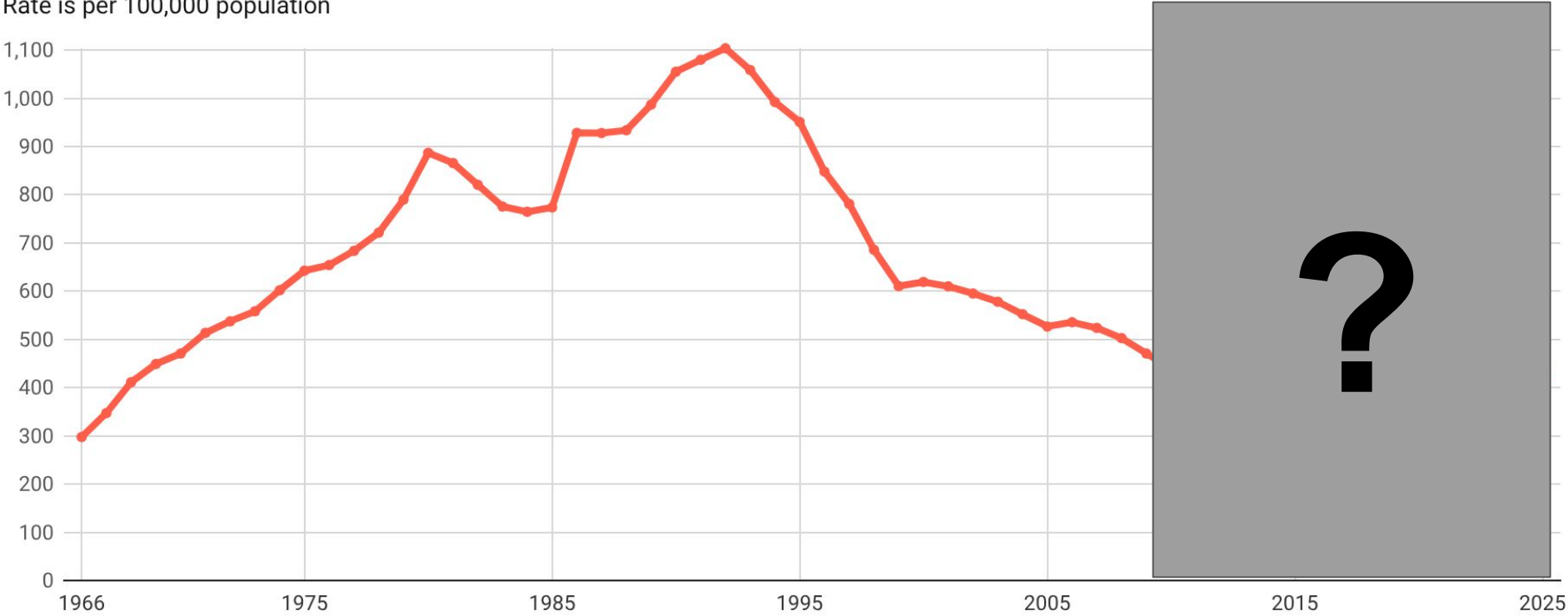


Chart: Committee on Revision of the Penal Code • Source: California Department of Justice, Crime in California, Table 1 • Created with Datawrapper

