California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

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AGENDA

Tuesday, March 10, 2026
9 a.m. -- State Capitol, Room 126

REGULAR ORDER OF BUSINESS

HEARD IN SIGN-IN ORDER

1.	AB 1538	Krell	Crimes: corruption.
2.	AB 1549	Krell	Alternative domestic violence program.(Urgency)
3.	AB 1667	Boerner	Serious felonies: furnishing fentanyl to a minor.
4.	AB 1681	Ramos	Victim's and witness' rights.
5.	AB 1701	DeMaio	Recall and resentencing: school shootings.
6.	AB 1716	Stefani	California Victim Compensation Board: tuition reimbursement.
7.	AB 1723	Ellis	Driver's licenses: revocation.
8.	AB 1727	Ta	Crimes: unlawful use of DNA.
9.	AB 1737	Lackey	Postrelease community supervision.
10.	AB 1741	Pacheco	Sexual battery.
11.	AB 1743	Wicks	Firearms.

Date of Hearing: March 10, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1538 (Krell) – As Introduced January 5, 2026

PULLED BY THE AUTHOR

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Consultant: Jaleel Baker

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1549 (Krell) – As Introduced January 7, 2026

SUMMARY: Extends the sunset date of the pilot program authorizing specified counties to offer an alternative batterer's intervention program (BIP) to individuals convicted of domestic violence. Specifically, **this bill**:

1) Extends the sunset date on the authorization for the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Cruz, and Yolo to offer alternative BIPs for domestic violence offenders from July 1, 2026, to July 1, 2030.

2) Adds Sacramento County as one of the authorized counties that can participate in the pilot program.

3) Contains an urgency clause.

EXISTING LAW:

1) A person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years, or in a county jail for no longer than one year, or a fine up to six thousand dollars ($6,000), or by both fine and imprisonment. (Pen. Code, § 273.5, subd. (a).)

2) Requires a defendant who received probation for a domestic violence offense to successfully complete a batterer's intervention program lasting for a period not less than one year with periodic progress reports by the program to the court every three months or less and weekly sessions of a minimum of two hours class time. (Pen. Code, § 1203.097, subd. (a)(6).)

3) Requires a defendant to attend consecutive weekly sessions, unless granted an excused absence for good cause by the program for no more than three individual sessions during the entire program, and to complete the program within 18 months. (Pen. Code, § 1203.097, subd. (a)(6).)

4) Approved programs must be designed to stop domestic violence and include, among other things, structured group sessions focused on offender accountability, education regarding the dynamics and impacts of abuse, victim notification procedures, and regular reporting to the court and probation department, among other required components. (Pen. Code, § 1203.097, subd. (c).)

5) Requires a defendant convicted of an offense against any of the following persons to complete a batterer's intervention program: A spouse or former spouse, a cohabitant or former cohabitant, a person the offender was in a dating or engagement relationship with, the

mother or father of the offender's child, the child, or any person related to the offender by blood or marriage in the first or second degree. (Fam. Code, § 6211.)

6) Authorizes the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer a program for individuals convicted of domestic violence that does not comply with the components of the batterer's program otherwise outlined in state law, if the program meets certain requirements. (Pen. Code, § 1203.099, subd. (a).)

7) Requires the counties to develop the program in consultation with the domestic violence service providers and other relevant community partners. (Pen. Code, § 1203.099, subd. (a)(1).)

8) Requires the counties to perform a risk and needs assessment utilizing an assessment demonstrated to be appropriate for domestic violence offenders for each offender entering the program. (Pen. Code, § 1203.099, subd. (a)(2).)

9) Requires that the offender's treatment within the program be based on the findings of the risk and needs assessment. (Pen. Code, § 1203.099, subd. (a)(3).)

10) Requires the program to include components that are evidence-based or promising practices. (Pen. Code, § 1203.099, subd. (a)(4).)

11) Requires the program to have a comprehensive written curriculum that informs the operations of the program and outlines the treatment and interventions modalities. (Pen. Code, § 1203.099, subd. (a)(5).)

12) Requires the offender's treatment within the program to be for not less than one year in length, unless an alternative length is established by a validated risk and needs assessment completed by the probation department or an organization approved by the probation department. (Pen. Code, § 1203.099, subd. (a)(6).)

13) Requires the counties to collect data on participants in the program, as specified. (Pen. Code, § 1203.099, subd. (a)(7).)

14) Requires the counties to report all of the following information annually to the Legislature:

    a) The risk and needs assessment tool used for the program;

    b) The curriculum used by each program;

    c) The number of participants with a program length other than one year, and the alternative program lengths used;

    d) Individual data on the number of offenders participating in the program; and,

    e) Other individual data that the county is required by law to collect, as specified. (Pen. Code, § 1203.099, subd. (a)(8)(A)-(E).)

15) Defines "evidence-based program or practice" as a program or practice that has a high level of research indicating its effectiveness, determined as a result of multiple rigorous evaluations including randomized controlled trials and evaluations that incorporate strong comparison group designs, or a single large multisite randomized study, and, typically, has specified procedures that allow for successful replication. (Pen. Code, § 1203.099, subd. (c)(1).)

16) Defines "promising program or practice" as a program or practice that has some research demonstrating its effectiveness but does not meet the full criteria for an evidence-based designation. (Pen. Code, § 1203.099, subd. (c)(2).)

17) Provides that the law authorizing the named counties to operate alternative batterer's programs sunsets on July 1, 2026. (Pen. Code, § 1203.099, subd. (f).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1549 is a step toward breaking the cycles of abuse that all too often entrap victims for months or years. More than two decades ago, the state made completion of a Batterers Intervention Program (BIP) mandatory for all domestic violence offenders sentenced to probation – an important step to help prevent repeated abuse. Since then, multiple reports have documented serious shortcomings in the state's BIPs, including high absentee and dropout rates among offenders. This is driven in no small part by an outdated curriculum that fails to take advantage of modern best practices. A May 2025 grand jury report highlighted specific, urgent shortcomings in Sacramento County's BIP. AB 1549 will allow selected counties to continue to study promising improvements to BIPs by extending the sunset date of an existing pilot program until July 2030. At the same time, it proposes a measured expansion of the pilot into Sacramento County, where stakeholders have asked for flexibility to make much-needed changes to the way BIPs operate here."

2) **Existing Batterer's Intervention Programs:** Criminal law makes it a crime to willfully inflict a physical injury that results in a traumatic condition on an intimate partner, including a spouse, former spouse, a current or previous cohabitant, a person the offender was in a dating or engagement relationship with, among other qualified victims. (Pen. Code, § 273.5, subd. (a)-(b).).

   When a person is convicted of a domestic violence offense and granted probation, state law requires the court to impose specific mandatory conditions. One of those conditions is participation in a BIP. (Pen. Code, § 1203.097, subd. (a).) A BIP is a court-ordered counseling and educational program for individuals convicted of domestic violence offenses. State law sets minimum requirements for BIPs. (Pen. Code, § 1203.097, subd. (c).) Offenders who receive probation must complete at least one year in a BIP and participate in weekly group sessions. (Pen. Code, § 1203.097, subd. (a)(6).) BIPs must include content designed to promote accountability for abusive behavior, educate participants about the impact of domestic violence on victims and children, and encourage the development of nonviolent relationship skills. (Pen. Code, § 1203.097, subd. (c)(1)(F).). BIPs are required to provide regular progress reports to the court and probation department on the participant's progress in

the program. (Pen. Code, § 1203.097, subd. (c)(1)(O).) County probation departments are responsible for approving and monitoring these programs to ensure compliance with statutory standards. (Pen. Code, § 1203.097, subd. (c)(5).)

Accordingly, California's current framework treats BIPs as a mandatory rehabilitative component of probation in domestic violence cases. Existing law allows selected counties to provide alternative BIPs in place of the existing BIPs counties are required to offer. (Pen. Code, § 1203.099, subd. (a).) Alternative BIPs allow the county more flexibility to update program design elements, including curriculum and program length, while not constrained by the standards in existing law. (*Id.*) If an individual is convicted of domestic violence, receives probation, and is located within a participating county, that individual can be enrolled in an alternative BIP, likely with an updated program design, and upon completion will be deemed to have met the existing batterer's program requirements. (Pen. Code, § 1203.099, subd. (b).)

3) **Alternative Batterer's Intervention Program Efficacy:** In October 2022, the California State Auditor issued an audit of the state's existing BIPs. The Auditor examined the administration and oversight by the probation departments and courts in five counties—Alameda, Contra Costa, Del Norte, Los Angeles, and San Joaquin. The Auditor found that persons convicted of domestic violence were "far less likely to reoffend" if they completed a batterer's intervention program. [1] However, nearly 50 percent of program participants reviewed by the Auditor did not complete the program, and most of those participants later reoffended. (*Ibid.*) The State Auditor found "probation departments did not consistently assess all offenders for underlying issues, such as mental health or substance abuse concerns, that might interfere with an offender's ability to complete a program." (*Ibid.* at p. 2.) The auditor also reported that "probation departments, program providers, and courts generally did not hold many of the offenders we reviewed accountable for probation and program violations." (*Ibid.*)

Moreover, "even when notified about offenders' violations, the courts, in some instances, referred the offenders back to a program without imposing additional consequences," which according to the Auditor "likely weakens the impact of programs." (*Ibid.*) Specifically, the Auditor noted that "none of the five probation departments had established sufficient standards, policies, and procedures for overseeing program providers and ensuring program compliance." (*Ibid.*) As a result, "program providers did not supervise offenders appropriately or report required information." (*Ibid.*)

AB 372 (Stone), Chapter 290, Statutes of 2018, authorized the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer an alternative batterer's intervention program for individuals convicted of domestic violence that does not need to comply with existing requirements for batterer's programs. These alternative BIPs have been used by counties to update program design elements including curriculum, program length, risk assessment factors, oversight, and other important program design considerations.

Each year, the California State Association of Counties (CSAC) is required to submit an annual report to the Legislature assessing the effectiveness of the pilot program, and reporting on specified data. Based on the most recent Legislative Report, "Five years into the

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[1] https://information.auditor.ca.gov/pdfs/reports/2021-113.pdf

AB 372 Pilot and across six counties, more than 6,900 people have entered the program. For those who entered the program in the fourth year, half (50%) had shown a positive completion of the program. One in six had a negative completion (16%) and over one third (34%) had a neutral, pending, or unknown completion status,"[2] which can be seen as an early indication of improved outcomes when compared to the effectiveness of existing batterer's programs. However, it is still unclear whether program completion rates are generally stronger for the alternative BIPs when compared to the existing BIPs in other counties. The report also highlights other important data limitations, such as, "The evidence about specific domestic violence programming varies, with most research reporting no effect on recidivism … Due to data limitations surrounding recidivism measurement time, recidivism rates for individual counties are not presented in this report." (*Ibid.* at pp. 15-16.)

Although there may be some early signs of success with alternative programs, it remains unclear whether the alternative BIPs produce better outcomes, specifically whether individuals that participate in the alternative programs are more likely to complete the program, or less likely to reoffend. Additionally, the Legislature is still waiting on the Year 6 – Legislative Report and may require more recent data on the alternative BIPs to fully assess their efficacy.

4) **Sacramento Grand Jury Report on Batterer Intervention Program:** Sacramento County is proposed for inclusion in this pilot program authorizing alternative BIPs in select counties. A recent Sacramento Grand Jury report identified concerns with the existing BIPs in the county, regarding completion rates, data collection, provider oversight, and the absence of validated risk assessment tools. [3] The grand jury report states, "The program in Sacramento County has had virtually no change in treatment intervention (method, curriculum, and philosophy/approach) since its inception, and there is no standardized assessment tool to determine the offender's risk for reoffending at the completion of the program." (*Ibid.*) This report also specifically highlights that Sacramento County is not one of the counties authorized for the alternative batterers pilot program. This report has been used to support Sacramento as an ideal county to extend the pilot program to, given its current programmatic structure, and prevalence of domestic violence in the county.

5) **Argument in Support**: According to *the California State Association of Counties*, one of the bill's co-sponsors, "Existing law established in the early 1990s requires that individuals placed on probation for domestic violence battery must complete a 52-week batterer intervention program, which current statute offers minimal opportunities to explore other programming options that could more effectively meet the individualized, criminogenic needs of those who have committed domestic violence. To help address this considerable public health and safety concern, in 2017, CSAC, along with CPOC and other county affiliates, set out to further assess domestic violence programming by co-sponsoring AB 372. This bill was aimed at advancing batterer intervention programming, authorizing six counties (Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo) to pilot innovative, alternative, evidence-based, approaches with the long-term goal of improving outcomes.

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[2] https://www.counties.org/wp-content/uploads/2025/09/AB372-Year-5-Legislative-Report.pdf
[3] gj-batterers-treatment-program.pdf

"To date, the work under AB 372 has led to local batterer intervention program modifications, curriculum advancements, briefs on California's domestic violence system, recidivism research, and annual reporting. After the first five years of implementation, over 6,900 individuals have entered programs across the six counties. While progress has been made in this area, there remains work to be done to expand evidence-based practices that will change thinking patterns, reduce anti-social behavior, and better understand the complex relationship between the risk of reoffending and treatment needs.

"Simply put, AB 1549 would allow seven counties, program participants, survivors of intimate partner violence, service providers, and experts in this field to continue to engage in the work to develop more effective alternative treatment programs that reduce domestic violence."

6) **Related Legislation**:

a) AB 292 (Patterson), would add the crime of felony domestic violence to the list of "Violent Felonies" that subject a defendant to additional penalties, including under California "Three Strikes" Law, and reduce the custody credits that a defendant may receive. AB 292 is pending referral in the Senate.

b) AB 1877 (Stefani), would increase the penalty for a violation of a domestic violence protective order or stay-away order for specified crimes where the underlying charged crime is a felony. AB 1877 is pending a hearing in this committee.

c) AB 2119 (Jackson), would require a district attorney to establish a process for reviewing and investigating reported cases of sexual assault or domestic violence and would require that process to include a report to the victim explaining the decision whether to bring criminal accusations and which accusations to allege. AB 2119 is pending referral.

d) AB 2261 (Dixon), would allow the court to consider issuing an order restraining a domestic violence defendant from contacting any person who is a member of the victim's family or household if there is competent evidence that the individual is a victim of an offense committed by the defendant. AB 2261 is pending referral.

e) AB 2701 (J. Gonzalez), would create a domestic violence offender registry and require the DOJ to create a public database of people convicted of a qualifiable domestic violence offense. Offenders would register for up to 20 years and provide specified information to their local law enforcement agency. AB 2701 is pending a hearing in this committee.

7) **Prior Legislation**:

a) AB 479 (Blanca-Rubio), Chapter 86, Statutes of 2023, extended the sunset date of the pilot program authorizing specified counties to offer alternative batterer's intervention programs from July 1, 2023, until July 1, 2026.

b) AB 304 (Holden), of the 2023-2024 Legislative Session, would have transferred responsibility for oversight of batterer's intervention programs from probation

departments to the Department of Justice. The bill was vetoed by the Governor.

c) SB 827 (Committee on Public Safety), Chapter 434, Statutes of 2021, extended the sunset date of the pilot program authorizing specified counties to offer alternative batterer's intervention programs from July 1, 2022, until July 1, 2023.

d) AB 372 (Stone), Chapter 290, Statutes of 2018, authorized the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer a program for individuals convicted of domestic violence that does not comply with the requirement of the batterer's program, as specified, if the program meets certain requirements.

