

SEPTEMBER 25, 2013, 12:51 PM

Once Again, California Eases Harsh Sentencing Laws

By **JESSE WEGMAN**

For the third time in a year, California has changed its laws to show more leniency toward the state's most harshly punished prisoners.

In September 2012, Gov. Jerry Brown [signed a law](#) allowing juvenile offenders sentenced to life without parole to petition for a resentencing. In November, [voters overwhelmingly passed Proposition 36](#), which opened the door to the release of thousands of inmates serving a life term under California's Three Strikes law. And last week, Gov. Brown [signed SB 260](#), which requires the state parole board to consider releasing juvenile offenders who have served at least 15 years of a long sentence.

A prime mover in the SB 260 campaign was [Scott Budnick](#), executive producer of "The Hangover" movies. Mr. Budnick [told Mother Jones magazine](#) in May that he'd become interested in the issue in 1997, after reading about a group of teenagers sentenced to life without parole for a drug-related killing.

The California laws all rely on the Supreme Court's repeated acknowledgment—most recently in its [2012 ruling in Miller v. Alabama](#) — that juveniles are "constitutionally different" from adults. Specifically, the court said, they are less mature both intellectually and emotionally, and they are more prone to change over time. Their punishments must therefore reflect that difference.

In line with the Miller ruling, SB 260 [orders the parole board](#) to "give great weight to the diminished culpability of juveniles as compared to adults," and to consider how much an inmate has matured over the time of his or her imprisonment. It also permits family members, friends, clergy and others to submit statements on behalf of the inmate.

The law could affect about 5,700 California prisoners who were under 18 at the time of their crime—although it excludes those sentenced under Three Strikes, Jessica's Law (which punishes sex offenders), and those sentenced to life without parole. (Mr. Budnick was also [involved in the fight](#) for the 2012 law on juvenile life without parole.)

All of these laws are notable not only for their rarity — Prop 36 supporters say it was the first voter initiative since the Civil War to retroactively shorten the sentences of current prisoners — but also because they will serve as a real-world laboratory of sorts, providing useful data on the results of early prison release.

During California's years-long struggle with federal courts over its unconstitutionally overcrowded prisons, state officials including Gov. Brown have insisted that releasing inmates early would guarantee an increase in crime. But a [recent report](#) on the first wave of Prop 36ers found the opposite: the recidivism rate of the more than 1,000 inmates released so far is less than two percent, compared with 16 percent of all other state prisoners within 90 days of release, and 27 percent within six months. One explanation for the lower rate is that inmates eligible under Prop 36 must receive an individualized risk assessment by a judge before being released.

SB 260 is barely a week old, and like the life-without-parole law it hasn't been implemented yet, but it's already playing a role in the prison debate. On the same day that Gov. Brown signed the new law, he filed his [latest plea with the federal courts for more time to reduce the state's bloated prison population](#). In that plea he cited SB 260, along with the other two laws, as "historic reforms" that show California is serious about fixing its criminal justice system once and for all.

On Tuesday a judge [extended the prison-reduction deadline](#) one month, through January 2014.

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