California violent crime rate, 1966–2025

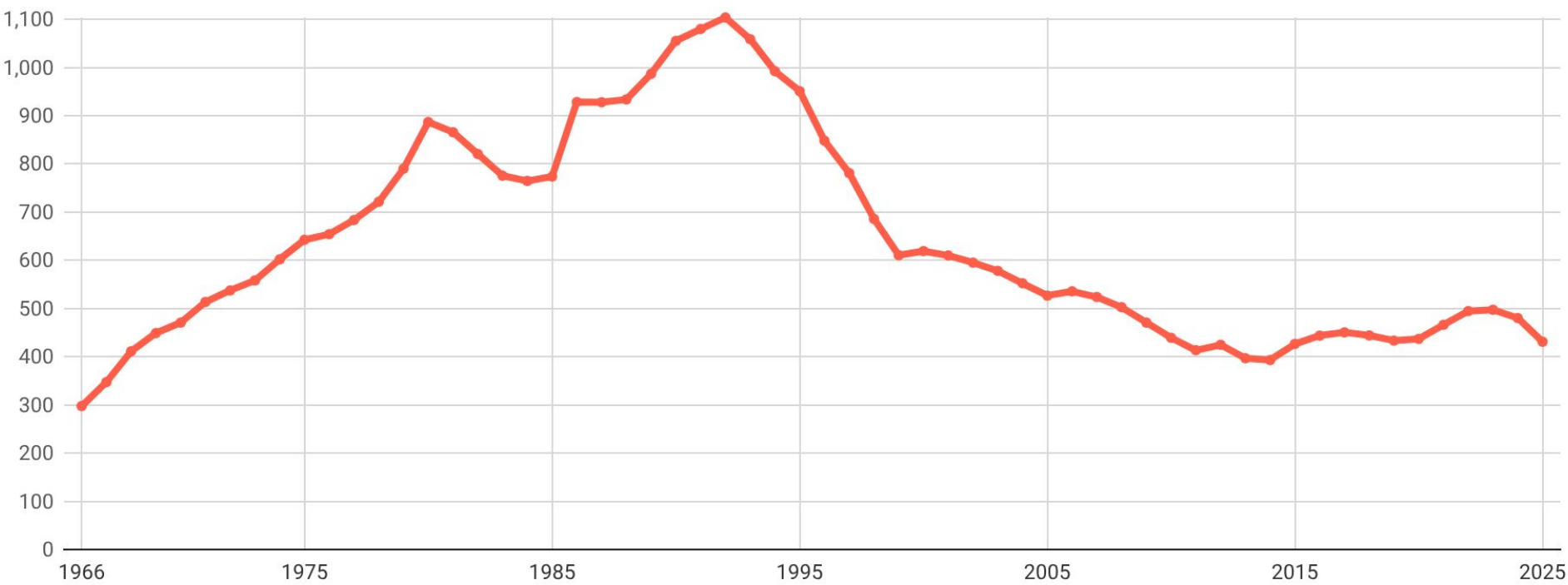
Rate is per 100,000 population



Source: California Department of Justice, Crime in California, Table 1 • Created with Datawrapper