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC) (Co-Sponsor)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Crime Victims Assistance Association
California District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Association of Counties (CSAC)
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Little Hoover Commission
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento County District Attorney's Office
Sacramento; County of
Smart Justice California, a Project of Beyond Impact
Weave

Opposition

None submitted

Analysis Prepared by: Jaleel Baker / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1667 (Boerner) – As Introduced January 29, 2026

SUMMARY: Adds fentanyl and fentanyl analogs to the list of controlled substances for which it is a "serious" felony to sell, furnish, administer, or give to a minor.

EXISTING LAW:

1) Provides that a person 18 years of age or older who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate laws with respect to either specified controlled substances, including cocaine or heroin, who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, those controlled substances to a minor, shall be punished by imprisonment in the state prison for a period of three, six, or nine years. (Health & Saf. Code, § 11353.)

2) Specifies that any person who is convicted of a violation of Health and Safety Code section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

   a) One year in state prison if the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open or in use.

   b) Two years in state prison if the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open or in use.

   c) One, two, or three years in state prison if the offense involved a minor who is at least four years younger than the defendant. (Health & Saf. Code, § 11353.1, subd. (a).)

3) States that a person 18 years of age or older who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate specified laws involving controlled substances, including methamphetamine-related drugs and phencyclidine (PCP), or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years. (Health & Saf. Code, § 11380, subd. (a).)

4) Specifies that any person who is convicted of a violation of Health and Safety Code section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

a) One year in state prison if the offense involved PCP, methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open or in use.

b) Two years in state prison if the offense involved PCP, methamphetamine, LSD, or any analog of these substance and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open or in use.

c) One, two, or three years in state prison if the offense involved a minor who is at least four years younger than the defendant. (Health & Saf. Code, § 11380.1, subd. (a).)

5) States that a person who was convicted of a violation of specified controlled substance offenses including Health and Safety Code sections 11353 and 11380, who has previously served two or more prior separate prison terms for a violation of those listed offenses, may be punished in the state prison for life and shall not be eligible for release on parole for 17 years, or other sentence determined by the court for the underlying conviction and any enhancements, whichever is greater. (Pen. Code, § 667.75.)

6) States that a person who sells, furnishes, administers, or gives away a controlled substance is deemed to have personally inflicted great bodily injury for purposes of sentence enhancement when the person to whom the substance was sold, furnished, administered or given suffers a significant or substantial physical injury from using the substance. (Pen. Code, § 12022.7, subd. (f)(2); added by Proposition 36, approved by voters on Nov. 5, 2024.)

7) Defines the following offenses as "serious" felonies:

a) Murder or voluntary manslaughter;

b) Mayhem;

c) Rape;

d) Sodomy by force, violence, duress, menace, or threat or fear of bodily injury;

e) Oral copulation by force, violence, duress, menace or threat or fear of bodily injury;

f) Lewd act with child under fourteen years of age;

g) Any felony punishable by death or life imprisonment;

h) Any felony in which defendant personally inflicts great bodily injury on any person other than an accomplice or personally uses a firearm;

i) Attempted murder;

j) Assault with intent to commit rape or robbery;

k) Assault with a deadly weapon or instrument on a peace officer;

l) Assault by a life prisoner on a non-inmate;

m) Assault with a deadly weapon by an inmate;

n) Arson;

o) Exploding a destructive device or any explosive with intent to injure;

p) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;

q) Exploding a destructive device or any explosive with intent to murder;

r) Burglary of an inhabited dwelling;

s) Robbery or bank robbery;

t) Kidnapping;

u) Holding a hostage by an inmate;

v) Attempt to commit a crime punishable by life imprisonment or death;

w) Any felony where defendant personally used a dangerous or deadly weapon;

x) Selling, furnishing, administering, giving, heroin, cocaine, PCP, or methamphetamine to a minor;

y) Forcible penetration with a foreign object;

z) Grand theft involving a firearm;

aa) Any gang-related felony;

bb) Assault with the intent to commit mayhem or specified sex offenses;

cc) Maliciously throwing acid or flammable substances;

dd) Witness intimidation;

ee) Assault with a deadly weapon or firearm or assault on a peace officer or firefighter;

ff) Assault with a deadly weapon on a public transit employee;

gg) Criminal threats;

hh) Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft;

ii) Commission of rape or sexual penetration in concert;

jj) Continuous sexual abuse of a child;

kk) Shooting from a vehicle;

ll) Any attempt to commit a "serious" felony other than assault;

mm) Any violation of the 10 years, 20 years, 25 years to life gun law;

nn) Possession or use of any weapon of mass destruction;

oo) Sex trafficking of a minor except where the person committing the offense was a victim of human trafficking at the time of the offense; and,

pp) Any conspiracy to commit a "serious" felony. (Pen. Code, § 1192.7, subd. (c).)

8) Prohibits plea bargaining in any case in which the indictment or information charges a "serious" felony unless there is insufficient evidence to prove the charge, the testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. (Pen. Code, § 1192.7, subd. (a)(2).)

9) Provides that any person convicted of a "serious" felony who has previously been convicted of a "serious" felony receives, in addition to the sentence imposed by the court, an additional and consecutive five-year enhancement for each such prior conviction. (Pen. Code, § 667, subd. (a)(1).)

10) Prohibits granting of probation on a current felony conviction if the defendant has one or more prior "serious" or "violent" felony convictions. (Pen. Code, §1170.12, subd. (a)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Fentanyl is increasingly affecting our communities. Its proliferation has had disastrous consequences. This bill is a common-sense measure that ensures that the drugs on the existing serious felony list include a deadly contemporary drug: fentanyl. We should be protecting our children from drugs that can cause serious, even fatal harm."

1) **Background on Fentanyl and Fentanyl-Related Substances**: Fentanyl was synthesized in 1959 and has been used medically since the 1960s.[1] The Centers for Disease Control and Prevention (CDC) provides this description of fentanyl[2]:

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[1] https://www.yalemedicine.org/news/fentanyl-driving-overdoses (Mar. 18, 2024) [as of Mar. 5, 2026].)
[2] https://www.cdc.gov/stop-overdose/caring/fentanyl-facts.html (Apr. 2, 2024) [as of Mar. 5, 2026].

> Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine.
>
> There are two types of fentanyl: pharmaceutical fentanyl and illegally made fentanyl. Both are considered synthetic opioids (made in a laboratory). Pharmaceutical fentanyl is prescribed by doctors to treat severe pain, especially after surgery and for advanced-stage cancer.
>
> However, most recent cases of fentanyl-related overdose are linked to illegally-made fentanyl, which is distributed through illegal drug markets for its heroin-like effect. It is often added to other drugs because of its extreme potency, which makes drugs cheaper, more powerful, more addictive, and more dangerous.

According to the Drug Enforcement Agency (DEA), illegally-made fentanyl is sold as powders, nasal sprays, and pressed into pills to look like legitimate prescription opioids. The DEA reports that they've analyzed counterfeit pills ranging from .02 to 5.1 milligrams of fentanyl per tablet. 42 percent of pills tested contained at least 2mg of fentanyl which is considered a potentially lethal dose. However, lethality depends on a person's body size, tolerance and past usage.

Some users of illegally-made fentanyl are unaware that fentanyl is in the counterfeit pill or the illegal controlled substance they were seeking and would have no idea how much fentanyl is contained in the product. However, many people who use or overdose on fentanyl knowingly take the drug because it provides an intense high.[3]

2) **Existing Laws on Selling or Furnishing Controlled Substances to Minors**: Existing law prohibits selling, furnishing, administering, giving away specified controlled substances, or offering to commit those acts, to a minor. (Health & Saf. Code, §§ 11353, 11380.) The punishment for a violation of such an offense is three, six, or nine years in state prison. Sentence enhancements of one to three years are available to add on to a person's sentence for the underlying crime when the defendant is four years older than the minor, or if the offense occurred at specified locations such as a school, church or community centers. (Health & Saf. Code, § 11353.1.) When those controlled substances include heroin, cocaine, PCP, or methamphetamine, the conviction qualifies as a strike for purposes of the Three Strikes Law. (Pen. Code, § 1192.7.) Enhanced sentencing including a life sentence may also apply to a person with prior convictions involving controlled substances. (Pen. Code, § 667.75.) A sentence enhancement of three years may also be added if the person to whom the substance was sold, furnished, administered or given suffers a significant or substantial physical injury from using the substance, such as an overdose. (Pen. Code, § 12022.7, subd. (f)(2).) The application of the preceding enhancement would also make the offense a "violent" felony, resulting in among other things reduced in-custody credit earning opportunities. (Pen. Code, § 667.5, subd. (c)(8). See Pen. Code, § 2933.1, subd. (a); Cal. Code Regs., tit. 15, § 3043.2.)[4]

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[3] https://www.yalemedicine.org/news/fentanyl-driving-overdoses (Mar. 18, 2024) [as of Mar. 5, 2026].
[4] https://www.cdcr.ca.gov/proposition57/ [as of Mar. 5, 2026].

Additionally, there have been other recent changes in the law which have the potential to increase punishment for this crime. Proposition 36 of the November 2024 general election contained a provision called "Alexandra's Law." Pursuant to this provision, the court must warn a defendant convicted of, or entering a plea to, manufacturing, distributing, selling, furnishing, administering or giving away "hard drugs" (including fentanyl) that if they do so again, and if someone dies, they could be charged with murder. (Health & Saf. Code, § 11369.) So, a subsequent conviction for furnishing fentanyl to a minor could potentially lead to a much longer sentence than a five-year enhancement, as is required under current law.

The jury instructions applicable to Health and Safety Code sections 11353 and 11380 require the following elements to be proven beyond a reasonable doubt for a person to be convicted of those offenses:

a) The defendant unlawfully sold/furnished/administered/gave away a controlled substance to another;

b) The defendant knew of the presence of the controlled substance;

c) The defendant knew of the substance's nature or character as a controlled substance;

d) At that time, the defendant was 18 years of age or older;

e) At that time, the person sold/furnished/administered/given the controlled substance was under 18 years of age;

f) The substance was a controlled substance or an analog of a controlled substance; and,

g) The controlled substance was in a usable amount. (CALCRIM No. 2380.)

Fentanyl is included in the controlled substances that are illegal to sell, furnish, administer, give away to a minor. Thus, the main effect of this law is to include the crime on the list of controlled substances that elevate the crime to a "serious" felony when the substance is cocaine, PCP, heroin and methamphetamine. As discussed above, illicit fentanyl is commonly mixed with other controlled substances, such as heroin and cocaine, oftentimes unbeknownst to the seller and buyer. Also, if the substance is mixed with cocaine, heroin or methamphetamine, the crime would already be a "serious" felony.

3) **Harsher Sentences Unlikely to Reduce Drug Use or Deter Criminal Conduct:** Ample research on the impact of increasing penalties for drug offenses on criminal behavior has called into question the effectiveness such measures. In a report examining the relationship between prison terms and drug misuse, PEW Charitable Trusts found "[n]o relationship between drug imprisonment rates and states' drug problems," finding that "higher rates of drug imprisonment did not translate into lower rates of drug use, arrests, or overdose deaths."[5]

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[5] https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems; see also https://www.ccjrc.org/wp-content/uploads/2016/02/Correctional_and_Sentencing_Reform_for_Drug_Offenders.pdf

This may be because of the limited deterrent effect of harsher sentences generally. According the U.S. Department of Justice, "Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. More severe punishments do not 'chasten' individuals convicted of crimes, and prisons may exacerbate recidivism."[6]

Harsher sentences for drug trafficking offenses specifically may be particularly ineffective, in part because of the nature of illicit drug markets.[7] The Council on Criminal Justice reviewed the evidence on the effect of harsher punishments on criminal behavior, finding:

> The empirical evidence on selective incapacitation suggests that long sentences may produce short- and long-term public safety benefits for individuals engaged in violent offending, but may produce *the opposite effect* for those engaged in drug-related offending…where an incarcerated individual is quickly replaced by a new recruit. This "replacement effect" occurs—and undermines the overall crime-reducing effects of incapacitation—when there is "demand" for a particular criminal activity. The illicit drug business offers the most obvious example: when someone who plays a role in a drug trafficking organization is incarcerated, someone else must take his or her place.[8]

According to PEW, "[A] large body of prior research…cast[s] doubt on the theory that stiffer prison terms deter drug misuse, distribution, and other drug-law violations."[9] PEW concludes:

> Putting more drug-law violators behind bars for longer periods of time has generated enormous costs for taxpayers, but it has not yielded a convincing public safety return on those investments. Instead, more imprisonment for drug offenders has meant limited funds are siphoned away from programs, practices, and policies that have been proved to reduce drug use and crime.[10]

By adding selling, furnishing, administering, or giving of fentanyl to a minor to the "serious" felony list, persons convicted of this offense would earn fewer credits towards their sentences, thereby increasing the length of their sentences. One might reasonably question whether this oft-used approach will produce positive public safety outcomes.

4) **Recommended Amendments**: Given available punishments for this conduct and reasonable questions about the deterrent value of longer terms of incarceration, perhaps this bill should be limited in application to the people whose conduct is intentional. A sensible approach could be to require knowledge that the substance sold, furnished, administered, or given away was fentanyl or a fentanyl analog, particularly since fentanyl is often mixed with other

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[6] https://nij.ojp.gov/topics/articles/five-things-about-deterrence
[7] Cmte. On Causes and Consequence of High Rates of Incarceration, National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences (2014) p. 146. <https://nap.nationalacademies.org/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes> [last visited Mar. 5, 2026].)
[8] Long Sentences Task Force, Council on Criminal Justice, *The Impact of Long Sentences on Public Safety: A Complex Relationship* (Nov. 2022) p. 8 https://councilоncj.org/wp-content/uploads/2022/11/Impact-of-Long-Sentences-on-Public-Safety.pdf [last visited Mar. 5, 2026] [internal citations omitted] [emphasis added].
[9] PEW, *supra.*
[10] *Ibid.*

substances or used in counterfeit pills, often unbeknownst to the seller. AB 568 (Lackey), of the 2025-2026 Legislative Session, was amended to include this knowledge requirement last year and received widespread support on the Assembly floor, before being gut and amended in the Senate. The same approach also made it out of the Senate Public Safety Committee.[11]

Should this bill be amended to include a knowledge requirement?

5) **Three Strikes Law**: In 1994, California voters passed Proposition 184, knowns as the "Three Strikes and You're Out" law that defined qualifying "strikes" as those felonies listed as "serious" or "violent" on June 30, 1993. That same year, the California Legislature passed similar legislation that was signed into law. (AB 971 (Jones), Chapter 12, Statutes of 1994.) Collectively, Proposition 184 and AB 971 became known as California's Three Strikes law which imposes longer prison sentences for certain repeat offenders. Proposition 21 of the March 2000 primary election added crimes to the lists of serious and violent felonies and defined qualifying prior strikes as a felony listed as "serious" or "violent" felonies as of March 8, 2000, the date that the Proposition 21 took effect.

   The Three Strikes law requires a person who is convicted of a felony and who previously has been convicted of one or more "violent" or "serious" felonies, known as strikes, to be subject to an alternative sentencing scheme. Specifically, if the person has one prior strike, the sentence on any new felony conviction must be double what is specified by statute. If the person has two prior strikes, the sentence on any new felony conviction was 25 years to life, although this provision was amended by Proposition 36, approved by voters in 2012, to require that the third strike must be a serious or violent felony in order to impose the life term.

