

Felony Murder Reform

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Research series examining second look policies in California

The five policy briefs and [overview report](#) in this series describe the characteristics and recidivism rates of individuals affected by second look policies in California.

Before 2019, people who participated in certain felonies that resulted in a death could be convicted of murder, even if the person had neither committed the killing nor intended for it to occur. These convictions were based under the felony murder rule or the “natural and probable consequences” doctrine, which both allowed for broad liability. To address concerns about fairness and excessive punishment, Senate Bill 1437 (2018) narrowed or eliminated the application of these doctrines and allowed individuals convicted under them to petition for resentencing. In recognition that other serious convictions were similarly affected, Senate Bill 775 (2021) expanded eligibility to include those convicted of manslaughter or attempted murder under these legal theories.

This brief examines who was resentenced under felony murder reform, the offenses for which they were originally convicted, and their recidivism rates following release.

Key findings

- **Nearly 1,200 people were resentenced after these changes to the felony murder rule.** As of December 2024, 1,172 people initially convicted under the felony murder rule have had those charges vacated, and were resentenced based on the remaining charges in their cases. Of those resentenced, 78% have since been released from prison.
- **Most people convicted of felony murder were young at the time of the offense, and for many, it was their first admission to prison.** The median age at the time of the offense was just over 21, and for 75% of those resentenced, that conviction was their only prison sentence.
- **Women made up a larger share of those resentenced under felony murder reform (9%) than the share of all people released from prison in fiscal year 2018–19 (7%).**
- **Recidivism rates for those resentenced under felony murder reform were notably low.** New conviction rates were consistently lower than the total releases (3% within one year, 7% within two years, and 10% within three years, compared to 21%, 33%, and 42%). Of those resentenced and released, most new convictions were misdemeanors.
- **Very few people were convicted of a new serious or violent felony after resentencing under felony murder reform.** Fewer than five people were convicted within one- and two- years, and only 2% (n=5) were convicted within three years. However, we can only assess full three-year outcomes for 25% of people who have been released (n=274).

Policy context

Felony murder is a legal doctrine that allows individuals to be charged with murder if a death occurred during the commission of a felony, even if they did not directly cause or intend the death (e.g., acting as a getaway driver during a robbery where someone died). Before SB 1437, two types of murder convictions were allowed in California under the felony-murder rule: first-degree murder if the killing occurred during a felony, or second-degree murder if the killing occurred during any felony that was “inherently dangerous to human life.”¹ In addition, under California’s “natural and probable consequences” rule, accomplices were guilty of a murder committed by another when the killing was a “reasonably foreseeable” consequence of the crime.

In 2018, the California legislature passed SB 1437, the first major reform to the state’s felony murder rule and “natural and probable consequences” doctrine.² This law narrowed the application of the first-degree felony murder rule to cases where the accused was the actual killer, an accomplice who directly participated in the killing, or a major participant in the felony who acted with reckless disregard to human life. The reform also eliminated second-degree felony murder and murder convictions based on the natural and probable consequences rule. The Legislature expanded resentencing eligibility through SB 775 (2021) to all people convicted of manslaughter or attempted murder under these doctrines.

SB 1437 also established a process for those convicted of murder to petition the courts to have their convictions vacated if they could not be convicted under current law. The resentencing process could be started by an incarcerated person without an attorney, but the court is required to appoint counsel if requested by the petitioner. If resentencing was granted, the murder conviction is vacated, and the person is resentenced according to the underlying crime committed (e.g., robbery, assault, residential burglary). Unlike other resentencing laws, there is no requirement for resentencing that the person be a low risk to public safety if released.