California violent crime rate, 1966–2025

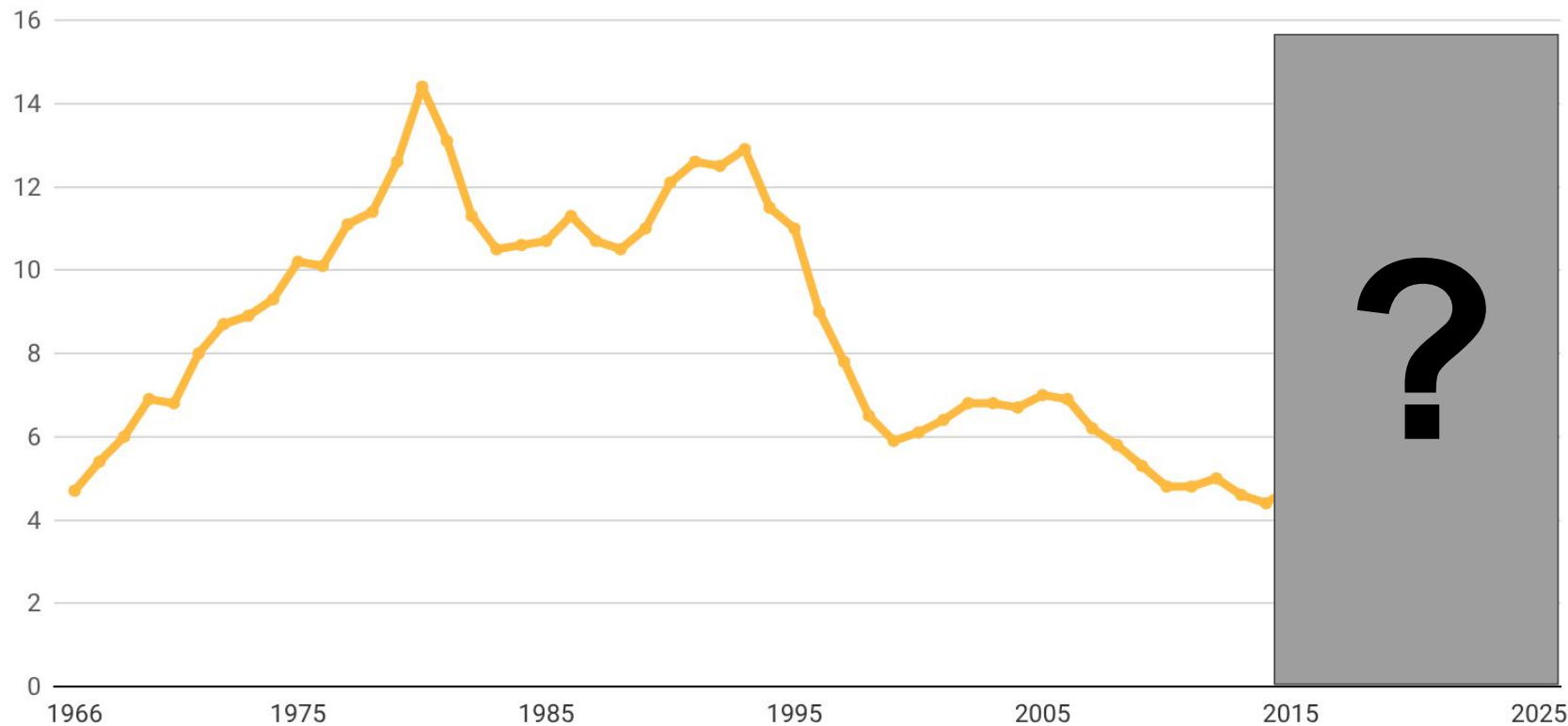
Rate is per 100,000 population



Source: California Department of Justice, Crime in California, Table 1 • Created with Datawrapper

California homicide rate, 1966–2025

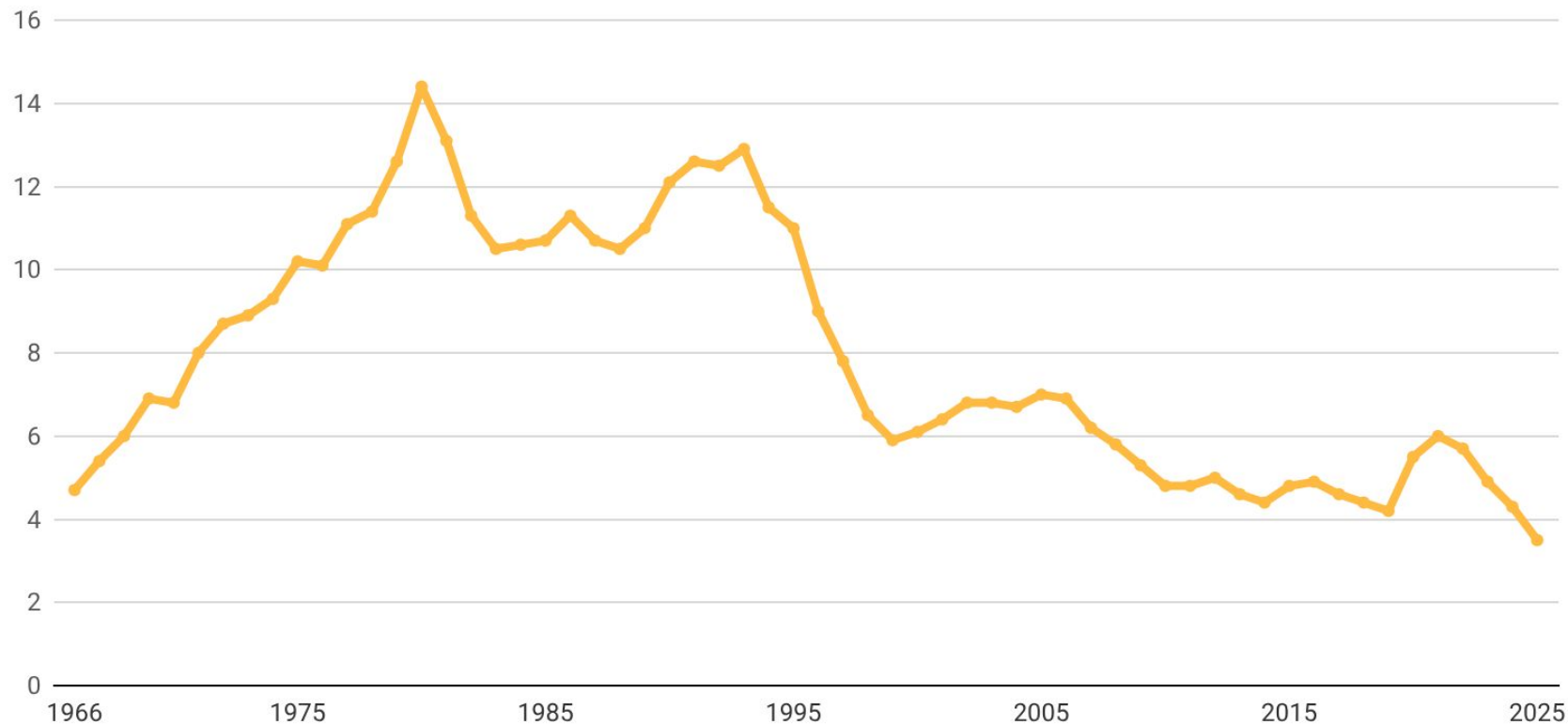
Rate is per 100,000 population



Source: California Department of Justice, Crime in California, Table 1. • Created with Datawrapper