   The Three Strikes law contains a statutory lock-in date whereby only the offenses listed in the serious or violent list as of the specified date qualify as strikes. (Pen. Code, § 667.1.) Currently, the statute contains two dates to reflect a change to the list and lock-in dates in 2012[12] and again in 2023[13]:

   (a) Notwithstanding subdivision (h) of Section 667, for all offenses committed on or after November 7, 2012, but before January 1, 2024, all references to existing statutes in subdivisions (c) to (g), inclusive, of Section 667, are to those statutes as they read on November 7, 2012.

   (b) Notwithstanding subdivision (h) of Section 667, for all offenses committed on or after January 1, 2024, all references to existing statutes in subdivisions (c) to (g), inclusive, of Section 667, are to those statutes as they read on January 1, 2024. (Pen. Code, § 667.1; see also Pen. Code, § 1170.125.)

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[11] SB 432 (Seyarto), of the 2025-2026 Legislative Session, was substantially similar to this bill. SB 432 was held in suspense in the Senate Appropriations Committee.

[12] Proposition 36, approved by California voters on November 6, 2012.

[13] SB 14 (Grove), Chapter 230, Statutes of 2023, which added sex trafficking of a minor to the list of serious felonies.

This bill does not amend the statutory lock-in dates.

6) **Argument in Support**: According to *California Narcotics Officers Association*, "Under Penal Code section 1192.7(c)(24), it is a serious felony to sell, furnish, administer, or give to a minor certain controlled substances such as heroin, cocaine, methamphetamine, and PCP.

"Fentanyl, however, is not included in this list despite being one of the most lethal and rapidly proliferating synthetic opioids in the illicit drug market.

"Fentanyl is up to 50 times more potent than heroin and 100 times more potent than morphine. A dose as small as 2 milligrams can be fatal. We've all witnessed the death and destruction this toxic substance has caused in our communities in recent years.

"As the author has highlighted, 'The CDPH noted in 2021 an opioid-related rate of 8.7 deaths per 100,000 California residents among those 10-19-years-old. According to a UCLA Health news release, an average of 22 adolescents 14 to 18 years of age died in the U.S. each week in 2022 from drug overdoses, raising the death rate for this group to 5.2 per 100,000-- driven by fentanyl in counterfeit pills.

"AB 1667 is a common sense bill that would add fentanyl to the current serious felony list as applied to adults who furnish illicit fentanyl to minors."

7) **Argument in Opposition**: According to the *Drug Policy Alliance*, "We all want to keep young people safe and healthy, and protect them from the harms of drug use. However, increasing sentencing enhancements, as this bill does, has been consistently found to be ineffective in reducing drug sales and protecting the safety of young people, and instead exacerbate racial inequities in the criminal legal system.

"Adding an additional offense to 1192.7 would add additional years to a sentence and massive costs to taxpayers and to an incarcerated person's family. These high costs will bring no positive outcome in terms of reduced drug use, drug sale, or death from overdose. Increased penalties have historically been found ineffective in reducing availability and use among current and potential consumers of illicit substances.

"Current California law is already too draconian, focused on expensive incarceration, rather than more evidence-based investments in public health and drug treatment strategies. The current penalty for furnishing fentanyl to a minor (absent any enhancements for great bodily injury or other offenses) is 3, 6, or 9 years in jail. AB 1667 would add many more years and require doubled sentences and incarceration in state prisons for any subsequent felony conviction. The United States Department of Justice and others have concluded, based on available evidence, that the threat of long sentences does not deter crime.

"The estimated per capita cost of incarceration in Los Angeles County for one year is approximately $90,000. The per capita cost of incarceration in a state prison in California exceed $127,000. It would be healthier, safer and better for public safety to invest in expanding access to substance use treatment in our communities, which is presently inadequate in many parts of the state. For the cost of incarcerating one person in state prison for a year, California could provide medication treatment for approximately 17-19 people experiencing substance use disorder. Funding a robust, voluntary drug treatment system is a

far more productive investment.

"The state has made a sizable investment in adolescent substance use prevention. In 2024, the Substance and Addiction Branch of California Department of Public Health launched a multi-million dollar public education campaign Facts About Fentanyl, targeting young people online and through various other forms of media. Advertisement and materials are available in Korean, Spanish, Chinese, as well as English, and provided in partnership with Tribal governments. These and other evidence-based education approaches, including expanding investments in voluntary substance use disorder treatment are far more meaningful and effective investments.

"Drug Policy Alliance is the leading organization in the U.S. focused on addressing harms of drug use and drug criminalization through a holistic approach to drugs that prioritizes health, equity, social supports and community wellbeing. Instead of wasting taxpayer dollars on ineffective approaches, leaders should fund what works: proven health solutions that help communities stay alive, be healthy, and thrive. DPA opposes AB 1667 (Boerner) as inconsistent with that vision, and a step backward toward the failed drug war approach to drug problems."

8) **Prior Legislation**:

a) AB 568 (Lackey), of the 2025-2026 Legislative Session, was substantially similar to this bill. AB 568 was gut and amended into a different subject matter in the Senate.

b) SB 432 (Seyarto), of the 2025-2026 Legislative Session, was substantially similar to this bill. SB 432 was held in suspense in the Senate Appropriations Committee.

c) SB 14 (Grove), Chapter 230, Statutes of 2023, added sex trafficking of a minor, except if the person committing the offense was a victim of sex trafficking at the time of the offense as specified, to the list of "serious" felonies for all purposes, including the Three Strikes Law.

d) SB 1042 (Grove), of the 2021-2022 Legislative Session, would have added human trafficking to the list of "violent" felonies as well as to the list of "serious" felonies for all purposes, including for purposes of the Three Strikes Law. SB 1042 failed passage in the Senate Public Safety Committee.

e) AB 537 (Acosta), of the 2017-2018 Legislative Session, would have added crimes, including human trafficking involving sexual exploitation, to the list of "serious" felonies. AB 537 failed passage in this committee.

f) AB 1321 (Stone), of the 2013-2014 Legislative Session, would have added crimes, including human trafficking, to the list of "serious" felonies. AB 1321 was held in this committee.

g) AB 1188 (Pan), of the 2011-2012 Legislative Session, would have added four new offenses relating to child abuse to the list of "violent" felonies, and added five new offenses related to human trafficking and the abuse of a child to the "serious" felony list. AB 1188 failed passage in this committee.

h) AB 16 (Swanson), of the 2009-2010 Legislative Session, would have added human trafficking to the list of "serious" and "violent" felonies. AB 16 failed passage in the Assembly Appropriations Committee.

i) SB 440 (Denham), of the 2009-2010 Legislative Session, would have added the crimes of child abuse likely to produce great bodily injury or death, physical child abuse, killing, mutilating, or torturing a domestic animal, elder abuse for which the defendant was incarcerated in state prison, and escape or attempted escape by force or violence to the lists of "serious" felonies as well as to the list of "violent" felonies, as specified; and added the crimes of human trafficking, stalking, solicitation to commit murder, fleeing or attempting to elude a pursuing peace officer, willful flight or attempting to elude a pursuing peace officer, and felon in possession of a firearm, to the list of "serious felonies," as specified. SB 440 failed passage in the Senate Public Safety Committee.

j) AB 426 (Galgiani), of the 2007-2008 Legislative Session, would have added human trafficking to the list of "serious" and "violent" felonies. AB 426 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Family Council
California Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Crime Victims United
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Orange County Sheriff's Department
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association

Riverside Sheriffs' Association
San Diego County District Attorney's Office
San Francisco District Attorney Brooke Jenkins

Opposition

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Drug Policy Alliance 1
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 LA County Public Defenders Union
San Francisco Public Defender
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1681 (Ramos) – As Introduced February 2, 2026

SUMMARY: Requires the court and the district attorney's office or other prosecuting agency to ensure that a victim's contact information and next of kin is provided to the California Department of Corrections and Rehabilitation (CDCR) at the time of sentencing if a defendant is sentenced to state prison. Failure of a victim to submit a separate request for services or notification shall not relieve the state of its duty to provide information.

EXISTING LAW:

1) The following rights are hereby established as the statutory rights of victims and witnesses of crimes:

   a) To be notified as soon as feasible that a court proceeding to which the victim or witness has been subpoenaed as a witness will not proceed as scheduled, provided the prosecuting attorney determines that the witness' attendance is not required;

   b) Upon request of the victim or a witness, to be informed by the prosecuting attorney of the final disposition of the case;

   c) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all sentencing proceedings, and of the right to appear, to reasonably express their views, have those views preserved by audio or video means, as specified, and to have the court consider their statements, as specified;

   d) For the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and of the right to attend and to express their views, as specified;

   e) Upon request by the victim or the next of kin of the victim if the victim has died, to be notified of any parole eligibility hearing and of the right to appear, either personally or by other means, as specified, to reasonably express their views, and to have their statements considered;

   f) Upon request by the victim or the next of kin of the victim if the crime was a homicide, to be notified of an inmate's placement in a reentry or work furlough program notified of the inmate's escape;

g) To be notified that a witness may be entitled to witness fees and mileage, as specified;

h) For the victim to be provided with information concerning the victim's right to civil recovery and the opportunity to be compensated from the Restitution Fund;

i) To the expeditious return of property that has allegedly been stolen or embezzled, when it is no longer needed as evidence;

j) To an expeditious disposition of the criminal action;

k) To be notified, if applicable, if the defendant is to be placed on parole;

l) For the victim, upon request, to be notified of any pretrial disposition of the case, to the extent required by Section 28 of Article I of the California Constitution;

    i) A victim may request to be notified of a pretrial disposition.

    ii) The victim may be notified by any reasonable means available.

    iii) These rights are not intended to affect the right of the people and the defendant to an expeditious disposition.

m) For the victim, to be notified by the district attorney's office of the right to request, upon a form provided by the district attorney's office, and receive a notice, if the defendant is convicted of any of the following offenses;

    i) Assault with intent to commit rape, sodomy, or oral copulation, as specified.

    ii) A violation of kidnapping or kidnapping with intent to commit a specified sex offense.

    iii) Rape.

    iv) Oral copulation.

    v) Sodomy.

    vi) Child molestation.

    vii) Sexual penetration.

n) When a victim has requested notification, the sheriff shall inform the victim that the person who was convicted of the offense has been ordered to be placed on probation and give the victim notice of the proposed date upon which the person will be released from custody of the sheriff; and,

o) For the victim, to be notified of the availability of community-based restorative justice programs and processes available to them, including, but not limited to, programs serving their community, county, county jails, juvenile detention facilities, and the CDCR. The

victim has a right to be notified as early and often as possible, including during the initial contact, during follow up investigation, at the point of diversion, throughout the process of the case, and in postconviction proceedings. (Pen. Code, § 679.02, subd. (a)(1)-(15).)

2) Provides that it is the right of a crime victim, as specified, to be notified of all sentencing proceedings, and of the right to appear, to reasonably express his or her views, have those views preserved by audio or video means, as specified, and to have the court consider his or her statements, as specified. (Pen. Code, § 679.02, subd. (a)(3).)

3) States that it is the right of a crime victim, as specified, to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and of the right to attend and to express his or her views, as specified. (Pen. Code, § 679.02, subd. (a)(4).)

4) Declares that a victim of any crime, as specified, has the right to attend all sentencing proceedings under this chapter and shall be given adequate notice by the probation officer of all sentencing proceedings concerning the person who committed the crime. Provides that the victim, as specified, has the right to appear, personally or by counsel, at the sentencing proceeding and to reasonably express his, her, or their views concerning the crime, the person responsible and the need for restitution. States that the court in imposing sentence shall consider the statements of victims, parents or guardians, and next of kin made pursuant to this section and shall state on the record its conclusion concerning whether the person would pose a threat to public safety if granted probation. (Pen. Code, § 1191.1.)

5) Provides that, in order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled specified rights, including among others, restitution. (Cal. Const., art. I, § 28, subd. (b)(13).)

6) States that it is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer. (Cal. Const., art. I, § 28, subd. (b)(13)(A).)

7) Provides that restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss. (Cal. Const., art. I, § 28, subd. (b)(13)(B).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Making sure that victims are kept up to date on critical notifications about an offender is crucial. The current process is burdensome on victims because they must complete a form to receive notifications about an offender although the courts and attorneys already have the victim's information on hand. Improving the accessibility and completion of CDCR Form 1707 must become an immediate priority to safeguard victims' rights. It is a burden that should be removed from their shoulders and avoids revictimizing them."

2) **Marsy's Law:** In 2008, the voters passed Proposition 7, known as Marsy's Law, to enshrine victim rights into the California Constitution. Marsy's Law requires, among other things, that victims be consulted and have input in the criminal justice system. Article I, section 28 provides, among many others, the right to reasonable notice of all public proceedings and to be present at any parole or other post-conviction release proceedings.

> In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights: … To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

Proposition 7 also included in its findings and declarations that, "Crime victims are entitled to justice and due process. Their rights include, but are not limited to, the right to notice and to be heard during critical stages of the justice system…."

However, once a defendant is sentenced, the victim is not entitled to automatic notice of possible release when the defendant is not given an indeterminate term and thus, subject to a parole board determination. This bill ensures that a victim's contact information is transmitted to CDCR for purposes of achieving meaningful notification upon release.

3) **Notification:** CDCR Office of Victim and Survivor Rights and Services (OVSRS) is responsible for, among other things, providing victim services and information to victims and their families. According to the OVSRS website:

> The victim of crime, family member to a victim, or a witness who testified against the offender may request to be notified of a change to the custody status of the offender. A change in custody status includes release, death, escape, parole hearing (Victims/Victims' family members only), transfer to another prison, discharge from parole, contract, or scheduled execution. Requests can be made by completing the CDCR form 1707, Request for Victim Services.

However, victim services advocates contend that most victims are unaware of the CDCR process for requesting victim notification. Additionally, many survivors of domestic violence may not relish the idea of contemplating their abuser's release from custody and seeking a notification form. It makes sense that the victim's contact information just be transmitted to CDCR for notification in advance, thus eliminating the need to prepare the form.

While protective orders often do not translate into protection for victims, notification in advance of release may give victims a chance to move, apply for Secretary of State services to hide their address, or take other protective measures. According to the Department of Justice:

> In 2024, domestic violence-related incidents accounted for 13.5% of homicides in California where the cause of the

> homicide is known to law enforcement. While the overall homicide rate in California decreased by 10.4% in 2024 (down to 4.3 per 100,000), domestic violence-related homicides have remained relatively consistent over the past three years. Firearms continue to be the primary weapon in domestic violence fatalities, with 53% of such cases involving a gun in recent reporting. In cases where the victim-offender relationship was identified in 2024, 17.6% of victims were killed by a spouse, parent, or child. Women are significantly more likely to be victims of intimate partner homicide than men.[1]

Given the possibility that a victim may be killed by their abuser, particularly if they blame the victim for their incarceration. Streamlining the notification process makes sense to ensure victims learn about their abuser's release from custody in a timely manner.

4) **Argument in Support**: According to the *Burbank Police Officers Association*, "Thousands of crime victims in California are unknowingly missing critical notifications about offenders because they have not completed, or properly completed, the relevant CDCR Form 1707. AB [1681] addresses that gap by ensuring victims' rights is implemented by automatically transferring the required information to the California Department of Corrections and Rehabilitation (CDCR). California's sentencing and release framework has changed dramatically in recent years. Under current law, offenders may be released significantly earlier than victims were originally told. These accelerating release timelines make timely and reliable victim notification more critical than ever. Many victims mistakenly assume they will be notified by CDCR of an offender's transfer, release, parole hearings/decisions, escapes and special parole conditions, only to AB 1681 would not create new rights or obligations. Instead, it simply ensures that existing protections, notifications and rights of victims are realized, as guaranteed under the California Constitution."

