

## Confinement Terms for DJJ and California Code of Regulations Title 9

California Code of Regulations Title 9, Division 6, Chapter 7, Sections 30800 through 30813 provide guidance to the Board of Juvenile Hearings about setting a projected parole date for a youth committed to DJJ. Below are the time frames outlined in these regulations. While these are not fixed sentences, they represent the timeframe that a youth can “reasonably and realistically” expect to be paroled from DJJ (see [Section 30800](#)). Each category cross references to the relevant penal code sections. *[These regulations pre-date SB 81 so there are non-707(b) offenses listed here that would no longer apply to DJJ commitments or to SB 823.]* Discussions to date are that courts will utilize the time frames noted below for setting baseline terms for SB 823 realigned youth beginning July 1, 2021 until the Judicial Council is able to convene a stakeholder group to develop new baseline terms. Current language also limits the total maximum confinement time for any youth to the middle term that an adult would serve for the same offense.

Please note: this is all subject to final adoption of trailer bill but to the extent this is helpful for planning purposes we wanted to share. A link to the California Code of Regulations section is [here](#).

### Parole consideration date interval of 7 years – Category 1 Offenses (9 CCR § 30807)

- (1) Murder-First Degree (187, 189, and 190 Penal Code).
- (2) Murder-Second Degree (187, 189, and 190 Penal Code).
- (3) Kidnapping with Death of Victim (207 and 209 Penal Code).
- (4) Kidnapping (with substantial injury) (207 and 209 Penal Code).
- (5) Torture (206 and 206.1 Penal Code).
- (6) Conspiracy to commit any Category 1 offense (182 Penal Code).

### Parole consideration date interval of 4 years – Category 2 Offenses (9 CCR § 30808)

- (1) Voluntary Manslaughter (192 Penal Code).
- (2) Rape (in concert or with substantial injury) (261 and all subsections and 264.1 Penal Code).
- (3) Sodomy (in concert or with substantial injury) (286 and all subsections Penal Code).
- (4) Sexual Assault with a Foreign Object (in concert or with substantial injury) (289 and 264.1 Penal Code).
- (5) Oral Copulation (in concert or with substantial injury) (288a and all subsections Penal Code).
- (6) Lewd or Lascivious Act on Child Under 14 (Age of defendant in relationship to victim to be considered as possible mitigation) (288 and all subsections Penal Code).
- (7) Kidnap for Ransom, Reward or Extortion (209(a) Penal Code).
- (8) Kidnap during carjacking (209.5 Penal Code).
- (9) Explosion/attempt to explode or ignite a destructive device with the intent to commit murder (12308 Penal Code).
- (10) Kidnap for Robbery (209[b] Penal Code).

- (11) Conspiracy to commit any Category 2 offense (182 Penal Code).
- (12) Attempt of any Offense in Category 1.
- (13) Continuous sexual abuse of a child (288.5 Penal Code and all subsections).

**Parole consideration date interval of 3 years – Category 3 Offenses  
(9 CCR § 30809)**

- (1) Sexual Assault with a Foreign Object (289(a) Penal Code).
- (2) Rape (261 and all subsections Penal Code).
- (3) Sodomy (286 and all subsections Penal Code).
- (4) Oral Copulation (288a and all subsections Penal Code).
- (5) Kidnap (207 Penal Code).
- (6) Robbery (armed with dangerous or deadly weapon and with substantial injury) (211 Penal Code).
- (7) Robbery of an inhabited dwelling (212.5 Penal Code).
- (8) Robbery-Operator of Transportation Vehicle For Hire (212.5 Penal Code).
- (9) Assault with Deadly Weapon or Force Likely to Produce Great Bodily Injury upon a peace officer, fireman, custodial officer, transportation worker or school personnel (245(a), (b), 245.2 and 245.3 Penal Code).
- (10) Assault with Firearm (on a peace officer/fireman) (245(a)(2) and 245(c) Penal Code).
- (11) Grand Theft Person (armed with dangerous or deadly weapon and with substantial injury) (487(2) Penal Code).
- (12) Burglary (armed with dangerous or deadly weapon and with substantial injury) (459 and 460 Penal Code).
- (13) Shooting at Inhabited Dwelling House, Occupied Building or Vehicle (with substantial injury) (246 Penal Code).
- (14) Arson (that causes great bodily injury) or is Committed During a State of Insurrection or Emergency (451 and 454 Penal Code).
- (15) Mayhem (203 Penal Code).
- (16) Vehicular Manslaughter (with gross negligence) (192(c) Penal Code).
- (17) Gross Vehicular Manslaughter While Intoxicated (191.5 Penal Code).
- (18) Carjacking (215 Penal Code).
- (19) Kidnap with the Intent to Commit Rape, Oral Copulation, Sodomy or Rape by Instrument (208(d) Penal Code).
- (20) Discharging a Firearm from a Motor Vehicle with substantial injury (12034(c), Penal Code).
- (21) Conspiracy to commit any Category 3 offense (182 Penal Code).