California homicide rate, 1966–2025

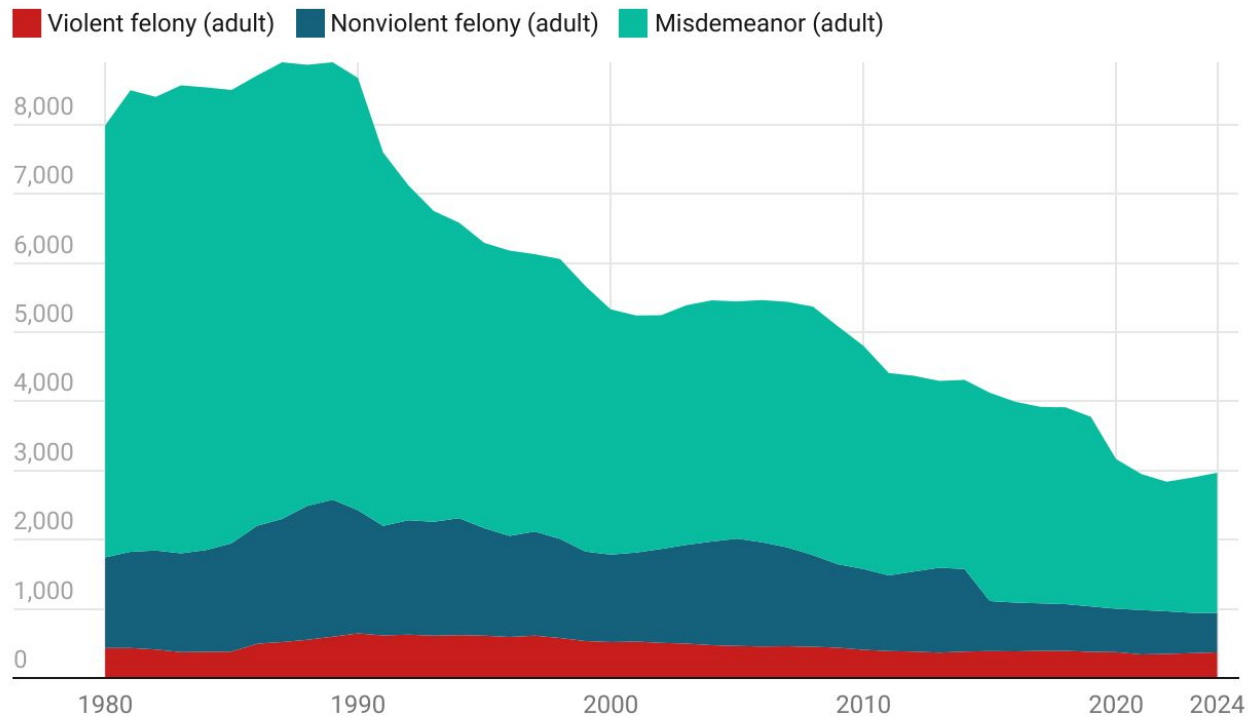
Rate is per 100,000 population



Source: California Department of Justice, Crime in California, Table 1. • Created with Datawrapper

Adult arrest rate by type, 1980–2024

Rate is per 100,000 of "at-risk population." At-risk population is 18–69 years of age.