5) **Argument in Opposition**: None on file.

6) **Related Legislation**: AB 1881 (Ramos) would authorize a court, when deciding to issue a protective order against a defendant prohibiting any contact with a victim in a specific type of case, from having any contact with the victim for up to either ten years, or two years after the person's release from the state prison or a county jail, whichever is later, as determined by the court. AB 1881 is pending in this committee.

7) **Prior Legislation**:

   a) AB 285 (Ramos), of the 2025-2026 Legislative Session, would have required a court, when imposing a state prison sentence on a defendant convicted of domestic violence or a sex offense, to issue a temporary criminal protective order against the same identified victim or victims from an original witness intimidation protective order, as specified, for a maximum period of 180 days. AB 285 was held on the Assembly Appropriations

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[1] https://oag.ca.gov/news/press-releases/attorney-general-bonta-releases-california-criminal-justice-statistical-2

suspense file.

b) SB 421 (Valladares), of the 2025-2026 Legislative Session, would have allowed a court to issue a permanent protective order restraining a defendant from any contact with the victim if the defendant has been convicted of any serious or violent felony, as defined, or any felony requiring registration as a sex offender. SB 421 failed passage in the Senate Committee on Public Safety.

c) AB 2024 (Pacheco), Chapter 648, Statutes of 2024, eliminated delays in getting domestic violence restraining order protection forms to the judicial officer due to relatively minor errors or omissions.

d) AB 1143 (Berman) Chapter 156, Statutes of 2021, provided that in lieu of personal service of a petition for a civil harassment restraining order, if a respondent's address is unknown, the court may authorize another method of service that is reasonably calculated to give actual notice to the respondent, if the court determines that a petitioner made a diligent effort to accomplish service, and may prescribe the manner in which proof of service must be made.

e) SB 538 (Rubio), Chapter 686, Statutes of 2021, facilitated the filing of a DVRO and gun violence restraining order (GVRO) by allowing petitions to be submitted electronically and hearings to be held remotely.

REGISTERED SUPPORT / OPPOSITION:

1) **Support**

2) Aaron Community Cultural Center
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
County of Orange, Through its Office of the District Attorney/public Administrator
Crime Survivors Resource Center
Crime Victims United
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Niswa Association INC.

Orange County United Way
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safe Family Justice Centers
1 private individual in support

Opposition

None submitted

Analysis Prepared by: Kimberly Horiuchi / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1701 (DeMaio) – As Introduced February 4, 2026

SUMMARY: Prohibits a person sentenced to life without the possibility of parole (LWOP) for a crime committed while the person was under the age of 18 from seeking recall and resentencing if the offense for which they were convicted meets the definition of a school shooting, as defined by this bill. Specifically, **this bill**:

1) Defines "school shooting" for purposes of this bill to mean an incident in which a person personally and intentionally discharges a "firearm," as defined in existing law, within a "school zone," as defined in existing law, and one or more of the following conditions is met:

   a) The discharge of the firearm results in the death of any person;

   b) The discharge of the firearm results in "great bodily injury," as defined in existing law; or,

   c) The firearm is discharged with the intent to kill or cause great bodily injury to more than one person, whether injury or death occurs.

2) Provides that "school shooting" does not include any of the following:

   a) The lawful discharge of a firearm by a peace officer acting within the scope of employment;

   b) An accidental or negligent discharge of a firearm absent intent to cause death or great bodily injury; or,

   c) Lawful activities expressly exempted under Penal Code section 626.9.

3) States, for the purposes of this bill, a person acts "personally and intentionally" if "the person directly performs the act of discharging the firearm with knowledge of the facts constituting the offense."

EXISTING LAW:

1) States that the penalty for a defendant who is found guilty of murder in the first degree is death or LWOP if one or more of the following special circumstances has been found to be true:

   a) The murder was intentional and carried out for financial gain;

   b) The defendant was convicted previously of first- or second-degree murder;

c) The defendant, in the present proceeding, has been convicted of more than one offense of first- or second-degree murder;

d) The murder was committed by means of a destructive device planted, hidden or concealed in any place, area, dwelling, building or structure;

e) The murder was committed to avoid arrest or make an escape;

f) The murder was committed by means of a destructive device that the defendant mailed or delivered, or attempted to mail or deliver;

g) The victim was a peace officer who was intentionally killed while performing his/her duties and the defendant knew or should have known that; or the peace officer/former peace officer was intentionally killed in retaliation for performing his/her duties;

h) The victim was a federal law enforcement officer who was intentionally killed;

i) The victim was a firefighter who was intentionally killed while performing his/her duties;

j) The victim was a witness to a crime and was intentionally killed to prevent his/her testimony, or killed in retaliation for testifying;

k) The victim was a local, state or federal prosecutor murdered in retaliation for, or to prevent the performance of, official duties;

l) The victim was a local, state, or federal judge murdered in retaliation for, or to prevent the performance of, official duties;

m) The victim was an elected or appointed official of local, state or federal government murdered in retaliation for, or to prevent the performance of, official duties;

n) The murder was especially heinous, atrocious, or cruel, "manifesting exceptional depravity." "Manifesting exceptional depravity" is defined as "a conscienceless or pitiless crime that is unnecessarily torturous";

o) The defendant intentionally killed the victim while lying in wait;

p) The victim was intentionally killed because of his or her race, color, religion, nationality, or country of origin;

q) The murder was committed while the defendant was engaged in, or was an accomplice to, the commission of, attempted commission of, or immediate flight after, committing or attempting to commit the following crimes: robbery; kidnapping; rape; sodomy; lewd or lascivious act on a child under the age of 14; oral copulation; burglary; arson; train wrecking; mayhem; rape by instrument; carjacking; torture; poison; the victim was a local, state or federal juror murdered in retaliation for, or to prevent the performance of his/her official duties; and, the murder was perpetrated by discharging a firearm from a vehicle;

r) The murder was intentional and involved the infliction of torture;

s) The defendant intentionally killed the victim by the administration of poison;

t) The victim was a juror and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's duties as a juror;

u) The murder was intentional and committed by discharging a firearm from a motor vehicle; and,

v) The defendant intentionally killed the victim while actively participating in a criminal street gang and the murder was carried out to further the activities of the gang. (Pen. Code, § 190.2.)

2) Prohibits the imposition of the death penalty upon any person who is under the age of 18 at the time of the commission of the crime. The burden of proof as to the age of such person shall be upon the defendant. (Pen. Code, § 190.5.)

3) Provides that the penalty for a defendant found guilty of murder in the first degree, in any case in which one or more special circumstances has been found true, who was 16 years of age or older and under the age of 18 years at the time of the commission of the crime, shall be a sentence of LWOP or, at the discretion of the court, 25 years to life. (Pen. Code, § 190.5.)

4) Allows an inmate serving a sentence of LWOP for an offense that was committed when the inmate was under 18 years of age to petition the court to have that sentence recalled and to be resentenced if the inmate has served at least 15 years of their sentence and meets certain other specified criteria. (Pen. Code, § 1170, subd. (d)(1).)

5) Excludes from the recall and resentencing process for persons sentenced to LWOP for offenses committed when the person was under 18 years of age where it was pled and proved that the defendant tortured their victim, or the victim was a public safety official, including a law enforcement personnel or a firefighter. (Pen. Code, § 1170, subd. (d)(1)(B).)

6) Provides that if the court finds by a preponderance of the evidence that one or more of the statements provided by the defendant, as specified, is true, the court shall recall the sentence and commitment previously ordered and hold a hearing to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. Victims or victims' family members shall retain rights to participate in the hearing. (Pen. Code, § 1170, subd. (d)(5).)

7) States that the factors the court may consider when determining whether to resentence the defendant to a life term include, but are not limited to, the following:

a) The defendant was convicted pursuant to felony murder or aiding and abetting murder provisions of law;

b) The defendant does not have juvenile felony adjudications for assault or other felony crimes with a significant potential for personal harm to victims prior to the offense for which the defendant was sentenced to LWOP;

c) The defendant committed the offense with at least one adult codefendant;

d) Prior to the offense for which the defendant was sentenced to LWOP, the defendant had insufficient adult support or supervision and had suffered from psychological or physical trauma or significant stress;

e) The defendant suffers from cognitive limitations due to mental illness, developmental disabilities, or other factors that did not constitute a defense but influenced the defendant's involvement in the offense;

f) The defendant has performed acts that tend to indicate rehabilitation or the potential for rehabilitation, including, but not limited to, availing themselves of rehabilitative, educational, or vocational programs, if those programs have been available at their classification level and facility, using self-study for self-improvement, or showing evidence of remorse;

g) The defendant has maintained family ties or connections with others through letter writing, calls, or visits or has eliminated contact with individuals outside of prison who are currently involved with crime; and,

h) The defendant has had no disciplinary actions for violent activities in the last five years in which the defendant was determined to be the aggressor. (Pen. Code, § 1170, subd. (d)(6).)

8) States that a defendant whose sentence is not recalled or the defendant is resentenced to LWOP, may submit another petition when the defendant has served at least 20 years. If that petition is denied or the defendant is resentenced to LWOP under the new petition, the defendant may file another petition after having served 24 years. The final petition may be submitted during the 25th year of the defendant's sentence. (Pen. Code, § 1170, subd. (d)(10).)

9) Establishes the Youthful Offender Parole Program which provides an incarcerated person the opportunity for a parole hearing before the Board of Parole Hearings (BPH) for crimes committed before the age of 25, after having served 15, 20, or 25 years of incarceration depending on their controlling offense. (Pen. Code, § 3051.)

10) Provides that a youth offender parole hearing is a hearing by BPH for the purpose of reviewing the parole suitability of any prisoner who was 25 years of age or younger, or was under 18 years of age and sentenced to LWOP, at the time of the controlling offense. (Pen. Code, § 3051, subd. (a)(1).)

11) Specifies the following timeline for youth offender parole hearings to occur:

a) A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a determinate sentence shall be eligible for release on parole at a youth offender parole hearing during the person's 15th year of incarceration;

b) A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of less than 25 years to life shall be eligible for release on parole at a youth offender parole hearing during the person's 20th year of incarceration;

c) A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of 25 years to life shall be eligible for release on parole at a youth offender parole hearing during the person's 25th year of incarceration; and,

d) A person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the sentence is life without the possibility of parole shall be eligible for release on parole at a youth offender parole hearing during the person's 25th year of incarceration. (Pen. Code, § 3051, subd. (b).)

12) States that in assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by BPH, shall be administered by licensed psychologists employed by the board and shall take into consideration the diminished culpability of youth as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. (Pen. Code, § 3051, subd. (f)(1).)

13) Defines "School zone," for purposes of the Gun-Free School Zone Act of 1995, to mean "an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school." (Pen. Code, § 626.9, subd. (e)(4).)

14) Prohibits a person from possessing a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined above, and punishes the conduct as either a misdemeanor or county-jail eligible felony depending on the circumstances, except as specified. (Pen. Code, § 626.9, subd. (f).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "The law currently allows for criminals who were sentenced to life without parole as a juvenile to be eligible for resentencing and recall but has very few exceptions to this policy. Recently, a school shooter has been granted this privilege, shocking the very community he terrorized years ago. Californians must feel protected by our judicial system, and allowing for resentencing for a man who committed one of the worst acts of violence does the very opposite. It is essential that school shooters are not granted the privilege to be resentenced and recalled when given the necessary sentences for their horrible crime."

2) **Eighth Amendment's Prohibition on Cruel and Unusual Punishment and Sentencing of Juveniles**: The Eighth Amendment to the United States Constitution states that "[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." (U.S. Const., 8th Amend.) California's constitution contains a similar prohibition: "Cruel or unusual punishment may not be inflicted or excessive fines imposed." (Cal. Const., art. 1, § 17.)

For over two decades, the United States Supreme Court has distinguished the constitutionally permissible punishment of juvenile offenders from adults. In 2005, the United States Supreme Court ruled that persons who were under the age of 18 at the time of the offense are ineligible for the death penalty, reasoning that death is a disproportionately severe punishment for any offender under 18, in violation of the Eighth Amendment. (*Roper v. Simmons* (2005) 543 U.S. 551.) Penal Code section 190.5 codified the holding of *Roper* and stated the penalty for a person 16 to 18 years of age convicted of first-degree murder with special circumstances is either LWOP or, at the court's discretion, 25-years-to-life. (Pen. Code, § 190.5, subd. (b).)

In 2010, the United States Supreme Court ruled that it is unconstitutional to sentence a youth who did not commit homicide to LWOP. (See *Graham v. Florida* (2010) 560 U.S. 48.) The Court discussed the fundamental differences between a juvenile and adult offender and reasserted its findings from *Roper* that juveniles have lessened culpability than adults due to those differences. The Court stated that "life without parole is an especially harsh punishment for a juvenile," noting that a juvenile offender "will on average serve more years and a greater percentage of his life in prison than an adult offender." (*Graham*, *supra*, 560 U.S. at p. 70.) However, the Court stressed that "while the Eighth Amendment forbids a State from imposing a sentence of life without parole sentence on a juvenile nonhomicide offender, it does not require the State to release that offender during his natural life. Those who commit truly horrifying crimes as juveniles may turn out to be irredeemable and thus deserving of incarceration for the duration of their lives. The Eighth Amendment does not foreclose the possibility that persons convicted of nonhomicide crimes committed before adulthood will remain behind bars for life. It does forbid States from making the judgment at the outset that those offenders never will be fit to reenter society." (*Id.* at p. 75.)

In 2012, the United States Supreme Court in *Miller v. Alabama* (2012) 567 U.S. 460, held that it is unconstitutional for states to mandate a sentence of LWOP for juveniles convicted of homicide. "Such mandatory penalties, by their nature, preclude a sentencer from taking account of an offender's age and the wealth of characteristics and circumstances attendant to it. Under these schemes, every juvenile will receive the same sentence as every other--the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one. And still worse, each juvenile . . . will receive the same sentence as the vast majority of adults committing similar homicide offenses--but really, as *Graham* noted, a greater sentence than those adults will serve. (*Miller*, *supra*, 567 U.S. at pp. 476-477.) Following *Miller*, the United States Supreme Court held that *Miller's* prohibition on mandatory LWOP for juvenile offenders must be applied retroactively in all cases. (*Montgomery v. Louisiana* (2016 577 U.S. 190, 206.)

The California Supreme Court, relying on *Miller*, concluded that sentencing a juvenile offender for a term of years with a parole eligibility date that falls outside the juvenile offender's natural life expectancy constitutes cruel and unusual punishment in violation of

the Eighth Amendment. (*People v. Caballero* (2012) 55 Cal.4th 262, 268.) The Court stated that "the state may not deprive [juveniles] at sentencing of a meaningful opportunity to demonstrate their rehabilitation and fitness to reenter society in the future." (*Ibid.*) Caballero had received a 110-to-life sentence (three consecutive life terms) for attempted murder. While the court in *Caballero* pointed out that these incarcerated persons may file petitions for writs of habeas corpus in the trial court, the court also urged the Legislature to establish a parole eligibility mechanism for an individual sentenced to a de facto life term for crimes committed as a juvenile.

Roper, *Miller*, *Graham*, and *Caballero* establish that minors are constitutionally different from adults and emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit the most serious crimes.[1] Notably, these decisions do not support crime-specific exclusions from their findings on the distinctive attributes of youth that mitigate criminal culpability.

3) **Overview of Existing Laws on Resentencing and Parole Process for Youthful Offenders:** In accordance with the decisions of the United States Supreme Court and California Supreme Court discussed above, SB 9 (Yee)[2] was signed into law in 2012 to provide juveniles sentenced to LWOP a mechanism for recall and resentencing. Pursuant to SB 9, a person who was under 18 years of age at the time of committing an offense for which the person was sentenced to LWOP could, after serving at least 15 years in prison, petition the court for recall and resentencing. If a resentencing hearing is granted, the court has the discretion whether to resentence the petitioner to a lower sentence or let the LWOP sentence remain. If granted a lower sentence, the petitioner must still serve the minimum sentence before being eligible for parole consideration and obtain approval of the parole board and the Governor prior to release on parole. A broader version of SB 9 made it through much of the legislative process in 2011 but due to intense opposition by law enforcement and victims groups the bill failed passage on the Assembly Floor. The bill was held over until the following year and amended to add exclusions for persons sentenced to LWOP for an offense where they tortured their victim or the victim was a public safety official.[3] The bill passed the Legislature in the more limited form and was signed by the Governor in 2012.

A few years later, SB 1084 (Hancock)[4] modified the resentencing law to clarify when a youthful offender could petition for recall and resentencing, the standard by which the court is to review the petition, and that a petitioner who does not have their sentence recalled or is resentenced to LWOP can submit another petition after a specified number of years.

After creating the judicial mechanism to resentence youthful offenders from LWOP to a life sentence with the possibility of parole, the Legislature established Youthful Offender Parole, which provides a parole process for inmates sentenced to lengthy prison terms for crimes committed when they were under 18 years of age.[5] This process applies to inmates serving

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[1] *Roper* involved burglary and murder in the first degree. *Graham* involved armed burglary and armed robbery. *Miller* involved murder and aggravated robbery. *Caballero* involved attempted murder.
[2] Chapter 828, Statutes of 2012; Pen. Code, § 1170, subd. (d).)
[3] Assem. Amend to Sen. Bill No. 9 (2011-2012 Reg. Sess.) July 2, 2012.
[4] Chapter 867, Statutes of 2016.
[5] SB 260 (Hancock), Chapter 312, Statutes of 2013.; Pen. Code, § 3051.

both indeterminate sentences and determinate sentences. In 2015, youthful offender parole was amended to apply to inmates who were under the age of 23 at the time those crimes were committed based on neurological research that "shows that cognitive brain development continues well beyond age 18 and into early adulthood. For boys and young men in particular, this process continues into the mid-20s. The parts of the brain that are still developing during this process affect judgment and decision-making, and are highly relevant to criminal behavior and culpability."[6] In 2017, youthful offender parole was amended to apply to inmates who were 25 years of age or younger at the time of the offense.[7] Also in 2017, youthful offender parole was amended to apply to persons sentenced to LWOP for crimes committed prior to turning 18 years of age.[8]

The LWOP recall and resentencing law and the Youthful Offender Parole process are two separate processes with some overlap. The recall and resentencing law provides incarcerated persons sentenced to LWOP for crimes committed prior to turning 18 an opportunity for recall and resentencing after serving 15 years. The Youthful Offender Parole process provides persons sentenced to a life sentence for crimes committed prior to turning 26 and persons sentenced to LWOP for crimes committed prior to turning 18. Excluded from both the recall and sentencing law and youth offender parole are persons who committed their offense between the ages of 18 to 25 for which they were sentenced to LWOP.

4) **Equal Protection Considerations**: The equal protection clause requires that "all persons similarly situated should be treated alike." (*Ibid.* (citing *Cleburne v. Cleburne Living Center, Inc.* (1985) 473 U.S. 432, 439).) The "requirement of equal protection ensures that the government does not treat a group of people unequally without some justification." (*Ibid.* (citing *People v. Chatman* (2018) 4 Cal.5th 277, 288 (*Chatman*).) The court stated:

> The degree of justification required to satisfy equal protection depends on the type of unequal treatment at issue. Courts apply heightened scrutiny when a challenged statute or other regulation involves a suspect classification such as race, or a fundamental right such as the right to vote … But when a statute involves neither a suspect classification nor a fundamental right, "the general rule is that legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state interest." A court applying this standard finds "a denial of equal protection only if there is no rational relationship between a disparity in treatment and some legitimate government purpose." (*Ibid.*) (Internal citations omitted.)

As discussed in Note 2, the body of case law that mandates that juveniles be treated differently than adults based on their lessened culpability and increased opportunity for rehabilitation does not hinge on the commission of specific crimes. The Court has acknowledged that these remedies should be available for people who committed the

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[6] SB 261 (Hancock), Chapter 471, Statutes of 2015; Assem. Com. on Public Safety, Analysis of Sen. Bill 261 (2015-2016 Reg. Sess.) as amended June 1, 2015, p. 2.

[7] AB 1308 (Stone), Chapter 675, Statutes of 2017.

[8] SB 394 (Lara), Chapter 684, Statutes of 2017; see *In re Kirchner* (2017) 2 Cal.5th 1040, 1049-1052 [Section 1170, subd. (d)(2), which provides an avenue for juvenile offenders serving LWOP terms to seek resentencing, does not provide an adequate remedy at law for *Miller* error; the inquiry under § 1170, subd. (d)(2), is not designed to address *Miller* error, and will not necessarily provide a defendant with the lawful sentence that *Miller* requires.].)

most serious offenses, including first degree murder and use of a firearm. While existing law contains carve-outs for persons who tortured their victim or whose victims are specified public safety officials, it is unclear whether these crime-specific exclusions would be upheld if challenged based on equal protection.

5) **Effect of this Legislation**: Only a juvenile convicted of first-degree murder with special circumstances, as specified, may be sentenced to a term of LWOP or, in the alternative, a term of years sentence of 25-years-to-life. (Pen. Code, § 190.5, subd. (b).) "First-degree murder" is defined as all murder perpetrated by means of a destructive device or explosive; a weapon of mass destruction; knowing use of ammunition designed primarily to penetrate metal or armor; poison; lying in wait; torture; or by any other kind of willful, deliberate, and premeditated killing; or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking; or any act punishable as a violent sex offense, as specified; or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death. (Pen. Code, § 189.) One of the enumerated special circumstances must be proven in addition to the elements of first-degree murder in order to sentence a defendant to a term of LWOP. (Pen. Code, § 190.2, subd. (a).)

   Under existing law, a person is not eligible for recall and resentencing if the special circumstance that was proven to authorize a sentence of LWOP was either torture of the victim or that the victim was a peace officer. (Pen. Code, § 1170, subd. (d)(1)(B).) This bill adds a person convicted of a "school shooting" as being excluded and defines "school shooting" to mean "an incident in which a person personally and intentionally discharges a firearm, as defined in Section 16520, within a school zone, as defined in Section 626.9, and one or more of the following conditions is met: the discharge of the firearm results in the death of any person, the discharge of the firearm results in great bodily injury to any person; or the firearm is discharged with the intent to kill or cause great bodily injury to more than one person, whether injury or death occurs."

   Many of the circumstances that would meet the bill's definition of a "school shooting" are not eligible for an LWOP for juvenile offenders. Any crime short of homicide cannot result in a sentence of LWOP for a person who committed the offense as a minor. (Pen. Code, § 190.5, subd. (b); *Graham, supra.*) Arguably, an existing special circumstance that could apply to a mass shooting is if the person is convicted of more than one offense of murder in the first or second degree. (Pen. Code, § 190.2, subd. (a)(3).) However, even if the bill were amended to apply to an existing LWOP eligible offense, it is unclear how the courts reviewing a petition for recall and resentencing would practically determine whether the murders occurred during a school shooting since that is not a fact that would have been plead and proved during the original proceedings.

6) **Impetus for this Bill**: In 2001, 15-year-old Charles Andy Williams committed a mass shooting at a high school in Santee, California killing two students and wounding 13 others. In 2002, Williams was charged as an adult and he pleaded guilty to two counts of murder and 13 counts of attempted murder and was sentenced to 50 years-to-life in prison. He became

eligible for parole in September 2024 but was found unsuitable for release by the parole board.[9]

In January of this year, a judge granted Williams' petition for recall and resentencing relying on a ruling out of the Fourth District Court of Appeal (Division One) that found a sentence of 50-year-to-life for a juvenile offender was the functional equivalent of LWOP and that excluding someone with his type of sentence from the recall and resentencing law violates equal protection. (*People v. Heard* (2022) 83 Cal.App.5th 608.)[10] In 2025, the Fourth District Court of Appeal (Division Two) clarified that *Heard's* reasoning does not apply to a request for resentencing if the defendant was eligible for youth offender parole under the sentence imposed. (*People v. Superior Court (Valdez)* (2025) 108 Cal.App.5th 791.)

In *Valdez*, defendant was sentenced in 2000 to LWOP for a murder he committed at the age of 17. In 2018, he petitioned the court for resentencing under the juvenile LWOP recall and resentencing law and was resentenced to a term of 50-years-to-life. After the *Heard* decision, Valdez petitioned the court arguing that his new sentence of 50-years-to-life was the functional equivalent of LWOP and thus under *Heard* he should be resentenced again. The court rejected this argument without deciding whether *Heard* was correctly decided because the defendant's petition was pursuant to a different subparagraph in the recall and resentencing law which is limited to persons who either (1) were denied relief in a previous petition or 2) were granted relief and resentenced to LWOP. (See Pen. Code, § 1170, subd. (d)(10).) The court held that under that provision, Valdez was not resentenced to the functional equivalent of LWOP, citing an earlier ruling by the California Supreme Court. (*Id.* at p. 801, citing *People v. Franklin* (2016) 63 Cal.4th 261, 279.)

Similarly, the Second District Court of Appeal recently held that the defendant who was sentenced to 79-years-to-life sentence was not serving the functional equivalent of LWOP for purposes of the recall and resentencing law because of the availability of a youth offender parole hearing. (*People v. Lara* (2025) 115 Cal.App.5th 484.) The court noted that both published and unpublished Court of Appeal decisions have been inconsistent and determined that *Heard* was not controlling. (*Id.* at p. 488.) The same issue is pending before the California Supreme Court. (*People v. Munoz*, review granted June 25, 2025, S290828.)

Williams was sentenced to a life sentence for a crime committed when he was under 25 years of age, thus he would be eligible for youth offender parole after being incarcerated for 25 years. If found unsuitable, the parole board is authorized to set the next hearing for 15, 10, 7, 5, or 3 years.

The district attorney handling the resentencing matter has announced they will appeal the superior court's ruling to grant recall.[11] Based on the case law on this issue, their appeal may

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[9] See https://www.courthousenews.com/25-years-later-san-diego-area-high-school-shooter-eyes-release/ [accessed Feb. 24, 2026].

[10] California Supreme Court in *People v. Franklin* (2016) 63 Cal.4th 261) held that a mandatory sentence of 50-to-life is not the functional equivalent of LWOP if the defendant is eligible for youth offender parole. *Heard* acknowledged *Franklin* but stated that this does not change the fact that a person's sentence was a de facto LWOP sentence when it was imposed and that is the relevant inquiry because Penal Code Section 1170, subdivisions (d)(1)(A) refers to the offense for which defendant "was sentenced." (*Id.* at p. 629.).)

[11] *Supra*, fn. 9.

prove to be successful. Additionally, because the issue is currently pending review by our Supreme Court, the Legislature may want to wait to see the outcome which may make the issue moot.

7) **Argument in Support**: According to *California Association of Highway Patrolmen*, "AB 1701 would prohibit a person from seeking recall and resentencing for an offense that meets the definition of a school shooting.

"All mass shootings are heinous crimes that should, at a minimum, be enforced to the furthest extent of the law. Recall and resentencing policies were designed to address over-incarceration and provide second chances in appropriate cases. They were not intended for individuals who commit premeditated mass casualty attacks on children and educators.

"AB 1701 strengthens Californians' confidence that the state will impose firm and lasting consequences for acts of mass violence."

8) **Argument in Opposition**: According to *Center on Juvenile and Criminal Justice*, "Existing law under Penal Code section 1170(d)(1) permits a person sentenced to life without the possibility of parole for an offense committed while under 18 years of age to petition for recall and resentencing after serving at least 15 years. This provision reflects California's recognition of evolving constitutional principles governing juvenile sentencing, including the United States Supreme Court's holdings that youth are constitutionally different from adults for purposes of sentencing, and that individualized review is required before permanently condemning a youth to die in prison.

"Current law already contains limited and specific exclusions from eligibility. AB 1701 would add an additional categorical exclusion for the newly defined offense of "school shooting." By creating a new categorical bar to recall and resentencing, AB 1701 departs from the individualized review framework that underlies Penal Code section 1170(d)(1). The existing statute requires courts to consider specific factors related to youth culpability, trauma, cognitive development, rehabilitation, and growth. It does not guarantee release; instead, it merely guarantees an opportunity for judicial review. AB 1701 would remove that opportunity based solely on offense classification, without regard to the individual's age, role, circumstance, maturity, or subsequent rehabilitation.

"California's resentencing framework for youth serving life without parole was enacted in response to evolving constitutional standards and a clear legislative determination that youth have a unique capacity for change. The statute carefully balances accountability, victim participation, and judicial discretion. Courts have, and should continue to retain, full authority to deny resentencing where appropriate. AB 1701 disrupts that balance by replacing individualized assessment with a categorical exclusion driven by the offense label.

"Moreover, the definition of 'school shooting' set forth in the bill is broad and would apply even when no injury results, and to any case in the 1000-foot zone surrounding every school. While such offenses are unquestionably grave, the constitutional framework governing juvenile sentencing does not permit permanent punishment decisions to rest solely on offense type without meaningful consideration of youth-related mitigating factors. AB 1701 risks violating established constitutional principles requiring individualized sentencing for youth.

"California has undertaken significant efforts to align its sentencing laws with constitutional mandates and evidence-based understandings of adolescent development. Penal Code section 1170(d)(1) represents a crucial component of that effort. By carving out an additional categorical exclusion, AB 1701 moves away from the individualized, developmentally informed approach that the legislature has previously endorsed."

9) **Related Legislation**: AB 1959 (Patel), in relevant part, would prohibit a defendant from seeking recall and resentencing for a crime committed when the person was under the age of 18 if the defendant has been convicted or more than one offense of murder in the first or second degree, the offense constitutes a mass shooting, or the offense was committed in a school zone or on the property of a place of worship. AB 1959 is pending referral.

10) **Prior Legislation**:

a) AB 1523 (McKinnor), of the 2023-2024 Legislative Session, would have made a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of less than 25 years to life or a life term of 25 years to life eligible for release on parole at a youth offender hearing by the board during the person's 15th year of incarceration. AB 1523 was never heard in Committee.

b) AB 665 (Gallagher), of the 2019-2020 Legislative Session, would have prohibited a youthful offender parole hearing or recall and resentencing for any person that was sentenced to LWOP for a crime committed before they were 18 if the person was found irreparably corrupt or incapable of rehabilitation at the time of sentencing or resentencing. AB 665 failed passage in this committee.

c) AB 1641 (Kiley), of the 2019-2020 Legislative Session, would have made youth offender parole hearings inapplicable to a person convicted of murder in the first or second degree or a murder that was committed after the person had attained 18 years of age. AB 1641 was never heard in Committee.

d) SB 481 (Durazo), of the 2021-22 Legislative Session, would have authorized a court to dismiss a special circumstance in cases where a person was sentenced to LWOP. SB 481 was ordered to the inactive file.

e) AB 965 (Stone), Chapter 577, Statutes of 2019, required a person's youth offender parole hearing to occur within 6 months of the first year they become eligible for a youth offender parole hearing.

f) AB 1308 (Stone), Chapter 675, Statutes of 2017, expanded the youth offender parole process to persons who committed their crimes when they were 25 years of age or younger.

g) SB 394 (Lara), Chapter 684, Statutes of 2017, made a person who was convicted of an offense that was committed before the age of 18 and for which a sentence of LWOP has been imposed eligible for youth offender parole hearing during their 25th year of incarceration and required BPH to complete, by July 1, 2020, all hearings for individuals

who are or will be entitled to have their parole suitability considered at a youth offender parole hearing.

h) SB 1084 (Hancock), Chapter 867, Statutes of 2016, made technical clarifying changes to the recall and resentencing law enacted by SB 9 (Yee), Chapter 828, Statutes of 2012.

i) SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded the youth offender parole process to apply to those who committed their crimes before the age of 23.

j) SB 260 (Hancock), Chapter 312, Statutes of 2013, established a process for BPH to conduct youth offender parole hearings for inmates who committed their crimes prior to the age of 18, except inmates sentenced under the Three Strikes law or One Strike Sex Offense Law, or sentenced to LWOP.

k) SB 9 (Yee), Chapter 828, Statutes of 2012, authorized an inmate who was under 18 years of age at the time of committing an offense for which they were sentenced to LWOP to petition the sentencing court for recall and resentencing, except inmates who tortured their victim or whose victim was a public safety official.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolmen
California Civil Liberties Advocacy
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office

Opposition

ACLU California Action
Alliance for Boys and Men of Color
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Public Defenders Association
California Youth Defender Center
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice (CURYJ)
Ella Baker Center for Human Rights
Freedom 4 Youth
Fresh Lifelines for Youth
Fresno County Public Defender's Office
Friends Committee on Legislation of California
Human Rights Watch
Initiate Justice
Justice2jobs Coalition
LA Defensa

Local 148 LA County Public Defenders Union
National Center for Youth Law (NCYL)
Peace and Justice Law Center
Peace United Church of Christ, Prophets of Hope Ministry
San Francisco Public Defender
Santa Cruz Barrios Unidos
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
The California Youth Justice Project
The W. Haywood Burns Institute
Youth Alliance
Youth Forward
1 Private Individual

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Date of Hearing: March 10, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1716 (Stefani) – As Introduced February 4, 2026

SUMMARY: Authorizes the California Victim Compensation Board (CalVCB) to reimburse a victim of sexual assault or violence up to $10,000 of tuition at an educational institution, as specified. Specifically, **this bill**:

1) States that a victim may be eligible for reimbursement if they are a full- or part-time student, and if the victim is unable to continue attendance or suffers an academic setback because of the sexual assault or violence.

2) Defines "academic setback" to include, but is not limited to, a victim failing the current or next term or enrolling in additional terms to pass courses necessary for graduation.

3) States reimbursement for a victim may be limited to the term the crime took place and the term immediately following the crime.

4) Requires that compensation for tuition loss not exceed $10,000 and be based on the cost of tuition minus any tuition refunded by the school and further reduced by additional financial sources, including a grant, scholarship, or gift.

EXISTING LAW:

1) States that the Legislature finds and declares that it is in the public interest to assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts. (Gov. Code, § 13950, subd. (a).)

2) Establishes the board to operate the Cal VCP. (Gov. Code, §§ 13950 et. seq.)

3) Provides that an application for compensation shall be filed with the board in the manner determined by the board. (Gov. Code, § 13952, subd. (a).)

4) Requires an application to be filed in accordance with the following timelines:

   a) Within seven years of the date of the crime;

   b) Seven years after the victim attains 21 years of age; or

   c) Seven years of the time the victim or derivative victim knew or in the exercise of ordinary diligence could have discovered that an injury or death had been sustained as a direct result of crime, whichever is later. (Gov. Code, § 13953, subd. (a).)

5) Authorizes the board to reimburse for pecuniary loss for the following types of losses:

   a) Medical or medical-related expenses incurred by the victim for services provided by a licensed medical provider;

   b) Out-patient psychiatric, psychological or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center, not to exceed $10,000;

   c) Compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim's injury or the victim's death;

   d) Cash payment to, or on behalf of, the victim for job retraining or similar employment-oriented services;

   e) The expense of installing or increasing residential security not to exceed $1,000;

   f) The expense of renovating or retrofitting a victim's residence or a vehicle to make them accessible or operational, if it is medically necessary;

   g) Relocation expenses, not to exceed $3,418, if the expenses are determined by law enforcement to be necessary for the victim's personal safety, or by a mental health treatment provider to be necessary for the emotional well-being of the victim;

   h) Funeral or burial expenses, not to exceed $12,818;

   i) Costs to clean the scene of the crime, not to exceed $1,709; and,

   j) Costs of veterinary services, not to exceed $10,000. (Gov. Code, § 13957, subd. (a).)

6) Limits the total award to or on behalf of each victim or derivative victim to $35,000, except that this award may be increased to an amount not exceeding $70,000 if federal funds are available. (Gov. Code, § 13957, subd. (b).)

7) Defines "victim" to mean an individual who sustains injury or death as a direct result of a crime as specified. (Gov. Code, § 13951, subd. (e).)

8) Defines "derivative victim" to mean an individual who sustains pecuniary loss as a result of injury or death to a victim. (Gov. Code, § 13951, subd. (e).)

9) Authorizes the board to require submission of additional information supporting the application that is reasonably necessary to verify the application and determine eligibility for compensation. (Gov. Code, § 13952, subd. (c)(1).)

10) Requires Cal VCB staff to determine whether an application for compensation contains all of the information required by the board. If the staff determines that an application does not contain all of the required information, the staff shall communicate that determination to the

applicant with a brief statement of the additional information required. (Gov. Code, § 13952, subd. (c)(2).)

11) States that the applicant, within 30 calendar days of being notified that the application is incomplete, may either supply the additional information or appeal the staff's determination to board, which shall review the application to determine whether it is complete. (Gov. Code, § 13952, subd. (c)(2).)

12) Makes emergency awards available to a person eligible for compensation if the board determines that such an award is necessary to avoid or mitigate substantial hardship that may result from delaying compensation until complete and final consideration of an application. (Gov. Code, § 13952.5, subd. (a).)

13) Requires the board to verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the board. (Gov. Code, § 13954, subd. (a).)

14) Requires an applicant to cooperate with the staff of the board or the victim center in the verification of the information contained in the application and states that failure to cooperate shall be reported to the board, which, in its discretion, may reject the application solely on this ground. (Gov. Code, § 13954, subd. (b).)

15) States that an applicant's refusal to apply for other benefits potentially available to them from other sources, including, but not limited to, worker's compensation, state disability insurance, social security benefits, and unemployment insurance may be used to reject the application. (Gov. Code, § 13954, subd. (b)(2)(C).)

16) States that if the applicant threatens violence or bodily harm to a member of the board of board's staff, the application may be denied. (Gov. Code, § 13954, subd. (b)(2)(D).)

17) States that the Department of Justice (DOJ) shall furnish, upon application of the board, all information necessary to verify the eligibility of any applicant for benefits to recover any restitution fine or order obligations that are owed to the Restitution Fund or to any victim of crime, or to evaluate the status of any criminal disposition. (Gov. Code, § 13954, subd. (f).)

18) States that a person who is convicted of a violent felony shall not be granted compensation until that person has been discharged from probation or has been released from a correctional institution and has been discharged from parole or has been discharged from post-release community supervision or mandatory supervision, if any, for that violent crime. (Gov. Code, § 13956, subd. (c)(1).)

19) Prohibits compensation from being granted to an applicant during any period of time the applicant is held in a correctional institution or while an applicant is required to register as a sex offender. (*Ibid.*)

20) States that lack of cooperation shall also not be found solely because a victim of sexual assault, domestic violence, or human trafficking delayed reporting the qualifying crime. (Gov. Code, § 13956, subd. (b)(1).)

21) Authorizes compensation for loss of income directly resulting from the injury, except that loss of income shall not be paid by the board for more than 5 years following the crime, unless the victim is disabled as a direct result of the injury. (Gov. Code, §13957.6, subd. (a)(1).)

22) States that an adult derivative victim may be compensated for loss of income subject to the following:

    a) The derivative victim is the parent or legal guardian of a victim, who at the time of the crime was under 18 years of age and is hospitalized as a direct result of the crime;

    b) The minor victim's treating physician certifies in writing that the presence of the victim's parent or legal guardian at the hospital is necessary for the treatment of the victim; and,

    c) Reimbursement for loss of income under this paragraph may not exceed the total value of the income that would have been earned by the adult derivative victim during a 30-day period. (Gov. Code, §13957.5, subd. (a)(2).)

23) States that an adult derivative victim may be compensated for loss of income for a victim who has died as a direct result of the crime, subject to the following:

    a) The derivative victim is the parent or legal guardian of a victim who at the time of the crime was under 18 years of age; and,

    b) The board shall pay for loss of income under this paragraph for not more than 30 calendar days from the date of the victim's death. (a)(3).)

24) Provides that a derivative victim who was legally dependent on the victim at the time of the crime may be compensated for loss of support incurred by that person as a direct result of the crime, subject to the following:

    a) Loss of support shall be paid by the board for income lost by an adult for a period up to, but not more than, five years following the date of the crime; and,

    b) Loss of support shall not be paid by the board on behalf of a minor for a period beyond the child's attaining 18 years of age. (Gov. Code, §13957.5, subd. (a)(4).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1716 recognizes that for many college students, surviving sexual violence can mean not only enduring trauma, but also facing academic disruption and unexpected financial hardship. Survivors may end up in a position where they must withdraw from classes, repeat coursework, or delay graduation – costs that

can push them out of school entirely, especially if they lack financial support. By allowing tuition reimbursement through CalVCB, this bill provides meaningful relief that helps survivors remain enrolled and continue their education. AB 1716 affirms that students should not have to choose between healing from violence and staying in school and strengthens our commitment to a more holistic and survivor-centered justice system."

2) **California Victim Compensation Program**: The victim compensation program was created in 1965, the first such program in the country. The program provides compensation for victims of violent crime. It reimburses eligible victims for many crime-related expenses, such as counseling and medical fees. Funding for the CalVCB comes from restitution fines and penalty assessments paid by criminal offenders, general fund (GF) moneys, and federal matching funds.[1] Criminal and traffic fines and fees for restitution fund purposes have largely been eliminated to date.

   The victim compensation program is the payor of last resort, which means applicants are compensated for covered expenses that have not been and will not be compensated from any other source. Reimbursement is limited to the actual amount paid out-of-pocket or bills accrued by the victim. The maximum amount reimbursed to a victim or derivative victim is $35,000, except this amount may be increased to $70,000 if federal funds are available.

   In 2022, AB 160 (Committee on Budget), the public safety trailer bill amended Government Code sections 13956 and 13957 to specifically make them contingent on GF allocations. It appears that victim compensation may only be paid out generally to the extent it is covered by the GF.

   > This section shall become inoperative on July 1, 2024, only if General Fund (GF) moneys over the multiyear forecasts beginning in the 2024–25 fiscal year are available to support ongoing augmentations and actions, and if an appropriation is made to backfill the Restitution Fund to support the actions in this section. If those conditions are met, this section is repealed January 1, 2025. (Gov. Code, § 13957, subd. (c).)

   That triggering event does not appear to have occurred in 2024, and the Victim Compensation Fund remains entirely reliant on GF moneys and federal funds.

   Victim compensation may cover: (a) medical, medical-related, dental care; (b) outpatient mental health treatment or counseling; (c) funeral and burial; (d) wage or income loss up to five years following the date of the crime due to the victim's disability resulting from the qualifying crime. If the victim is permanently disabled, wage or income loss may be extended; (e) support loss for legal dependents of a deceased or injured victim; (f) up to 30 days wage loss for the parent or legal guardian of a minor victim who is hospitalized or dies as a direct result of a crime; (g) job retraining; (h) medically necessary renovation or retrofitting of a home or vehicle for a person permanently disabled as a result of the crime; (i) home security installation or improvements; (j) in-patient psychiatric hospitalization costs; (k) relocation; (l) crime scene clean-up; (m) veterinary fees, or replacement costs for a guide,

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[1] See CalVCB, *About the Board*, located at https://victims.ca.gov/board/

signal or service dog; (n) roundtrip mileage reimbursement to medical, dental or mental health appointments; or (o) minors who suffer emotional injuries from witnessing a violent crime may be eligible for mental health counseling. To qualify, the minor witness must have been in close proximity to the crime.

3) **Condition of the Restitution Fund:** The Restitution Fund, which funds Cal VCB reimbursements, has been operating under a structural deficiency for several years. In 2015, the Legislative Analyst's Office (LAO) reported the Restitution Fund was depleting and would eventually face insolvency. Although revenue has remained consistent through budget allocations, expenditures have outpaced revenues since FY 2015-16.

   The Governor's proposed 2026-27 budget allocates $546.8 million for victim services including $303 million to backfill federal Victims of Crime Act Supplemental Funding. The total estimated budget of Cal VCB according to the Comparative Statement of Expenditures, including any federal funds in 2026-27, is approximately $49 million for state operations and $42 million in local assistance.[2] The total estimated Victim Compensation Fund balance for 2026-27 is approximately $47 million. Based on the requirements of the 2022 Budget, if this bill were to be enacted, it will only go into effect if it receives a GF allocation.

4) **Eligibility Requirements for Victim Compensation:** Persons eligible to receive victim compensation are victims and derivative victims where the crime either occurred in California or the victim is a resident of California or a member or a family member living with a member of the military stationed in California.

   The victim or derivative victim must have sustained either physical injury or emotional injury for specified violent crimes. Compensation is not available for a person who is convicted of a violent felony until that person has been discharged from probation or has been released from a correctional institution and has been discharged from parole or has been discharged from post-release community supervision or mandatory supervision, if any, for that violent crime. Compensation is also not available during any period of time the applicant is held in a correctional institution or while an applicant is required to register as a sex offender. (Gov. Code, § 13956, subd. (c).)

   Once an application is filed, the applicant is required to cooperate with the staff of the board or the victim center in the verification of the information contained in the application. Failure to cooperate may constitute grounds to reject the application. (Gov. Code, § 13954, subd. (b)(1).)

   CalVCB may deny an application based on a finding that the victim was involved in the events leading to the crime or the victim's failure to reasonably cooperate with law enforcement. (Gov. Code, § 13956, subd. (b)(1).) If a victim is determined to have been involved in the events leading to the qualifying crime, factors that may be considered to mitigate or overcome involvement include, but are not limited to: (a) the victim's injuries were significantly more serious than reasonably could have been expected based on the victim's level of involvement; (b) a third party interfered in a manner not reasonably foreseeable by the victim or derivative victim; and (c) the board shall consider the victim's

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[2] https://ebudget.ca.gov/home; 2026-27 Budget Summary, p. 238.

age, physical condition, and psychological state, as well as any compelling health and safety concerns, in determining whether the application should be denied pursuant to this section. (Gov. Code, §13956, subd. (a)(2).)