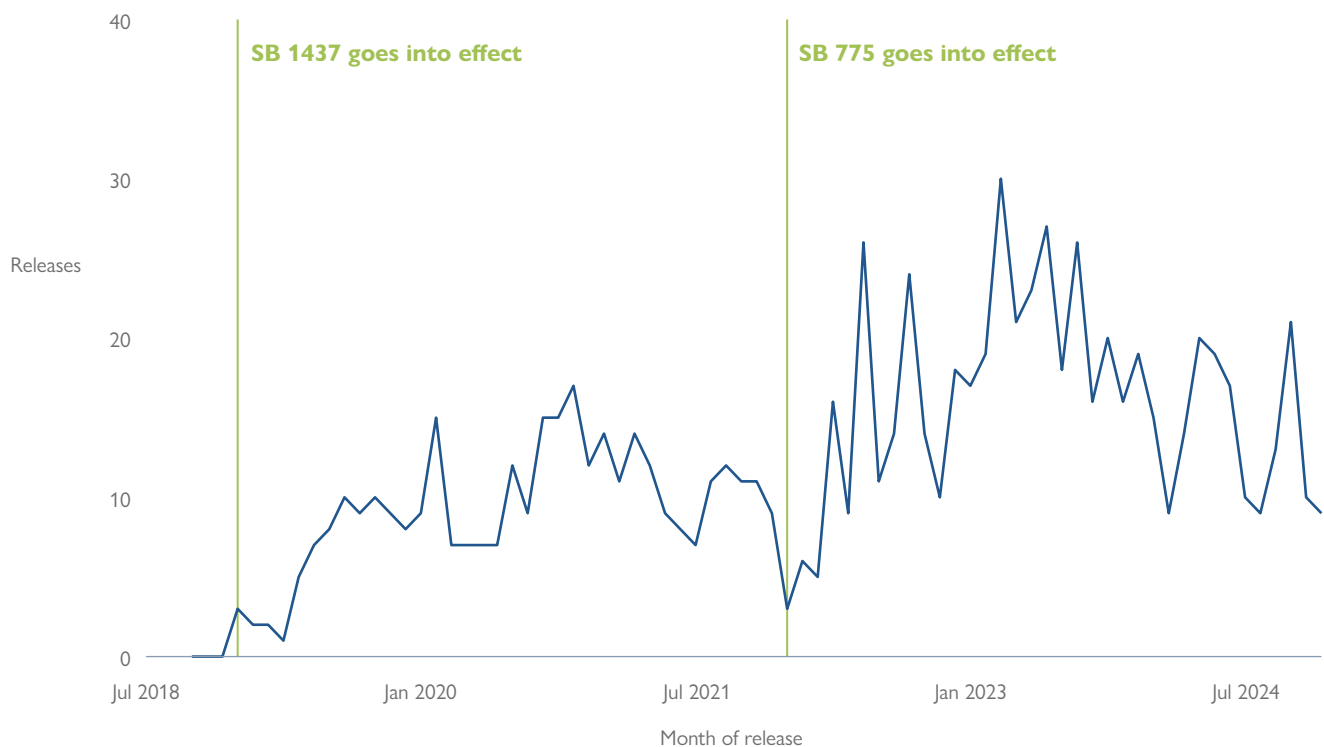
Data and methods: This brief uses data from the California Department of Corrections and Rehabilitation and the California Department of Justice to describe the scope of resentencing policies — including the number of people released, recidivism rates, and factors linked to recidivism. It does not assess causal impact. For details, see our full report: [The Role of Second Look Policies in Reforming California’s Approach to Incarceration.](#)

Descriptive characteristics

Felony murder reform under SB 1437 took effect in January 2019, but most releases occurred in 2022 or later, after SB 775 expanded eligibility to include manslaughter and attempted murder convictions. The median time to release from the implementation of SB 1437 was just over three and a half years ([Figure 1](#)).

Note on language: Information on race and ethnicity may not be self-reported and can reflect classifications made by prison staff, court officials, or arresting agencies. All reported sex fields refer to sex assigned at birth and may not reflect someone’s gender identity.

FIGURE 1: Monthly releases of individuals resentenced under felony murder reform



Source: California Department of Corrections and Rehabilitation (2014–24).