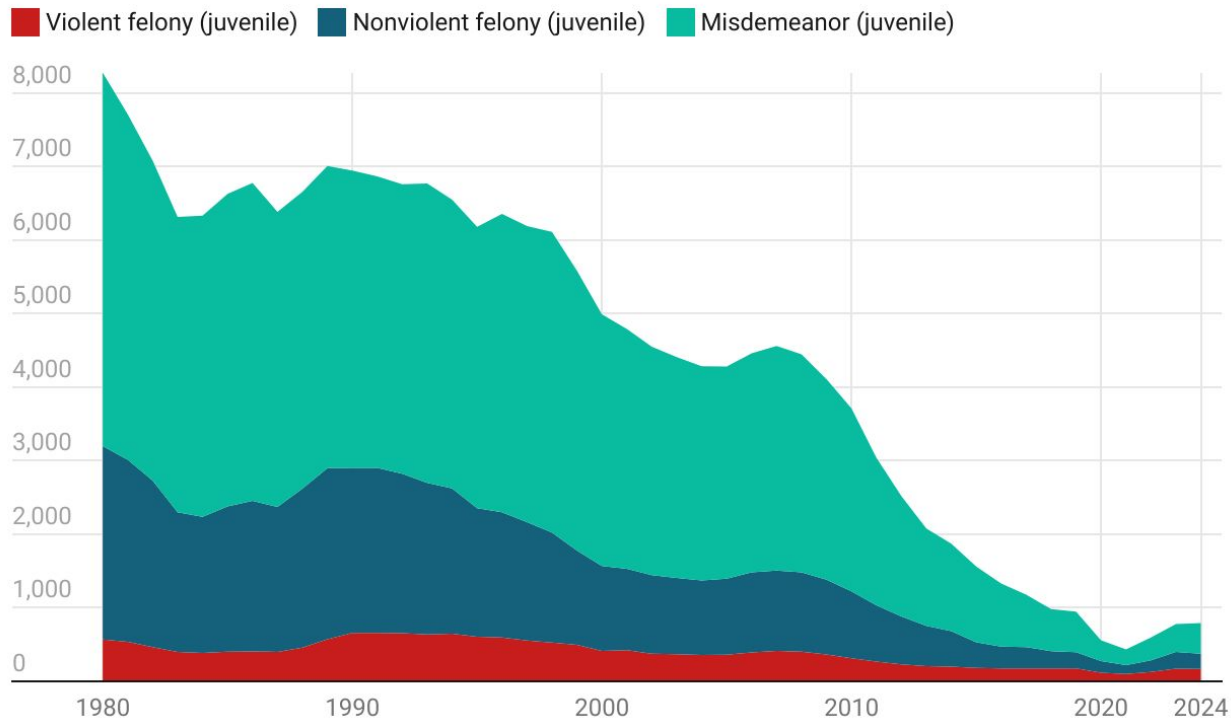


Violent felonies are homicide, rape, robbery, and aggravated assault.

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice, OpenJustice; Crime in California 2024, Table 53 • Created with Datawrapper

Juvenile arrest rate by type, 1980–2024

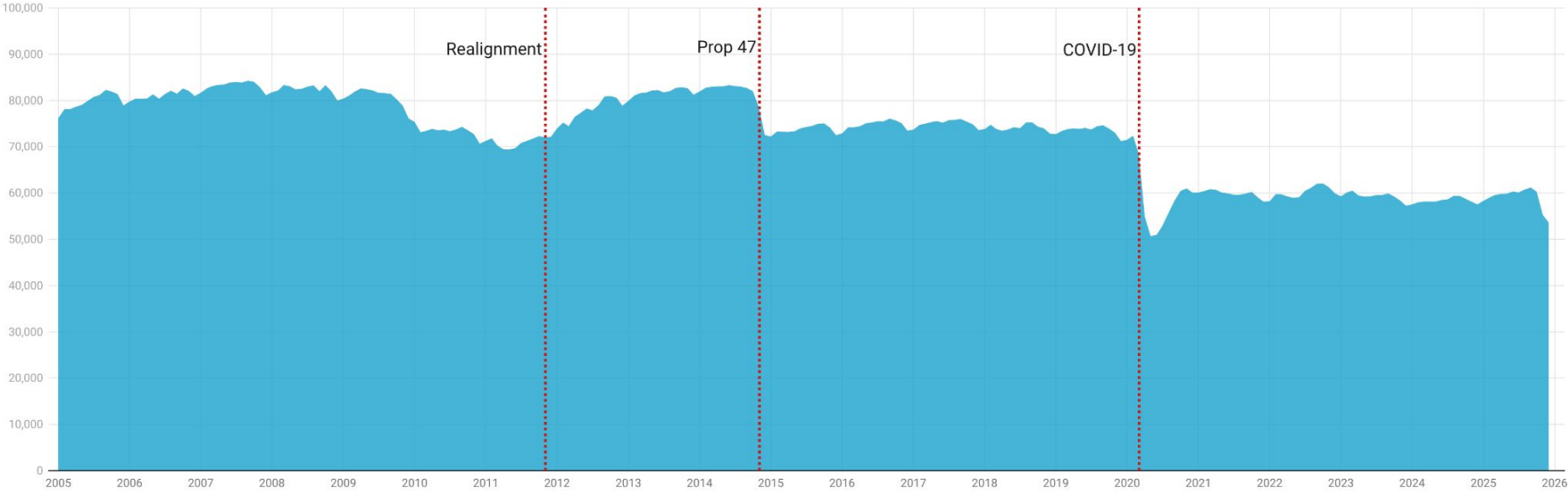
Rate is per 100,000 of "at-risk population." At-risk population is 10–17 years of age.



Violent felonies are homicide, rape, robbery, and aggravated assault.

