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DA-Sponsored Bill Preventing Rapists from Qualifying for Elder Parole Passes Senate Public Safety Committee

San Diego County District Attorney [Summer Stephan](#) said a bill sponsored by her office and authored by Senate Minority Leader Brian Jones cleared a hurdle in the Senate today, and moved one step closer to closing a loophole in the elder parole law that allows rapists to be considered for early release, no matter how violent their crimes were.

Senate Bill 286, also known as Mary-Bella's Law, unanimously passed the Senate Public Safety Committee today with bipartisan support and now moves on to Senate Appropriations, then the Senate floor. The bill would prevent violent sex offenders from qualifying for the Elderly Parole Program, which went into effect in 2021.

At a news conference in Sacramento today, just before the Senate Public Safety Committee met to consider the bill, DA Stephan, Senator Jones and rape survivors spoke in favor of the bill.

"I'm overwhelmed by the courage of the people who came here to speak their truth and testify before the committee," DA Stephan said. "It's unfortunate that after a horrific crime such as rape or child molest happens to you and the perpetrator receives a lengthy prison sentence, victims have to continue to fight for justice years later. The rule of law about victims' rights enshrined in our California constitution was ignored when the age for elder parole was dropped to 50-years-old."

In 2021, the California Legislature changed the law to lower the age of qualification for the Elderly Parole Program to inmates 50 or older who have served at least 20 years of continuous incarceration. Because of this change, violent sex offenders who have brutalized and repeatedly committed vicious sex crimes against victims can qualify for parole when they turn 50, even if they have a 100-year sentence.

“This bipartisan bill closes a dangerous loophole in California’s Elderly Parole Program that allows rapists to walk free decades before serving their full sentence,” Senator Jones said.

One of the victims for whom the law was named, Mary Johnson, spoke at today’s news conference and explained the yearslong frustration of fighting the system that allowed her rapist to be granted elder parole after 27 years of his 170-year sentence. Part of the reasoning that her attacker was deemed less of a threat during his elder parole hearing was that he had a bad back and acid reflux.

“I had to sit before a panel of strangers who then went on to grant his parole,” Johnson said. “My life was suddenly turned upside down.”

Closing this dangerous loophole that allows violent sex offenders to be released early is paramount to public safety.

“I am so grateful to Senator Brian Jones for his leadership on this and bringing this bill forward,” DA Stephan said. “Causing additional trauma to victims is wrong and we have to change it. This law will begin that change.”

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About the San Diego County District Attorney’s Office

The San Diego County DA’s Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.

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