

AB 812 (Lowenthal) Reconsideration for Incarcerated Fire Crewmembers Fact Sheet

SUMMARY

“Second look” sentencing authorizes courts to revisit sentences of incarcerated people when recommended by certain law enforcement authorities. AB 812 will expand opportunities for resentencing to incarcerated fire crewmembers.

BACKGROUND

California Penal Code Section 1172.1 currently provides a unique and important opportunity to address the mass incarceration efforts of the past by granting certain entities – District Attorneys, the Board of Parole Hearings, the California Department of Corrections and Rehabilitation (CDCR) Secretary, and judges – the authority to refer people back to court for a “second look” at their sentences.

This law, which has existed for decades, received a renewed focus in 2018 when then-Governor Brown allocated resources to CDCR to identify incarcerated people who demonstrated records of rehabilitation and deserved a reevaluation of their sentence in court.

As nearly 100,000 Californians are currently incarcerated in our overcrowded state prisons, the CDCR Secretary, and District Attorneys have begun using their resentencing authority more frequently. A court that receives such a request is vested with the authority to recall the person’s sentence and issue a new, lesser sentence, if the circumstances have changed since the original sentence, and the individual’s incarceration is no longer “in the interest of justice.”

Incarcerated persons play a critical role in the prevention of, and response to California Wildfires. In order to participate in the Conservation (Fire) Camp Program, volunteers must have “minimum custody” status, or the lowest-security classification based on their sustained good behavior in prison, ability to follow rules, and participation in rehabilitative programming. Further, volunteers must have eight years or less remaining on their sentence to be considered, and cannot be subject to any disqualifying convictions.

THIS BILL

In recognition of the vital role that incarcerated persons have played in protecting the people and property of California from wildfires, AB 812 will instruct CDCR to establish regulations around recommending incarcerated fire crewmembers for resentencing

AB 812 will result in more justice, save the state money, and is in line with California’s desire to end mass incarceration.

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