OFFICE OF THE GOVERNOR

OCT 08 2023

To the Members of the California State Senate:

I am returning Senate Bill 81 without my signature.

This bill would establish that a parole candidate who has been denied parole by the Board of Parole Hearings (Board) after reaching their minimum parole-eligible date, youth parole-eligible date, or elderly parole-eligible date has made a prima facie case for habeas relief. This bill, additionally, would modify the judicial standard of review for a parole denial by the Board to require the parole denial to be overturned unless the court finds, by a preponderance of the evidence, that the person presents a current, unreasonable risk of danger to others. Finally, this bill would require the Board to notify parole candidates the Board finds unsuitable for parole of their right to petition for a writ of habeas corpus.

I am concerned that the bill introduces legal inconsistencies that will have unintended consequences and be detrimental to California's process for assessing suitability for discretionary release on parole.

The current process strikes a delicate balance and has significantly improved parole hearings in recent years, resulting in a one percent recidivism rate among parolees. The changes the bill prescribes will have unpredictable impacts and will result in decades of litigation and uncertainty for victims, families, and those going through the parole process.

For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom