

Resentencing under Proposition 47 (2014)

ALISSA SKOG AND JOHANNA LACOE

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 Proposition 47, California prosecutors had discretion to charge certain low-level drug possession and property theft offenses under \$950 as either misdemeanors or as felonies. In response to growing concerns about incarceration rates, the cost of incarceration, and the long-term impact of felony convictions for lower-level offenses, voters passed Prop 47 in 2014. The measure reclassified specific drug and property offenses as misdemeanors, reducing associated penalties. It also allowed individuals already serving sentences in prison or county jail for those offenses to petition for resentencing.

This brief examines who was resentenced under Prop 47, the offenses for which they were originally convicted, and their recidivism rates following release. It focuses only on people who were serving a prison sentence at the time of resentencing, not people who were serving a jail sentence.

Key findings

- **More than 4,700 people in prison were resentenced under Prop 47, and half were in custody for a felony drug offense.** Of the 4,723 people resentenced, 47% had a felony drug offense as their primary offense, 38% had a property offense, and 15% were incarcerated for a more serious offense, but had a subordinate property or drug offense resentenced — while their sentence for the more serious offense remained unchanged.
- **People resentenced under Prop 47 often had multiple prior bookings and served short prison terms.** Nearly 50% had three or more prior prison admissions, and almost half had been in prison for less than one year at the time of release.
- **Three years after release, 57% of people resentenced under Prop 47 were convicted of a new offense, and the majority of new convictions were for misdemeanors.** That rate is higher than the 42% reconviction rate for everyone released from CDCR in fiscal year 2018–19. Most new convictions were for misdemeanors (38%) or non-violent, non-serious felonies (14%). Fewer than 5% had a first reconviction within three years for a serious or violent felony, and 8% had their first post-release prison admission for a serious or violent felony (these rates differ because a person's first reconviction may be a less serious offense than the one that led to their first prison admission).

Policy context

Proposition 47 reclassified certain drug possession offenses and property thefts valued under \$950 from “wobblers” (offenses that could be charged either as felonies or misdemeanors) to misdemeanors. Passed by voters in November 2014, Prop 47 also allowed people serving sentences for felony offenses that had been reclassified as misdemeanors to petition the court for resentencing under PC § 1170.18(a). Those without disqualifying “super strike” offenses, like murder or mayhem, or sex offender registration requirements under PC § 290(c), were eligible to petition the court. Courts were required to reduce eligible felonies to misdemeanors unless they determined that resentencing would “pose an unreasonable risk of danger to public safety,” defined as the risk of committing a new violent felony.

Before Prop 47, approximately 40,000 people were convicted each year of the felony offenses that were subsequently reduced to misdemeanors (LAO, 2014). After its passage, individuals convicted of these offenses received shorter sentences, as misdemeanor sentences are capped at one year. Arrest patterns also shifted — monthly arrests for the affected offenses declined, while field citations (which did not result in jail bookings) increased (Bird et al., 2018). Additionally, Prop 47 required counties to reinvest savings from reduced incarceration into mental health services, substance use disorder treatment, and diversion programs aimed at reducing recidivism. In November 2024, California voters passed Proposition 36, which reversed some of the changes made under Prop 47 by increasing sentences for certain drug and theft crimes.

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.](#)

