

BOARD OF PAROLE HEARINGS

P.O. Box 4036
Sacramento, CA 95812-4036



February 20, 2026

NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the Board of Parole Hearings (Board) hereby provides notice of proposed changes made to CCR proposed Chapter 7.1, governing the commutation and recall of sentence recommendation assessment process. The Board proposes to amend sections within the CCR, Title 15, Division 2, Chapter 7.1.

You are receiving this notice because you provided comments or expressed an interest in receiving notice of changes to the proposed regulations concerning BPH RN 25-01: consultations and the commutation and recall of sentence recommendation assessment process.

Notice of Change to Regulations BPH RN 25-01 was noticed to the public on September 5, 2025. The full text of the originally proposed amendments is shown in its original single underline and ~~single strikethrough~~ format. The changes provided in the 15-Day Re-Notice Text of Proposed Regulations are indicated by **bold and double underline** for additional added text, and ~~**bold and double underline**~~ for additional deleted text to the originally proposed text.

Only those comments relating directly to the amendments indicated by **bold and double underline** or ~~**bold and double underline**~~ and identified in this Notice of Change to Text as Originally Proposed will be considered.

Public Comment Period

For comments to be considered by the Board, they must be submitted in writing. **The comment period on these changes begins on FRIDAY, FEBRUARY 20, 2026, and closes on MONDAY, MARCH 9, 2026.** All written comments pertaining to the proposed changes and **received by 11:59 p.m. on MONDAY, MARCH 9, 2026,** will be considered by the Board and will be summarized and responded to in the Final Statement of Reasons. When submitting a comment, please identify the action by using the Board's regulation rulemaking number BPH RN 25-01. Please submit your comment to:

Board of Parole Hearings
Attn: Tracy Young
P.O. Box 4036
Sacramento, CA 95812-4036

Comments may also be submitted by e-mail to BPH.Regulations@cdcr.ca.gov.

Availability of Documents on the Internet

Copies of the documents related to this rulemaking can be accessed on the Board's website at <https://www.cdcr.ca.gov/bph/statutes/reg-revisions/>.

Summary of Proposed Modifications to the Text

Substantive amendments are identified below.

Additionally, minor, non-substantive changes to grammar, language, and renumbering have been made throughout this text. These changes do not alter the meaning or effect of these proposed regulations.

Section 2840

In section 2840, subsection (u), the term “victim’s representative” is added and defined. Former subsection (u) is now subsection (v), and former subsection (v) is now subsection (w).

Section 2844

In section 2844, subsection (o), the language is changed from “within three years from the date” to “three years after the date....” This language is modified to clarify that a person’s subsequent commutation and recall of sentence (C&R) review will occur at least three years after the date of their last review.

Section 2847

In section 2847, subsection (b), cross references to section 2852, subsections (d) and (e) are now references to subsections (e) and (f). In subsection (d), language is added to establish the notice requirement for a victim or victim’s next of kin to notify the Office of Victim and Survivor Rights and Services of their designated victim’s representatives and the method by which the victim’s representative will attend the C&R hearing. Additionally, the Board created subsection (l) to allow a representative from the prosecuting agency to review non-confidential documents in the incarcerated person’s central file prior to a C&R hearing. Former subsections (d) through (j) are now subsections (e) through (k).

Section 2849

In section 2849, subsection (b), the language is changed from “within three years from the date” to “three years after the date....” This language is modified to clarify that a person’s subsequent C&R review will occur at least three years after the date their C&R hearing was cancelled.

Section 2850

In section 2850, subsection (b)(1), the Board removed “victims, victims’ next of kin, members of a victim’s family.” In subsection (b)(2), language is added to clarify that a written statement received by the Board prior to the hearing panel making a decision from the victim, their next of kin, member of their family, or the victim’s representative will be considered by the hearing panel. Former subsection (b)(2) is now subsection (b)(3), and former subsection (b)(3) is now subsection (b)(4).

Section 2851

In section 2851, subsection (j), the language is amended to cross reference to the standard established in section 2061, to determine whether to permit a representative from the prosecuting agency into a hearing after the hearing starts.

Section 2852

In section 2852, subsection (a), the term “victim’s representative” is added. In subsection (c), language is added to allow a victim or their next of kin to designate up to two persons as a victim’s representative for a hearing. Former subsection (c) is now subsection (d) and includes language pertaining to a victim’s representative. Former subsection (d) is now subsection (e) and includes

language pertaining to a victim's representative. Former subsection (e) is now subsection (f) and includes language pertaining to a victim's representative. Former subsection (f) is now subsection (g) and includes language pertaining to a victim's representative and cross references to the standard established in section 2061, to determine whether to permit a person into a hearing after the hearing starts. Former subsection (g) is now subsection (h) and clarifies that a victim, their next of kin, member of their family, or victim's representative may submit a written statement for the hearing panel to consider anytime prior to the panel making a decision.

Section 2853

In section 2853, subsection (a), the term "victim's representative" is added and the language is amended to make it clear that a victim's representative may also appear by counsel.

Section 2854

In section 2854, subsection (a), the term "victim's representative" is added and the language is amended to make it clear that a victim's representative may also appear by counsel.

Section 2855

In section 2855, subsections (d) and (g), the term "victim's representative" is added and the language is amended to make it clear that a victim's representative may also appear by counsel.

Section 2856

In section 2856, subsection (a), language is added to clarify that this section does not apply to tie votes. In subsection (b), the language is changed from "all members" to "a majority of the C&R panel determines...." In subsection (d), the language is changed from "all members" to "a majority of the C&R panel determines...." Additionally, subsection (d) changes the language from "subsection (b) applies" to "subsection (b) does not apply...." In subsection (e), language is added to allow for a tie vote on whether to find the person meets the standard for a C&R recommendation. In subsection (g), the language is changed from "subsection" to "section" to fix a typographical error. In subsection (i), language is added concerning the newly established en banc process for cases that result in a tie vote. In subsection (k), the process for considering a tie vote en banc is established. In subsection (l), a typographical error is corrected and language is added to include determinations made by en banc panels. In subsection (m), language is added to include determinations made by en banc panels. Lastly, original subsections (e) through (k) are now subsections (f) through (m).

Section 2857

In section 2857, language is added to include en banc panels. Additionally, language is changed from "within three years from the date" to "three years after the date" to make it clear that a subsequent C&R review will occur at least three years after the date of the en banc review.

Section 2859

In section 2859, subsection (a), language is added to include en banc panels. In subsection (g) a typographical error is corrected.