Similarly, existing law provides that in determining whether cooperation with law enforcement has been reasonable, CalVCB shall consider the victim's or derivative victim's age, physical condition, and psychological state, cultural or linguistic barriers, any compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family or the derivative victim or the derivative victim's family, and giving due consideration to the degree of cooperation of which the victim or derivative victim is capable in light of the presence of any of these factors. (Gov. Code, § 13956, subd. (b).) The law specifies that a victim of domestic violence shall not be determined to have failed to cooperate based on the victim's conduct with law enforcement at the scene of the crime. Lack of cooperation shall also not be found solely because a victim of sexual assault, domestic violence, or human trafficking delayed reporting the qualifying crime. (*Ibid.*)

This bill authorizes CalVCB to reimburse a victim "of sexual assault or violence" for the cost of tuition during the term when the crime occurred or the term immediately following the crime. The maximum amount of reimbursement is $10,000. The cost of tuition per term at a University of California college is approximately $7,500-$8,500. The cost of tuition per term at a California State University college is approximately $3,000-$4,000.

5) **Argument in Support**: According to *University of California, Office of the President*, "Sexual harassment, sexual assault, intimate partner violence, and stalking are unfortunate realities of the college landscape. Although campuses offer a variety of preventative measures, including mandatory annual sexual violence and sexual harassment awareness and prevention education training for students, bystander intervention workshops, safety escort programs, self-defense classes, and Take Back the Night events, a 2019 Association of American Universities campus climate survey found that 14 to 32 percent of undergraduate women faced campus sexual violence.

"When an incidence of sexual violence occurs, victims often understandably do poorer academically, sometimes failing classes or getting on academic probation. A 2016 Journal of College Student Retention: Research, Theory & Practice article found that students who suffered from sexual assault and violence had lower GPAs and were more likely to drop out of college compared to other populations.

"These academic consequences can lead to negative financial outcomes as well; students who face such setbacks may need to extend their enrollment period, necessitating payment for additional terms required to complete their course workload. While UC can sometimes reimburse tuition or help reimburse financial aid, some students may need to cover additional costs that were not originally planned.

"AB 1716 would support these students by making tuition an eligible reimbursement from CalVCB of up to $10,000 for students who have faced sexual assault or violence. Under current law, crime victims may receive reimbursement for medical expenses, including counseling and other mental-health treatments. By allowing tuition to be a reimbursable expense, student sexual violence victims would be provided an avenue to recoup some of

their lost tuition to help ease the financial impact of the crime they experienced."

6) **Argument in Opposition**: According to the *Local 148 LA County Public Defenders Union*, "Every person who is the victim of a crime in California and suffers a loss is entitled to be reimbursed for that loss. Criminal defendants must pay restitution. In addition, the State of California, through the mechanism of the California Victim Compensation Board, pays money to crime victims for their losses. There are many categories of losses that may be compensated. Medical and psychiatric expenses, moving expenses, and the cost of enhanced security are but a few of the losses that may be reimbursed. The Restitution Fund from which these payments are taken is a finite resource. One can see how a medical expense or security expense can be directly related to a crime. The reimbursement for tuition, however, is too attenuated for the Board to determine whether a person's decision not to continue in college or another education institution is due to a sexual assault.

"Most properly, any reimbursement for lost tuition should come from the educational institution itself. The college or other school is the only entity that is truly aware of the student's situation. Was the student failing or having academic setbacks prior to the assault? Were there other pressures, such as financial or personal, that caused the student to falter? The Victim Compensation Board sits at arms-length without access to the student's academic history – something well within the knowledge of the school.

"Instead of routing reimbursement through the Victim Compensation Board, the bill should be amended to require reimbursement to come from the particular educational institution. A supplemental appropriation to state-operated institutions would allow reimbursement to be fairly and properly disbursed.

"Private institutions are admittedly different. But, state funding of tuition reimbursement at private institutions seems to be a bit elitist. Should the state be refunding tuition at, for example, a private high school that charges up to $70,000 a year and that only the rich can afford? And what of institutions that fail to protect their students from sexual assault? Shouldn't those institutions be responsible for their failures and thus refund lost tuition at their expense? Instead of relying upon the Victim Restitution Fund, reimbursement of tuition should come from the educational institution, and the bill should be amended to make that happen."

7) **Prior Legislation**:

   a) AB 1100 (Sharp-Collins), of the 2025-2026 Legislative Session, would have made various changes to California's Victim Compensation Program including repealing provisions that authorize denial of compensation based on the victim's involvement in the events leading up to the crime or failure of the applicant to cooperate reasonably with law enforcement in the apprehension and conviction of the perpetrator of the crime. AB 1100 was held on the Assembly Committee on Appropriations suspense file.

   b) SB 655 (Durazo), of the 2023-2024 Legislative Session, would have made various changes to the CalVCP including some of the changes made by this bill regarding eligibility. SB 655 was held in the Senate Appropriations' suspense file.

c) SB 838 (Menjivar), of the 2023-2024 Legislative Session, would have, in the case of a claim based on a victim's serious bodily injury or death that resulted from a law enforcement officer's use of force, prohibit the board from denying an application based on certain circumstances, including the victim's or other applicant's involvement in the crime, except as specified, the victim's failure to cooperate, or the contents of a police report, or the lack thereof. SB 655 was held in the Senate Appropriations' suspense file.

d) AB 160 (Committee on Budget), Chapter 771, Statutes of 2022, made various changes to the CalVCP, subject to appropriation, including new calculations for loss of income, removing ineligibility factors, and increasing the maximum compensation amount.

e) SB 993 (Skinner), of the 2021-2022 Legislative Session, would have made various changes to the CalVCP including some of the changes made by this bill regarding eligibility. AB 993 was held on the Assembly Floor.

f) AB 767 (Grayson), of the 2019-2020 Legislative Session, would have expanded eligibility for compensation under the CalVCP for injuries or death caused by use of force by a police officer. AB 767 was held in Senate Appropriations Committee.

g) SB 375 (Durazo), Chapter 375, Statutes of 2019, extended deadline for victims of violent crimes to file an application for compensation from 3 to 7 years.

h) AB 629 (Smith), Chapter 575, Statutes of 2019, authorized CalVCB to provide compensation equal to loss of income or support to human trafficking victims.

i) AB 415 (Maienschein), Chapter 572, Statutes of 2019, authorized CalVCB to compensate a crime victim for the costs of temporary housing for a pet.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
Californians for Safety and Justice (CSJ)
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Ella Baker Center for Human Rights
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association

Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Sister Warriors Freedom Coalition
University of California Office of the President
University of California Student Association
Valor US

Opposition

Local 148 LA County Public Defenders Union
California Public Defenders Association

Analysis Prepared by: Kimberly Horiuchi / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1723 (Ellis) – As Introduced February 5, 2026

SUMMARY: Specifies that the "date of revocation," for purposes of the prohibition against the Department of Motor Vehicles (DMV) reinstating a person's driving privilege until the expiration of three years after the date of revocation, for persons convicted of certain vehicle-related crimes, means the date the DMV revokes a person's privilege to drive a motor vehicle, as specified, and not the date of conviction.

EXISTING LAW:

1) Defines "revocation" of a driver's license to mean that the person's privilege to drive a motor vehicle is terminated, and a new driver's license may be obtained after the period of revocation. (Veh. Code, § 13101.)

2) Provides that whenever in the Vehicle Code the DMV is required to suspend or revoke the privilege of a person to operate a motor vehicle upon the conviction of such a person of violating the Vehicle Code, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (Veh. Code, § 13366.)

3) Provides that notwithstanding the above provision, whenever in the Vehicle Code the DMV is required to disqualify the commercial driving privilege of a person to operate a commercial motor vehicle upon a conviction for violating the Vehicle Code, the suspension or revocation shall begin upon receipt by the DMV of a duly certified abstract of any court record showing that the person has been so convicted. (Veh. Code, § 13366.5.)

4) Provides that if a person is convicted of a hit and run, a DUI, or a DUI causing bodily injury and is sentenced to one year in a county jail or more than one year in the state prison under specified DUI sentencing statutes, the court may postpone the revocation or suspension of the person's driving privilege until the term of imprisonment is served. (Veh. Code, § 23665, subd. (a).)

5) Requires the clerk of a court in which a person was convicted of certain offenses, including a violation of the Vehicle Code or a violation of any other statute relating to the safe operation of vehicles, among others, to prepare within five days after conviction and immediately forward to the DMV, an abstract of the record of the court covering the case in which the person was so convicted. (Veh. Code, § 1803, subd. (a)(1).)

6) Requires, generally, the DMV, for criminal offenses that result in a criminal license suspension or revocation, to immediately suspend or revoke the privilege of a person to drive a motor vehicle upon receipt of a duly certified abstract of the record of a court showing that

the person has been convicted of specified offenses. (Veh. Code, §§ 13350, subd. (a); 13351, subd. (a); 13352, subd. (a).)

7) Requires the DMV, when the privilege of a person to operate a motor vehicle is suspended or revoked, to notify the person by first-class mail of the action taken and of the effective date of that suspension or revocation, except for those persons personally given notice by the DMV, a court, or a peace officer as specified, or otherwise pursuant to the Vehicle Code. (Veh. Code, § 13106, subd. (a).)

8) Authorizes the DMV to suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

   a) Failure to stop in the event of an accident resulting in damage to property only or otherwise failing to comply with the requirements to immediately stop at the scene of an accident resulting in only damage to property and perform certain duties;

   b) A second or subsequent conviction of reckless driving; or,

   c) Misdemeanor vehicular manslaughter. (Veh. Code, § 13361.)

9) Establishes a mandatory one-year criminal license revocation for certain crimes, as follows:

   a) Requires the DMV to immediately revoke the privilege of a person to drive a vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of any of the following crimes or offenses:

      i) Failure of a driver involved in an accident resulting in injury or death to a person to stop or otherwise comply with the requirements to perform specified duties at the scene of the accident;

      ii) A felony in the commission of which a motor vehicle is used, except for offenses mandating a three-year license revocation, or other crimes subject to separate suspension and revocation rules, including a DUI, DUI causing bodily injury, and specified speed contest or exhibition of speed offenses, among others; or,

      iii) Reckless driving causing bodily injury. (Veh. Code, § 13350, subd. (a).)

   b) Prohibits the DMV from reinstating the driving privilege revoked pursuant to the above until the expiration of one year after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as specified. (Veh. Code, § 13350, subd. (c).)

10) Establishes a mandatory three-year license revocation for certain crimes, as follows:

   a) Requires the DMV to immediately revoke the privilege of a person to drive a vehicle upon receipt of a duly certified abstract of the record of a court showing that the person has been convicted of any of the following crimes or offenses:

i) Manslaughter resulting from the operation of a motor vehicle, except for misdemeanor vehicular manslaughter;

ii) Conviction of three or more specified hit and run or reckless driving violations within a period of 12 months from the time of the first offense to the third or subsequent offense, or a combination of three or more convictions of violations within the same period; or,

iii) Violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer, causing serious bodily injury resulting in specified serious impairments of physical condition, as specified. (Veh. Code, § 13351, subd. (a).)

b) Prohibits the DMV from reinstating the driving privilege revoked pursuant to the above until the expiration of three years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility, as defined. (Veh. Code, § 13351, subd. (b).)

11) Provides, generally, that if a court orders a person to install a functioning, certified ignition interlock device (IID) on any vehicle that person operates, the length of the term for which the IID must be installed commences from the date of conviction. (Veh. Code, §§ 23575, subds. (a)(1)-(2); 23575.3, subd. (h)(1)(A)(i).)

12) Requires the DMV, upon receipt of a duly certified abstract of the record of any court showing that the court has ordered the suspension of a driver's license because they committed road rage, as defined, to suspend the person's driving privilege in accordance with that suspension order commencing either on the date of the person's conviction or upon the person's release from confinement or imprisonment. (Veh. Code, § 13351.8.)

13) Requires the DMV to immediately suspend or revoke the privilege of a person to operate a motor vehicle upon receipt of an abstract of the record of a court showing that the person has been convicted of a DUI or DUI causing bodily injury, with the length of the license suspension or revocation depending on the person's number of prior[1] DUIs, as follows:

a) A first DUI is a misdemeanor with a six-month license suspension, a DUI with one prior is a misdemeanor with a two-year license suspension, a DUI with two priors is a misdemeanor with a three-year license revocation, and a DUI with three or more priors is an alternate-felony misdemeanor (hereafter, "wobbler") with a four-year license revocation. (Veh. Code, §§ 13352, subd. (a)(1), (3), (5), & (7).)

b) A first DUI causing bodily injury is a wobbler with a one-year license suspension, a DUI causing bodily injury with one prior is a wobbler with a three-year license revocation, a

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[1] A "prior" means a separate DUI conviction under Vehicle Code sections 23152 (DUI), 23153 (DUI causing bodily injury), or a "wet reckless" conviction under 23103.5 (plea to reckless driving in satisfaction of an original DUI charge) that occurred within 10 years of the current violation.

DUI causing bodily injury with two or more priors is a felony with a five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(2), (4) & (6).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "For years, California has allowed drivers convicted of vehicular manslaughter continue to operate on the road, putting the lives of others at risk. Due to California courts failing to report convictions of vehicular manslaughter to the DMV, several hundreds of drivers with convictions have had their driving privileges revoked for less than the minimum three years. AB 1723 would clarify that the date of revocation of one's driving privileges refers to the date the DMV revokes a person's driving privileges, not the date of conviction. This will ensure that California's most dangerous drivers do not have a reduced revocation period of their driving privileges."

2) **Criminal License Suspensions and Revocations:** Certain vehicle-related crimes require the DMV to suspend or revoke a person's driver's license for a specified period. The process of suspending or revoking a license upon a criminal conviction is as follows. Upon conviction for certain vehicle-related offenses, including a violation of the Vehicle Code or a violation of any other statute relating to the safe operation of vehicles, among others, judicial clerks are required to send an abstract of the record of the court covering the case in which the person was convicted to the DMV within five days after conviction. (Veh. Code, § 1803, subd. (a)(1).) The DMV, upon receiving a certified abstract of the record establishing a conviction, is generally required to immediately suspend or revoke the driving privileges of the convicted person. (Veh. Code, §§ 13350, subd. (a); 13351, subd. (a); 13352, subd. (a).)

   There are numerous distinct criminal license suspension and revocation statutes. Some crimes, such as a hit and run only resulting in damage to property, a second or subsequent reckless driving conviction, or misdemeanor vehicular manslaughter, are subject to discretionary suspensions. (Veh. Code, § 13361.) Others result in mandatory one-year revocations. (Veh. Code, § 13350, subds. (a) & (b).) Specifically, the DMV is required to immediately revoke a person's driving license upon receiving a record of conviction for a hit and run resulting in injury or death, a felony involving the commission of a motor vehicle, except for offenses subject to separate suspension and revocation rules, and reckless driving causing bodily injury. (*Ibid.*) Most relevant to this bill, certain crimes require the DMV to revoke a person's license for three years. The following offenses are subject to a three-year license revocation: 1) manslaughter resulting from the operation of a motor vehicle, except for misdemeanor vehicular manslaughter; 2) a conviction of three or more specified hit and run or reckless driving violations within a period of 12 months, as specified; and 3) a violation of gross vehicular manslaughter while intoxicated or vehicular manslaughter while operating a vessel with gross negligence or of fleeing or attempting to elude a peace officer that causes serious bodily injury resulting in specified serious impairments of physical condition, as specified. (Veh. Code, § 13351, subd. (a).) Other convictions, such as those for a DUI or a DUI causing bodily injury, result in progressively longer license suspensions or revocations depending on the person's number of prior DUIs. (Veh. Code, § 13352, subd. (a)(1)-(8).)