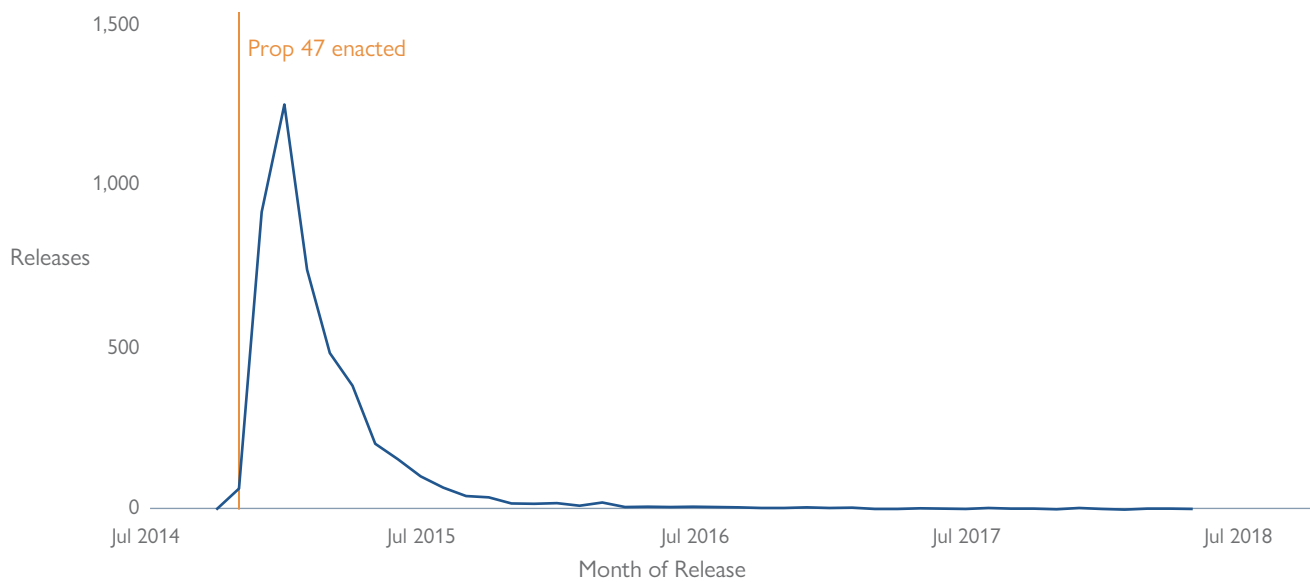
This report focuses on the relatively small number of individuals serving a prison sentence who were resentenced under PC § 1170.18(a) and does not examine broader effects of Prop 47. The majority of its impact was on individuals arrested after its enactment, as they could no longer be charged with felonies for those reclassified offenses.

Descriptive characteristics

Prop 47 went into effect when it was passed by voters on November 4, 2014, and nearly everyone resentenced while incarcerated in the California Department of Corrections and Rehabilitation (CDCR) was released within one year ([Figure 1](#)). From the date of passage, the median number of days to release was 91 days and the average was 146 days.

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 Prop 47



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

Most people resentenced had a Prop 47-eligible offense as their controlling offense (Table 1). Nearly half of those resentenced were incarcerated on a Prop 47-eligible drug offense (possession of methamphetamines, concentrated cannabis, or other controlled substances formerly classified as narcotics). Second-degree burglary was the second most frequent offense type (14%). Approximately 15% of people had a more serious controlling offense, and the offense resentenced under Prop 47 was a subordinate offense.

TABLE 1: Controlling offenses of people resentenced under Prop 47

CONTROLLING OFFENSE	#	%
Prop 47-eligible	4,023	85.3
Possession of methamphetamines	1,605	34.0
Second-degree burglary ^a	671	14.2
Petty theft w/ a prior	616	13.1
Other Prop 47 drug offenses	617	13.0
Other Prop 47 property offenses	262	5.6
Receiving stolen property	252	5.3
Controlling offense ineligible, but subordinate offenses were resentenced	695	14.7
TOTAL	4,718	100.0

Source: California Department of Corrections and Rehabilitation (2013–24).

Note: a) Second-degree burglary charges were eligible for reclassification to a misdemeanor under Prop 47 if the behavior would now meet the definition of PC § 459.5 — Shoplifting. We cannot observe “behavior” in our data, but we assume all second-degree burglary charges were eligible, though also acknowledge that some percentage of these charges were probably not eligible for resentencing under PC § 1170.18(a).

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 2) and key takeaways are:

- The resentenced population under Prop 47 was **older at the time of release** than the total releases (38% were 45 or older, compared to 23%).
- **Sex and racial/ethnic demographics** were mostly similar, though a slightly larger share of people resentenced under Prop 47 were Black (28%) or White (31%) compared to the total releases (24% and 25%). A smaller share was Hispanic (37% compared to 45%).
- Nearly all resentenced individuals had a **non-serious, non-violent offense** (compared to just over 50% of

total releases); for the 6% with a serious or violent felony, the Prop 47-eligible offense was a subordinate offense.

- Resentenced individuals had **shorter prison stays**, with nearly 50% released within a year (compared to 39% of total releases).
- Resentenced individuals had more **extensive criminal histories**, with nearly 50% having three or more prior prison commitments (compared to just over 25% of total releases). This trend is expected, as low-level drug and property felonies typically result in imprisonment only if the person has had multiple prior sentences to prison or when combined with more serious offenses.

TABLE 2: Summary statistics of people resentenced under Prop 47

Demographics

	TOTAL RELEASES (FY 2018–19)	PROP 47
TOTAL	36,086	4,720
Sex		
Female	7.3	7.5
Male	92.7	92.5
Release age		
Under 30	31.1	19.4
30–44	45.2	42.4
45 and over	23.2	38.1
Race/ethnicity		
American Indian/ Alaska Native	1.2	1.3
Asian or Pacific Islander ^a	1.6	0.7
Black	23.9	27.7
Hispanic	44.8	37.1
Another race	3.2	2.1
White	25.4	31.2

Controlling offenses, sentences, and prior admissions

	TOTAL RELEASES (FY 2018–19)	PROP 47
Controlling offense severity		
Serious or violent	46.5	5.6
Not serious or violent	53.5	94.4
Length of stay		
Less than 1 year	38.5	48.8
1 Year	26.3	31.1
2 Years	10.4	9.4
3 Years	5.4	3.2
4 Years	3.6	1.8
5 + years	15.9	5.7
Prior prison admissions		
0	48.1	10.4
1	16.6	21.0
2	7.9	19.9
3+	27.4	48.8

Sources: California Department of Corrections and Rehabilitation (204-24) and [Recidivism Report for Individuals released from CDCR in Fiscal Year 2018–19](#)

Note: Asian and Pacific Islander are combined due to small sample sizes.

Recidivism rates

Primary recidivism measure: new convictions

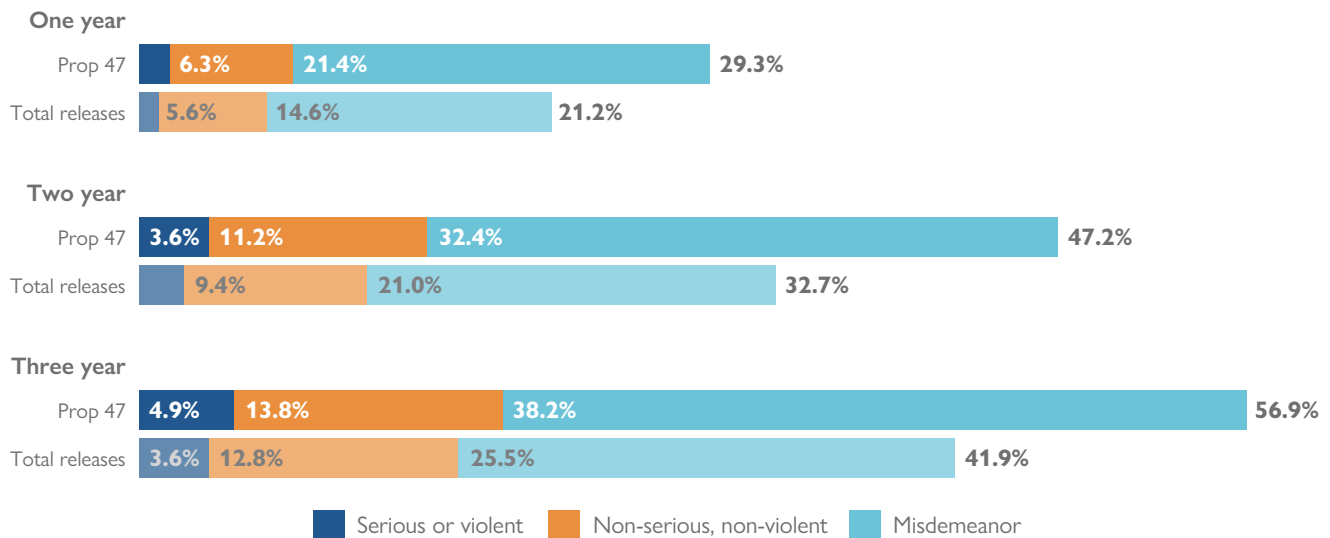
People admitted to prison for non-serious and non-violent property and drug crimes typically have higher recidivism rates than those incarcerated for violent offenses (CDCR, 2024). This pattern holds for individuals resentenced under Prop 47: 29% were convicted of a new offense within one year of release, 47% within two years, and 57% within three years (Figure 2). While these rates exceed those of the total releases (21%, 33%, and 42%, respectively), the gap narrows

when comparing individuals with similar offense types.

Among total releases whose original offenses were property or drug-related, recidivism rates were 27%, 40%, and 50% over the same time period (CDCR, 2024).

Across all years, misdemeanor convictions were the most common: two-thirds of those with a new conviction within three years were convicted of a misdemeanor. Fewer than 6% were convicted of a new serious or violent felony within three years of release.

FIGURE 2: New conviction measures for people resentenced under Prop 47 and total releases, disaggregated by severity



Sources: California Department of Corrections and Rehabilitation (2013–24), California Department of Justice Automated Criminal History System, and [Recidivism Report for Individuals released from CDCR in Fiscal Year 2018–19](#).

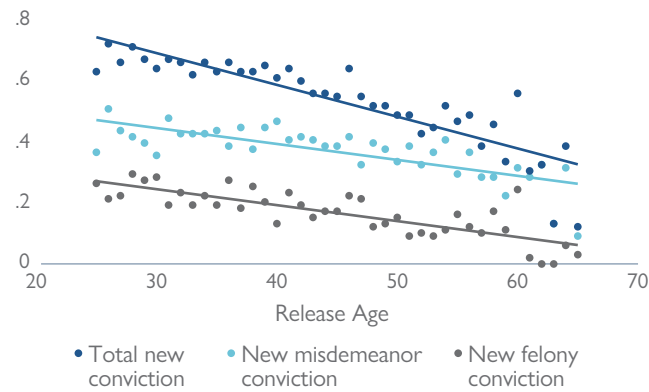
Factors correlated with new convictions

Using multivariate regression analyses, we assess how individual and case characteristics are independently associated with recidivism among those released under Prop 47, holding all other factors constant. Women resentenced under Prop 47 were less likely to be convicted of any new offense within three years compared to their male counterparts (Table A-1). After controlling for other demographics and case characteristics, being female was correlated with a 13 percentage point reduction in three-year new conviction rates relative to males. In addition, the likelihood of a new conviction decreased (by 2 and 1 percentage points, respectively) as age at release and time served increased.

Conversely, any prior prison and prior convictions were associated with an increase (of 8 and 3 percentage points, respectively) in the likelihood of a new conviction.

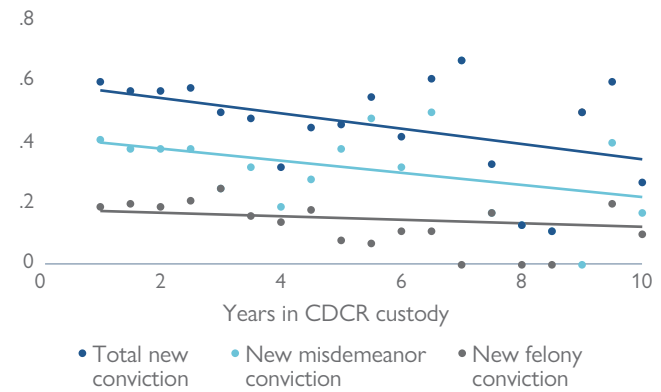
Recidivism rates vary with age and time served. Consistent with our regression results, the rate of new convictions within three years declined as age at release increased (Figure 3). Misdemeanor convictions (represented by the light blue line) were the most common new convictions across all ages. New conviction rates also decreased as the length of incarceration increased, as shown in Figure 4. Across all time-served categories, misdemeanor convictions were more frequent than felony convictions.