**Parole consideration date interval of 2 years - Category 4 Offenses  
(9 CCR § 30810)**

- (1) Vehicular Manslaughter (192(c) Penal Code).
- (2) Involuntary Manslaughter (192(b) Penal Code).
- (3) Robbery (Armed With Dangerous or Deadly Weapon or With Substantial Injury) (211 Penal Code).
- (4) Assault with Caustic Chemicals (244 Penal Code).

- (5) Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury (with substantial injury) (245(a)(1) Penal Code).
- (6) Assault with Firearm (with substantial injury) (245(a)(2) Penal Code).
- (7) Assault with Intent to Commit Rape, etc. (220 Penal Code).
- (8) Child Cruelty Likely to Produce Great Bodily Injury or Death (273a(1) Penal Code).
- (9) Extortion (518 and 520 Penal Code).
- (10) Grand Theft Person (armed with dangerous or deadly weapon or with substantial injury) (487(2) Penal Code).
- (11) Burglary (armed with dangerous or deadly weapon or with substantial injury) (459 and 460 Penal Code).
- (12) Shooting at Inhabited Dwelling House, Occupied Building or Vehicle (246 Penal Code).
- (13) Arson (451 Penal Code).
- (14) Recklessly Causing a Fire of any Structure, Forest Land, or Property (with substantial injury) (452 Penal Code).
- (15) Sale, Possession for Sale, Transportation, or Furnishing of Controlled Substance, Narcotics, Marijuana.
- (16) Maintaining Place for Selling, Using of Certain Controlled Substances or Specified Narcotics (11366 Health and Safety Code).
- (17) Any other felony including attempted felony not listed in Categories 1 through 3 (with substantial injury).
- (18) Conspiracy to commit any Category 4 offense (182 Penal Code).
- (19) Discharging a Firearm from a Motor Vehicle (12034(c), Penal Code)
- (20) Attempt of any offenses in Categories 2 and 3.
- (21) Recommitment for any offense listed in Category 5 and 6 with a prior commitment for any offense in Categories 1 through 6.

**Parole consideration date interval of 18 months – Category 5 Offenses  
(9 CCR § 30811)**

- (1) Assault with A Deadly Weapon or Force Likely to Produce Great Bodily Injury (245(a) Penal Code).
- (2) Battery (with substantial bodily injury) (242, 243(d), 243.2, 243.3, 243.6 Penal Code).
- (3) Battery Upon a Peace Officer, Fireman or Upon a Custodial Officer (243.1, 243(b), 243(c) Penal Code).
- (4) Recklessly Causing a Fire of Inhabited Structure or Property (452(b) Penal Code).
- (5) Robbery (211 Penal Code).
- (6) Grand Theft Person (487(2) Penal Code).
- (7) Burglary, 1st Degree (459 or 460 Penal Code).
- (8) Accessory to Murder (32 Penal Code).
- (9) Sexual Battery (243.4 Penal Code).
- (10) Intimidation of Witness by Force or Fear; in furtherance of a conspiracy; for pecuniary gain; or by a repeat offender (136.1(c) Penal Code).
- (11) Conspiracy to commit any Category 5 offense (182 Penal Code).
- (12) Attempt of any Category 4 Offense.

**Parole consideration date interval of 1 year – Category 6 Offenses  
(9 CCR § 30812)**

- (1) Concealable Firearms (12021, 12025 Penal Code).
- (2) Possession of Explosives, Flammable Matter or Fire Bomb (452(a) Penal Code).
- (3) Recklessly Causing Fire to Uninhabited Structure or Forest Land (452(c) Penal Code).
- (4) Burglary, 2nd Degree (459, 460 Penal Code).
- (5) All Felony Offenses Not Listed.
- (6) Conspiracy to commit any Category 6 offense (182 Penal Code).
- (7) An Attempt of Any Category 5 offense.

**Parole Consideration of 1 year or less – Category 7  
(9 CCR § 30813)**

Parole consideration date of one year or less shall be established for those cases committed to the Youth Authority for offenses not listed in Categories 1 through 6. This provision also applies to a case in which parole has been revoked for technical violation.