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice, OpenJustice; Crime in California 2024, Table 53 • Created with Datawrapper

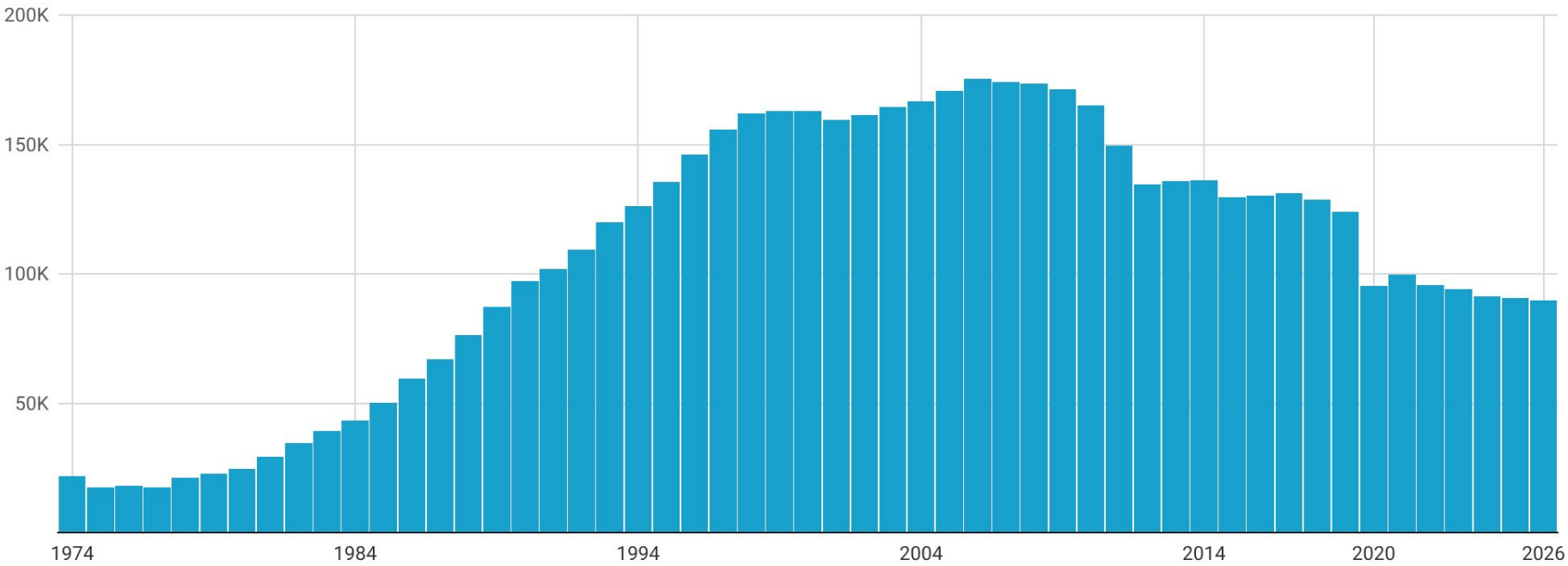
California jail population, 2005–2025



Data is monthly average daily population and ends December 2025. Realignment was a policy change in 2011 that required sentences for certain non-violent and non-serious felony offenses to be served in county jail, not state prison. Proposition 47 was a 2014 voter initiative that reclassified some felony or wobbler offenses to misdemeanors.

Chart: Committee on Revision of the Penal Code • Source: California Board of State and Community Corrections • Created with Datawrapper

California prison population, 1974–2026



Population is at yearend 1974–2024. 2026 data is as of April 29, 2026.

Chart: Committee on Revision of the Penal Code • Source: Patrick A. Langan et al., Historical Statistics on Prisoners in State and Federal Institutions, Yearend 1925–86 (May 1988) (1974–1977); Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT) Prisoners (1978–2018); CDCR Monthly & Weekly Population Reports (2019–2026) • Created with Datawrapper