FIGURE 3: Correlation between age at release and new conviction rate (three year) after Prop 47 resentencing



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

FIGURE 4: Correlation between years in CDCR custody and new conviction rate (three year) after Prop 47 resentencing



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

Supplemental recidivism measures: new arrests and returns to CDCR

We also consider two alternative measures of recidivism: new arrests and returns to CDCR custody. Three-fourths of people resentenced under Prop 47 were arrested within three years of release (Table 4). Misdemeanors and non-serious, non-violent felonies were the most common arrest type at 35% and 36% within three years, respectively. Close

to one-third also returned to prison within three years of release, but fewer than 8% returned because of a new serious or violent felony. The recidivism outcomes do not meaningfully change if we exclude the 695 people from the sample whose controlling offense was not Prop 47-eligible.

TABLE 4: Supplemental recidivism measures for people released under Prop 47

	ONE YEAR (%)	TWO YEAR (%)	THREE YEAR (%)
NEW ARREST			
Total releases	51.9	62.0	66.7
Total Prop 47	58.7	70.7	75.2
Serious or violent felony	3.5	4.8	5.3
Non-serious, non-violent felony	28.8	33.2	34.7
Misdemeanor	26.4	32.7	35.2
RETURN TO CDCR CUSTODY			
Total releases	5.5	10.4	16.8
Total Prop 47	8.7	21.3	31.2
Serious or violent felony	1.8	5.0	7.8
Non-serious, non-violent felony	6.9	16.9	23.4
N	4,718	4,717	4,714

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: The denominator differs across each measure as we only keep people that have at least one-, two-, or three-years post-release. Recidivism measures are through June 30, 2024.

Conclusion

In summary, the subsection of Prop 47 that allowed for resentencing for people serving sentences for felonies that became misdemeanors (PC § 1170.18(a)) affected nearly 5,000 people incarcerated in California's prisons. Almost half of those resentenced were serving a sentence for a felony drug offense. A large share of those resentenced under this statute had multiple prior bookings and served short prison terms — factors that are correlated with higher recidivism. New conviction rates within one, two, and three years of release were higher for those resentenced under Prop 47 than for everyone released from prison in fiscal year 2018–19. The majority of new convictions were for misdemeanors, and less than 6% of new convictions within three years were for serious or violent offenses.

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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Appendix

TABLE A-1. Correlates of new conviction within three years for people resentenced under Prop 47

	PROBABILITY OF NEW CONVICTION WITHIN 3 YEARS		PROBABILITY OF NEW CONVICTION WITHIN 3 YEARS
Age at release	-0.0152*** (0.000797)	Assault	0.160*** (0.0482)
Black	-0.0219 (0.0179)	Burglary	0.0310 (0.00281)
Hispanic	-0.0148 (0.0167)	Petty Theft	0.0735* (0.0299)
Other	-0.0849 (0.0493)	Receiving Stolen Property	0.0110 (0.0299)
Female	-0.133*** (0.0261)	Robbery	0.0412 (0.0590)
Time in CDCR (Years)	-0.00613* (0.00267)	Vehicle Theft	0.154* (0.0718)
Any prior prison (binary)	0.0772** (0.0250)	Weapon	0.122* (0.0528)
Prior convictions (count)	0.0262*** (0.00142)	Constant	0.900*** (0.0403)
		R2	0.121
		N	4,714

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

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

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