



Office of the Court Executive
Superior Court of the State of California
County of Kings

JEFFREY E. LEWIS
Clerk of Court
and
Jury Commissioner

MEMORANDUM RE: PROPOSITION 57

The Public Safety and Rehabilitation Act of 2016 (Proposition 57) was adopted by California voters on November 8, 2016. Proposition 57 allows parole consideration for nonviolent felons, authorizes sentence credits for rehabilitation, good behavior, and education, and provides for a juvenile court judge to decide whether a juvenile will be prosecuted as adult. The court has received numerous requests for relief under Proposition 57. This Memorandum has been created to provide some basic information about Proposition 57, and the court's role in implementation/enforcement of the same. *PLEASE BE AWARE:*

- Proposition 57 does not establish any legal authority for the modification of a criminal sentence or enhancement conviction.
- Proposition 57 discusses the development of certain regulations and policies by the California Department of Corrections and Rehabilitation for parole consideration and sentence credits. No deadline for the development and passage of such regulations is established by Proposition 57. It usually takes months to draft and adopt a new regulation.
- Proposition 57 does not impose any duties upon the court, nor does it provide any grounds for modification of a criminal judgment. As a result, the Kings County Superior Court has not established any specialized policies or procedures for the processing of requests for relief under Proposition 57.
- The Kings County Superior Court has not developed any form for use in connection with a request for relief under Proposition 57. Individuals who (despite the advisements contained herein) wish to request relief under Proposition 57 must format their request as a motion or application for relief.
- Any claim that the California Department of Corrections and Rehabilitation has failed to comply with Proposition 57 must be administratively exhausted prior to seeking relief from the court. Under state law, exhaustion of available administrative remedies is a jurisdictional prerequisite to resort to the courts. (*Wright v. State of California* (2004) 122 Cal. App. 4th 659, 665.)

If you have any questions regarding this matter, please feel free to contact the Kings County Superior Court at: (559)582-1010 or 1640 Kings County Drive, Hanford, California 93230.

Jeffrey E. Lewis
Clerk of the Court