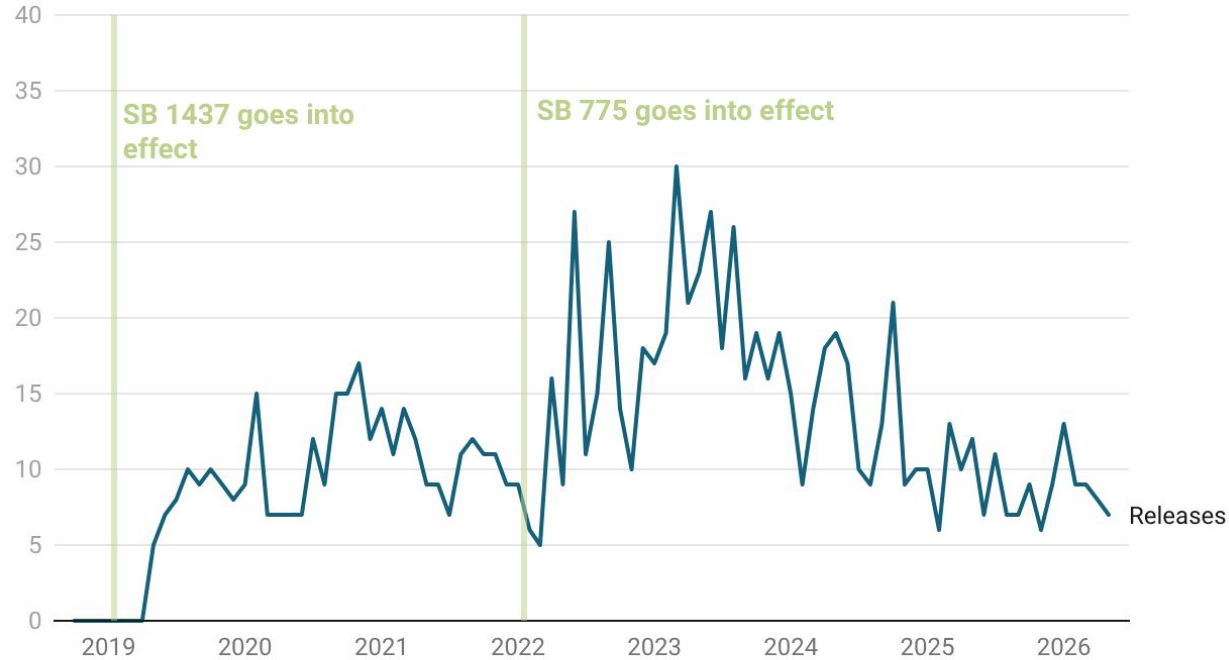
Felony murder reform, SB 1437 (2018) & SB 775 (2021)

- Before 2019, individuals could be convicted of murder **without participating in or intending the murder**.
 - Second-degree felony-murder: based on aiding and abetting an “inherently dangerous felony.”
 - Natural and probable consequences murder: when the killing was a “reasonably foreseeable” result of the intended crime.

Felony murder reform, SB 1437 (2018) & SB 775 (2021)

- SB 1437 (2018) narrowed the felony–murder doctrine and created a **resentencing petition process**.
- SB 775 (2021) **expanded eligibility to manslaughter & attempted murder**.
- If successful, the murder conviction is **vacated** and the person is resentenced based on the underlying offense (e.g., robbery, assault).
- Eligibility is based solely on legal grounds — **no public safety risk requirement**.

Nearly 1,300 were resentenced after changes to the felony murder rule, 82% of whom have been released



Source: California Department of Corrections and Rehabilitation (2014–26).

Most resentenced people were young at the time of the offense and on their first prison admission

Age at offense & prior admissions

21

Median age at the time of the offense was **just over 21**.

75%

For 75%, this conviction was their **only prison sentence** (serving a median of 14.4 years).

Demographics

40%

Black individuals made up 40% of those resentenced (compared to 24% of total releases).

11%

Women made up 11% of those resentenced (compared to 7% of total releases).

Offenses

Many individuals were resentenced to underlying offenses:

Assault 33%

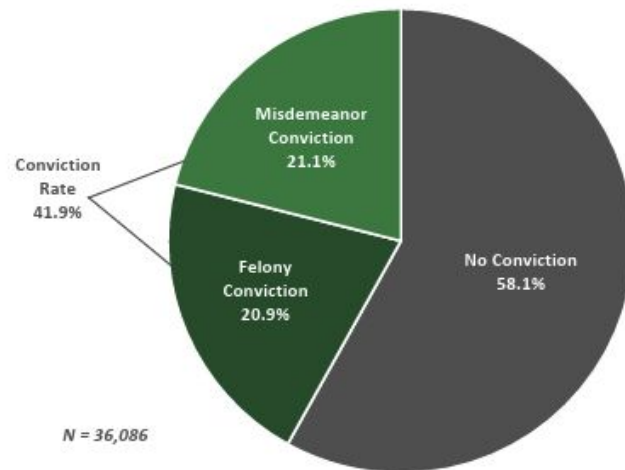
Robbery 25%

Manslaughter 17%

Measuring & benchmarking recidivism

- Primary measure: **new convictions** at one, two, and three years post-release, by the severity of the first new offense.
- Benchmark: **compare recidivism rates to the total CDCR release population** (FY 2018-19), which had a 42% three-year new conviction rate.
- This is a **descriptive study** and we cannot infer causality.