For a point of comparison, we provide descriptive statistics of people released from prison in fiscal year 2018–19 (“total releases”) (CDCR, 2024). Summary statistics are available (Table 1) and key takeaways are:

- Eleven percent of those resentenced were **female**, with only 10 resentenced women still awaiting release from prison as of December 2024. By comparison, 7% of total releases were female.
- **Black individuals** made up 40% of those resentenced under felony murder reform, compared to 24% of total releases. White individuals made up 9% of those resentenced, but 25% of total releases, while Hispanic individuals made up 43% of the resentenced individuals and 45% of total releases.
- Most resentenced individuals were young at the time of their offense, with a **median age just over 21**.
- The median time in prison for those released was **14 years**. The median time is slightly higher for those still in custody, at 15 years as of December 2024.
- For three-quarters of those resentenced, the felony murder term was their **first admission to CDCR**.
- Over one-third of people who were resentenced but who are still in custody are serving **indeterminate sentences** (prison sentences that include a minimum term and undetermined maximum, such as 25-years-to-life)³ compared to only 9% of total releases.

TABLE 1: Summary statistics of people resentenced under felony murder reform as of December 2024, disaggregated by release status

	TOTAL RELEASES (FY 2018-19)	RESENTENCED UNDER FELONY MURDER REFORM		
		ALL	IN-CUSTODY	RELEASED
TOTAL	36,086	1,172	263	909
Demographics	%	%	%	%
Female	7.3	9.1	3.8	10.7
Black	23.9	39.7	36.5	40.6
Hispanic	44.8	43.2	47.1	42.0
White	25.4	9.2	8.4	9.5
Another race	5.9	7.9	8.0	7.9
Offense age (median) ^a	N/A	21.5	23.3	21.2
Release or current age if still incarcerated (median) ^a	N/A	41.2	41.0	41.3
Offense type^b				
Assault	12.6	33.1	35.0	32.6
Manslaughter	1.2	16.9	14.1	17.7
Murder (1st and 2nd) ^c	2.1	8.1	36.1	0.0
No remaining offenses ^c	N/A	6.7	—	8.6
Robbery	10.7	25.3	8.4	30.1
Other felonies	58.2	9.9	14.8	11.0
Sentence type^d				
Determinate	71.3	85.2	65.0	89.8
Indeterminate	28.7	14.8	35.0	10.2
Years in CDCR (median) ^a	N/A	14.4	13.7	14.7
First CDCR admission	48.1	74.6	67.3	76.7

Sources: California Department of Corrections and Rehabilitation (2014–24) and [Recidivism Report for Individuals released from CDCR in Fiscal Year 2018–19](#).

Notes: Cell sizes with fewer than five individuals are suppressed and that is indicated with a dash.

a) CDCR does not report median age or median years in CDCR custody.

b) Reflects the offense category after resentencing.

c) A person can be resentenced under felony murder reform, but still have a charge of murder on another term that was not eligible for resentencing. If a person does not have any remaining offenses after resentencing to become the controlling offense (as they have all been discharged via court order), the charge will still appear as murder in the CDCR record. We have recategorized the charge for these 66 people who have been released but whose record still appears as Murder 1st or Murder 2nd as “no remaining offenses.”

d) At least 369 people resentenced under felony murder were serving a life without parole (LWOP) sentence and 37 are still serving an LWOP sentence post-resentencing.

Recidivism rates

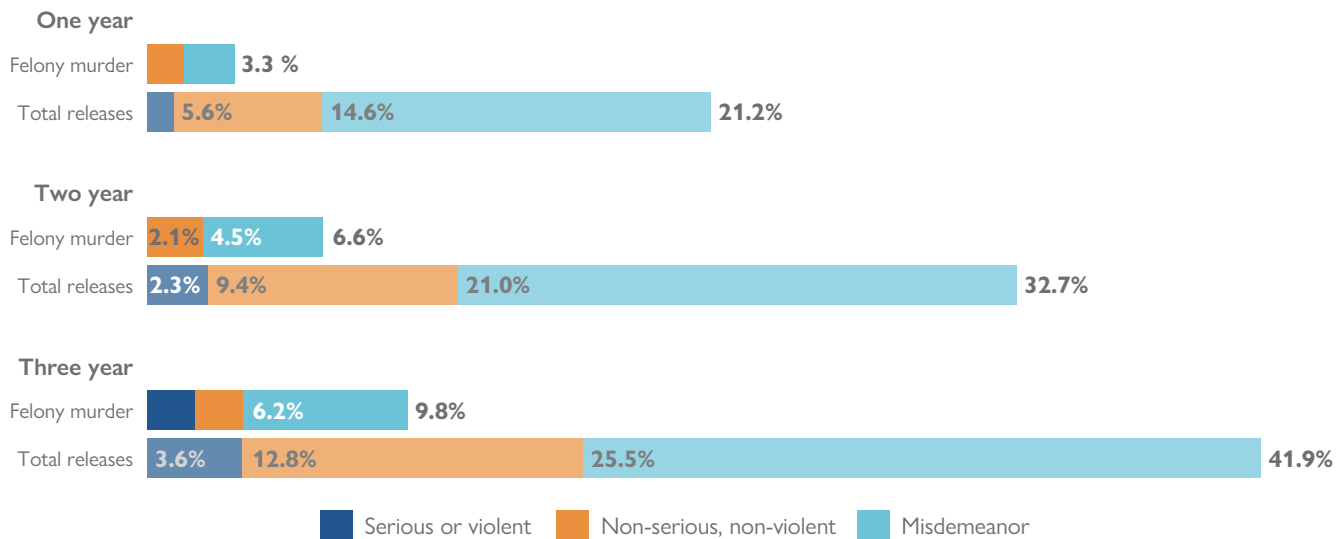
Primary recidivism measure: new convictions

Substantially fewer people were convicted of a new offense after felony murder resentencing than the total releases (Figure 2). Three percent of the resentenced group were convicted of a new offense within one year of release, 7% within two years, and 10% within three years (compared to 21%, 33%, and 42% of total releases). Misdemeanor convictions were the most common: of those resentenced and released, 6% were convicted of a new misdemeanor within three years, while 4% were convicted of a new felony.

New convictions for a serious or violent felony were the least common. Fewer than 5 people were convicted of a new serious or violent felony within one- and two-years of release, and only 2% (n=5) were convicted of a serious or violent felony within three years.

It is important to note that we can only follow outcomes for the full three years after resentencing and release for approximately 25% of people resentenced. Unobservable factors that led people to be released first may be correlated with a lower likelihood of recidivism and, to the extent that is true, we would expect to see higher recidivism rates once we can observe outcomes for the full population for three years post-release.

FIGURE 2: New conviction rates for people resentenced under felony murder reform and total releases, disaggregated by severity



Sources: California Department of Corrections and Rehabilitation (2014–24), California Department of Justice Automated Criminal History System, and [Recidivism Report for Individuals released from CDCR in Fiscal Year 2018–19](#).

Note: Serious and violent felony convictions are included in the orange bar, as we cannot disaggregate due to sample size ($n < 5$)

Factors correlated with new convictions

Using regression analyses, we assessed which observable factors were correlated with recidivism among those released under felony murder reform. Most factors did not have a statistically significant correlation with a new conviction

within one year, however prior convictions had a slightly positive correlation with increased recidivism risk while age at release had a slightly negative correlation (see [Table A-1](#) for multivariate regression results).

Supplemental recidivism measures: new arrests and returns to CDCR

We also present two supplemental recidivism measures reported by CDCR: new arrest and return to prison ([Table 2](#)). Recidivism rates for individuals released following felony murder reforms were consistently lower than those of total releases.

Fourteen percent of the resentenced group was arrested within one year, 21% within two years, and 26% within three years (compared to 52%, 62%, and 67%). The most common arrests were for non-serious and non-violent felonies, occurring at rates of 7% within one year, 10% within two years, and 11% within three years.

Returns to prison were rare. Only 1% of those resentenced under felony murder reform returned within one year, 2% within two years, and 3% within three years. Fewer than five people returned due to a serious or violent felony within three years. As noted, we currently have three-year recidivism data for only 25% of those resentenced and released under felony murder reform. Recidivism rates may increase as more individuals reach the three-year mark, post-release.

TABLE 2: Supplemental recidivism measures for releases under felony murder reform

	ONE YEAR (%)	TWO YEAR (%)	THREE YEAR (%)
NEW ARREST			
Total releases	51.9	62.0	66.7
Total felony murder reform releases	13.9	21.0	26.3
Serious or violent felony	3.2	3.3	6.6
Non-serious, non-violent felony	7.0	10.2	10.9
Misdemeanor	3.7	7.5	8.8
RETURN TO CDCR CUSTODY			
Total releases	5.5	10.4	16.8
All people released under felony murder reform	1.0	1.8	3.3
Returned due to serious or violent felony	< 5 people	< 5 people	< 5 people
Non-serious, non-violent felony	<5 people	< 5 people	1.8
N	628	400	274

Sources: California Department of Corrections and Rehabilitation (2014–24), California Department of Justice Automated Criminal History System, and [Recidivism Report for Individuals released from CDCR in Fiscal Year 2018–19](#).

Notes: Denominators (N) differ because only people released for at least one, two, or three years are included in the respective recidivism rate. Recidivism measures are through June 30, 2024.

Conclusion

In summary, the policy changes that limited the application of the felony murder and natural and probable consequences rules and allowed for resentencing, resulted in nearly 1,200 people to be resentenced. Of those resentenced, 78% have been released from custody as of December, 2024. People benefiting from this relief were young at the time of the offense (median age was 21 years) and had served long prison terms (median years in CDCR custody was over 14 years). Although women comprise a small share of the prison population (4%),⁴ they made up 9% of those resentenced under felony murder reforms (and 11% of those released). People resentenced under felony murder reform had lower recidivism rates across every measure than the general population of people released from CDCR in FY 2018–19.

Second Look Series: This brief is part of a series of six publications focused on second look policies in California. To see the overall report and the four other policy-specific briefs, please visit: [Reforming California's Approach to Incarceration: The Role of Second Look Policies](#).

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Endnotes

- 1 A separate felony-murder "special circumstance" also allows the imposition of life without parole or death sentences for some first-degree murder convictions. The felony-murder special circumstance requires additional proof for people who were not the actual killers or did not have the intent to kill: they must have acted with "reckless indifference to human life," and been a "major participant" in the underlying felony which resulted in the killing. Penal Code § 190.2(d).
- 2 See CRPC Staff Memorandum 2024-14 for additional legal background about compliance liability for murder and felony murder resentencing laws in California." <https://www.clrc.ca.gov/CRPC/Pub/Memos/CRPC24-14.pdf>
- 3 See [An Overview of Sentencing in California](#) for additional details about sentencing in California.
- 4 See CPL's brief on [Women in California's Prisons](#) for more information about women in California's state prison system.

References

California Department of Corrections and Rehabilitation, Office of Research. (2024). Recidivism report for individuals released from the California Department of Corrections and Rehabilitation in Fiscal Year 2018–19. <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2024/02/Statewide-Recidivism-Report-for-Individuals-Released-in-Fiscal-Year-2018-19.pdf>

Nosewicz, T. and Owen, R. (2024). Staff Memorandum 2024-14 Accomplice and Other Liability for Murder and Firearm Enhancements and Related Measures. Committee on Revision of the Penal Code. <https://www.clrc.ca.gov/CRPC/Pub/Memos/CRPC24-14.pdf>

Appendix

TABLE A-1: Factors associated with a new conviction within one year among people resentenced and released under felony murder reform

	NEW CONVICTION WITHIN 1 YEAR
Age at release	-0.00301* (0.00146)
Female	-0.0332 (0.0353)
Black	-0.0426 (0.0237)
Hispanic	-0.0161 (0.0247)
Other	0.0234 (0.0353)
Time in CDCR (years)	0.00218 (0.00146)
Any prior prison (binary)	0.0132 (0.0223)
Prior convictions (count)	0.0113** (0.0395)
Assault	0.0106 (0.0196)
Burglary	0.0834* (0.0396)
Robbery	0.0190 (0.0179)
Weapon	-0.0457 (0.0700)
Constant	0.0878 (0.0572)
R ²	0.055
N	628

Sources: California Department of Corrections and Rehabilitation (2014–24) and California Department of Justice Automated Criminal History System.

Notes: *p<0.05 **p<0.01 ***p<0.001

All models also include controls for race, controlling offense, days for policy implementation to release, and month of release fixed effects.