Figure A. Three-Year Outcomes for the Fiscal Year 2018-19 Release Cohort



Source: Recidivism report for individuals released from the California Department of Corrections and Rehabilitation in Fiscal Year 2018-19

Resentenced people had low recidivism rates

■ Serious or violent ■ Non-serious, non-violent ■ Misdemeanor

One year



Two year



Three year



After three years only **12% of people resentenced under felony murder** were convicted of a new offense v. 42% of general release population.

We can only follow outcomes for the full three years after release for 44% of those resentenced; sample sizes are as follows: one year (n=939), two year (n=784), and three year (n=561).

Chart: California Policy Lab • Source: California Department of Corrections and Rehabilitation, California Department of Justice Automated Criminal History System, and Recidivism Report for Individuals released from CDCR in Fiscal Year 2018–19.

Disaggregating new convictions

We use a regression framework to determine if select Structured Decision Making Framework factors are correlated with a new conviction within three years:

- **Criminal history** – prior conviction (any), felony conviction, or admission to CDCR.
- **Institutional behavior** – any serious misconduct after first 18 months in CDCR; any misconduct within five years prior to release.
- **Programming** – receipt of a diploma and/or certificate during prison term.
- **Youth offender parole** – under the age of 25 at offense.
- **Elderly parole** – 50+ and had served 20+ years at release

Age at release is associated with lower recidivism rates; RVRs are associated with higher recidivism rates

- Each **additional year of age at release was associated with a 0.3 percentage point decrease** in the likelihood of conviction.
- Those who met **elderly parole criteria** (age 50+ with 20+ years served) had the lowest new conviction rate.
- Individuals with **recent or serious misconduct had higher new conviction rates**. Sixteen percent had a new conviction within three years, compared to only 5% without either.

Three year conviction rates by selected Structured Decision Making Framework factors

	% convicted of a new offense (3 years)	
	Factor present	Factor absent
Prior conviction (any)	11%	12%
Prior CDCR admission	12%	12%
Serious misconduct***	16%	5%
Institutional misconduct < 5 years***	16%	5%
Certificate/GED completion	10%	12%
Youth offender parole	13%	10%
Elderly parole***	6%	14%

Table note: factors with *** indicate statistically significant difference in a multivariate model.

Criminal history

- **More than half had at least one prior conviction in the five years to their admission to CDCR for the felony murder conviction (56%).** Of those, 42% had a prior felony conviction and 14% had only a prior misdemeanor conviction.
- For three-fourths of those resentenced, the felony murder conviction was their **first admission to CDCR.**

Institutional misconduct (RVRs)

- **72% had serious misconduct** while incarcerated.
- **68% had any misconduct five years** prior to release.
- The most common recent violation was for **illicit possession** (e.g., cell phone).

Category	%	Top violations
No RVR in < 5 years	32%	
Illicit possession	19%	Possession of a cell phone
Disobeying order	16%	Refusing to accept assigned housing, absent from work assignment
Violent	15%	Fighting, battery on prisoner
Drug/alcohol	10%	Possession of alcohol, use of a controlled substance
All others	9%	Participation in a riot, theft of state property

Note: Table reflects the CPL category of the last RVR for the 68% of those with misconduct within five years of release.

Source: California Department of Corrections and Rehabilitation (2013-26)

Programming

- Just over **one-fifth of resentenced individuals received at least one diploma and/or certificate** while incarcerated.
- The most common was **GED / high school completion** (18%); fewer completed an associates degree (3%) or college certification (1%).

Youth offender & elderly parole

Youth offender parole eligibility

- 70% were **under 25 at the time of the offense**, with a median age of just over 21.
- **New conviction rates did not differ** significantly from those who were over 25 at the time of the offense.

Elderly parole eligibility

- 20% of individuals resentenced met **elderly parole eligibility criteria** (age 50+ with 20+ years served at release).
- Those who met elderly parole criteria had **statistically significantly lower new conviction rates** than those who did not.

Policy considerations

- The **new conviction rate was substantially lower** than the general release population, and **declined as age at release increased**.
 - Recidivism rates were lowest for those that met the elderly parole eligibility criteria.
- **RVRs were associated with a higher new conviction rate** for this group.
- This is a descriptive study of a specific population and we cannot infer causality, however **these patterns may still be useful context when evaluating individuals with similar profiles**.

References

- [The Role of Second Look Policies in Reforming California's Approach to Incarceration](#)
- [Felony Murder Reform](#)
- [California Prison Population Dashboard](#)



Thank you

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