In terms of when criminal license revocations commence, the general rule is that where the Vehicle Code requires the DMV to suspend or revoke a person's driver's license for a conviction for violating the Vehicle Code, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (Veh. Code, § 13366.) However, courts are authorized to postpone a person's revocation or suspension until their term of imprisonment is served for convictions for a hit and run, a DUI, and a DUI causing bodily injury, where the person is sentenced to one year in a county jail or more than one year in state prison under specified DUI sentencing statutes. (Veh. Code, § 23665, subd. (a).) If the Vehicle Code requires the DMV to disqualify a person's commercial driver's license for a conviction for violating the Vehicle Code, the suspension or revocation begins upon the DMV's receipt of a certified court record of a conviction. (Veh. Code, § 13366.5.)

3) **Impetus for this Bill:** The impetus for this bill is a recent Cal Matters report that shed light on communication gaps between courts and the DMV that may have resulted in certain defendants receiving reduced license revocation periods.[2] According to the article, courts "failed to report hundreds of vehicular manslaughter convictions to the state's Department of Motor Vehicles over the past five years."[3] As previously noted, vehicular manslaughter, other than misdemeanor vehicular manslaughter, requires the DMV, upon receipt of the court conviction record, to immediately revoke that person's license for a period of three years. (Veh. Code, § 13351, subds. (a)-(b).) According to the article, a failure to report manslaughter convictions to the DMV led to at least one manslaughter conviction being belatedly reported to the DMV approximately two years after the defendant's conviction.[4] The article suggests that since the DMV typically enforces driving revocation sanctions from the date of the conviction, and there was a significant delay in reporting this conviction to the DMV, this particular defendant may be subject to a reduced license revocation of approximately one year.[5]

4) **Effect of this Bill:** In an effort to prevent certain convictions that are belatedly reported to the DMV from receiving reduced license revocation periods, this bill provides that three-year license revocations do not commence until the DMV actually revokes a person's license. Specifically, it states that the "date of revocation," for purposes of the prohibition against the DMV reinstating a person's driving privilege until the expiration of three years after the date of revocation, for certain crimes, means the date the DMV revokes a person's privilege to drive a motor vehicle, and not the date of conviction.

   The exact point in time at which a three-year license revocation commences is somewhat unclear. Section 13351 of the Vehicle Code requires the DMV to immediately revoke a person's driving privileges upon receiving a certified court record of a conviction, for certain crimes, and specifies that the DMV "shall not reinstate the privilege revoked [pursuant to the above] until the expiration of three years after the date of revocation and until the person whose privilege was revoked gives proof of financial responsibility." (Veh. Code, § 13351, subds. (a)-(b).) Given that this language refers to the "date of revocation" rather than "the date of conviction" a plain reading of the statute suggests that the three-year license

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[2] Hepler and Lewis, *They were convicted of killing with their cars. No one told the California DMV*, Cal Matters (June 25, 2026), available at: https://calmatters.org/investigation/2025/06/california-courts-dmv/
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*

revocations only commences when the DMV actually revokes a defendant's driving privileges upon receipt of the record of conviction. Under this interpretation, this bill is largely declaratory of existing law. Further, other sections of the Vehicle Code that require IIDs for certain DUI offenders and mandate license suspensions for individuals who engage in road rage explicitly refer to those sanctions commencing on the date of the applicable conviction. (Veh. Code, §§ 13351.8; 23575, subds. (a)(1)-(2); 23575.3, subd. (h)(1)(A)(i).) This indicates that when the Legislature wishes a driving sanction to commence at the time of conviction, they explicitly say so, bolstering an interpretation that "date of revocation" does indeed refer to the date that the DMV actually revokes a defendant's license.

However, the general rule is that where the Vehicle Code requires the DMV to suspend or revoke a person's license for a conviction for violating the Vehicle Code, "such suspension or revocation shall begin upon a plea, finding, or verdict of guilty." (Veh. Code, § 13366.) Here, the mandatory three-year license revocation requirement is contained within the Vehicle Code, indicating that the "date of revocation," as used in Vehicle Code section 13351, is governed by Vehicle Code section 13366's general requirement that license revocations begin at the time of verdict of guilt. Recent reporting that belatedly reported manslaughter convictions resulted in reduced license revocation periods suggests that the revocation commencement date in those cases was likely the date of conviction.[6] However, Vehicle Code section 13366's default rule that license revocations "commence upon a plea, finding, or verdict of guilty" only applies to license revocations resulting from convictions for *violating the Vehicle Code*. (Veh. Code, § 13366.) Here, convictions that require three-year license revocations under Section 13351 include both Vehicle Code crimes (hit and run, reckless driving, fleeing a peace officer that causes serious bodily injury), and Penal Code crimes (manslaughter, gross vehicular manslaughter while intoxicated, and vehicular manslaughter while operating a vessel with gross negligence.) (Veh. Code, § 13351, subd. (a).) This indicates that the three-year revocation required of Vehicle Code crimes may commence upon a person's conviction pursuant to Vehicle Code section 13366, while the revocations required of Penal Code crimes, such as manslaughter, may commence on the date the DMV actually revokes the person's license.

Given that courts are required to forward vehicle-related conviction information to the DMV within five days of the conviction, and the DMV must immediately revoke a person's license, when required, the distinction between a three-year license revocation commencing upon the date of conviction versus the date of actual DMV revocation may be minimal. However, in cases where there is a substantial delay in the court sending conviction information to the DMV, this bill could significantly postpone the commencement date of certain revocations.

5) **Argument in Support**: According to the *Conor Lynch Foundation*, "AB 1723 clarifies the revocation period for drivers convicted of vehicular manslaughter. Accountability and consistency are critical components of roadway safety. When a driver is convicted of vehicular manslaughter, the law intends that their driving privileges be revoked for a defined period. However, administrative delays can unintentionally shorten the effective revocation period. AB 1723 addresses this gap by clarifying that the revocation period begins when the

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[6] Hepler and Lewis, *They were convicted of killing with their cars. No one told the California DMV*, Cal Matters (June 25, 2026), available at: https://calmatters.org/investigation/2025/06/california-courts-dmv/

Department of Motor Vehicles formally revokes the license, rather than the date of conviction.

"For families affected by preventable roadway tragedies, policies that ensure accountability and consistency are essential. AB 1723 helps close an administrative loophole and reinforces California's commitment to protecting the public."

6) **Argument in Opposition**: None submitted.

7) **Related Legislation**:

a) AB 1874 (Wilson), provides that when a court imposes a suspension or revocation of a person's driver's license as part of a criminal sentence, the period of suspension or revocation shall commence upon the person's release from custody. AB 1874 is pending a hearing in this Committee.

b) AB 1748 (Sanchez), lengthens the license suspension and revocation periods for first-time and repeat DUI offenders, among other changes. AB 1748 is pending a hearing in this Committee.

c) AB 1687 (Lackey), punishes a person convicted of three or more specified vehicle offenses, including a DUI or a DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 is pending a hearing in this Committee.

d) AB 1546 (Schultz), increases the punishment for a DUI with two priors from a misdemeanor to a wobbler and increases the punishment for a DUI with four or more priors from a wobbler to a straight felony, and increases the license revocation period for a DUI with four or more priors from four years to five years, among other changes. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

8) **Prior Legislation**:

a) AB 2337 (Linder), of the 2013-2014 Legislative Session, would have extended, by one year, the revocation period of an individual's driver's license if they were convicted of a hit-and-run accident in which another individual is killed or seriously injured. AB 2337 was vetoed.

b) AB 1104 (Pan), of the 2011-2012 Legislative Session, would have required, rather than allowed, driver's license revocations for specified DUIs to be delayed until offenders are released from prison or county jail. AB 1104 was never heard in the Assembly Appropriations Committee.

c) AB 1601 (Hill), Chapter 301, Statutes of 2010, permits a court to order a 10-year revocation of a driver's license for a person convicted of three or more separate DUIs.

d) AB 2258 (Benoit), of the 2005-2006 Legislative Session, would have created an alternate misdemeanor-felony and mandatory jail time for a fourth offense of driving on a suspended license, and required a four-year license revocation for this offense, as specified. AB 2258 failed passage in this Committee.

e) AB 4 (Bogh) of the 2004-2005 Legislative Session would have permanently revoked the driver's license of a person convicted of a third or subsequent violation of specified DUI provisions. AB 4 was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Conor Lynch Foundation
Mothers Against Drunk Driving
Socal Families for Safe Streets

Opposition

None Submitted

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1727 (Ta) – As Introduced February 5, 2026

SUMMARY: Creates new criminal penalties for the crime of unlawful use of Deoxyribonucleic acid (DNA). Specifically, **this bill**:

1) Defines unlawful use of DNA in the first degree as any person who intentionally and without express consent sells or otherwise transfers another individual's DNA sample or genetic data to a third party, regardless of whether the original DNA sample was originally collected, retained, or analyzed with express consent.

2) States unlawful use of DNA in the first degree shall be punishable as a felony and by a term of three, four, or five years in county jail or by fine not to exceed $15,000.

3) Defines unlawful use of DNA in the second degree as any person who intentionally and without express consent does any of the following:

    a) Submits another person's DNA sample for genetic testing;

    b) Conducts genetic testing on another person's DNA;

    c) Procures the conducting of genetic testing of another person's DNA; or,

    d) Discloses another person's genetic data to a third party except if they are the person's legal representative or guardian, or a person has already volunteered to disclose their genetic data to the person who provided it to the third party.

4) States unlawful use of DNA in the second degree shall be punishable as a felony and by a term of 16 months, two, or three years in county jail and a fine not to exceed $7,500.

5) Defines unlawful use of DNA in the third degree as any person who:

    a) Collects or retains another person's DNA sample with intent to perform a DNA analysis; or,

    b) Collects or retains another person's DNA sample or genetic information by accessing a computer system either without authorization or by exceeding their authorized access to the computer system.

6) Punishes unlawful use of DNA in the third degree as a one-year misdemeanor or fine of $6,000.

7) States unlawful use of DNA does not apply to any of the following:

   a) Any DNA sample or genetic material used for law enforcement purposes, a district attorney, or the Attorney General for law enforcement purposes, including, but not limited to, inclusion in the DNA and Forensic Identification Database and Data Bank Program;

   b) Any DNA sample or genetic material collected, obtained, or presented as evidence in a criminal investigation or court hearing, presented to a grand jury, or presented as evidence in a criminal trial, including criminal discovery as required by law;

   c) A DNA sample or genetic information collected to comply with a subpoena, summons, other lawful court order, or federal law;

   d) A direct-to-consumer genetic (DTC) testing company that complies with the Genetic Information Privacy Act (GIPA);

   e) A Health Insurance Portability and Accountability Act (HIPAA)-covered entity or business associate; and,

   f) A public or private institution of higher education or any entity owned or operated by a public or private institution of higher education.

EXISTING LAW:

1) Creates the GIPA and defines the following terms:

   a) "Express consent" means a consumer's affirmative authorization to grant permission in response to a clear, meaningful, and prominent notice regarding the collection, use, maintenance, or disclosure of genetic data for a specific purpose. The nature of the data collection, use, maintenance, or disclosure shall be conveyed in clear and prominent terms in such a manner that an ordinary consumer would notice and understand it. Express consent cannot be inferred from inaction. Agreement obtained through use of dark patterns does not constitute consent. (Civ. Code, § 56.18, subd. (b)(6).)

   b) "Genetic data" means any data, regardless of its format, that results from the analysis of a biological sample from a consumer, or from another element enabling equivalent information to be obtained and concerns genetic material. Genetic material includes, but is not limited to, DNA, ribonucleic acids (RNA), genes, chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphisms (SNPs), uninterpreted data that results from the analysis of the biological sample, and any information extrapolated, derived, or inferred therefrom. (Civ. Code, § 56.18, subd. (b)(7)(A).)

   c) "Genetic data" does not include deidentified data. "Deidentified data" means data that cannot be used to infer information about, or otherwise be linked to, a particular

individual, provided that the business that possesses the information does all of the following:

i) Takes reasonable measures to ensure that the information cannot be associated with a consumer or household;

ii) Publicly commits to maintain and use the information only in deidentified form and not to attempt to reidentify the information, except that the business may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes satisfy the requirements of GIPA, as specified, provided that the business does not use or disclose any information reidentified in this process and destroys the reidentified information upon completion of that assessment;

iii) Contractually obligates any recipients of the information to take reasonable measures to ensure that the information cannot be associated with a consumer or household and to maintaining and using the information only in deidentified form and not to reidentify the information; and,

iv) "Genetic data" does not include data or a biological sample to the extent that data or a biological sample is collected, used, maintained, and disclosed exclusively for scientific research conducted by an investigator with an institution that holds an assurance with the United States Department of Health and Human Services, as specified. (Civ. Code, § 56.18, subd. (b)(7)(A-C).)

d) "Genetic testing" means any laboratory test of a biological sample from a consumer for the purpose of determining information concerning genetic material contained within the biological sample, or any information extrapolated, derived, or inferred therefrom. (Civ. Code, § 59.18, subd. (b)(8).)

2) Declares in order to safeguard the privacy, confidentiality, security, and integrity of a consumer's genetic data, a direct-to-consumer genetic testing company shall do both of the following:

a) Provide clear and complete information regarding the company's policies and procedures for the collection, use, maintenance, and disclosure, as applicable, of genetic data by making available to a consumer all of the following:

i) A summary of its privacy practices, written in plain language, that includes information about the company's collection, use, maintenance, and disclosure, as applicable, of genetic data;

ii) A prominent and easily accessible privacy notice that includes, at a minimum, complete information about the company's data collection, consent, use, access, disclosure, maintenance, transfer, security, and retention and deletion practices, and information that clearly describes how to file a complaint alleging a violation of this GIPA; and,

iii) A notice that the consumer's deidentified genetic or phenotypic information may be shared with or disclosed to third parties for research purposes in accordance with

HIPAA.

b) Obtain a consumer's express consent for collection, use, and disclosure of the consumer's genetic data, including, at a minimum, separate and express consent for each of the following:

i) The use of the genetic data collected through the genetic testing product or service offered to the consumer, including who has access to genetic data, and how genetic data may be shared, and the specific purposes for which it will be collected, used, and disclosed;

ii) The storage of a consumer's biological sample after the initial testing requested by the consumer has been fulfilled;

iii) Each use of genetic data or the biological sample beyond the primary purpose of the genetic testing or service and inherent contextual uses; and,

iv) Each transfer or disclosure of the consumer's genetic data or biological sample to a third party other than to a service provider, including the name of the third party to which the consumer's genetic data or biological sample will be transferred or disclosed. (Civ. Code, § 56.181, subd. (a)(1)-(2).)

3) States that a company that is subject to the requirements of the DTC rules in GIPA shall provide effective mechanisms, without any unnecessary steps, for a consumer to revoke their consent after it is given, at least one of which utilizes the primary medium through which the company communicates with consumers. (Civ. Code, § 56.181, subd. (b).)

4) Mandates if a consumer revokes the consent that they provided, the DTC DNA testing company honor the consumer's consent revocation as soon as practicable, but not later than 30 days after the individual revokes consent, as follows:

a) Revocation of consent must comply with HIPAA; and,

b) The company shall destroy a consumer's biological sample within 30 days of receipt of revocation of consent to store the sample. (Civ. Code, § 56.181, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1727 addresses a gap in California's Penal Code. Federal laws such as HIPAA protect Californians from the misuse of their genetic materials and information by healthcare providers, and the Genetic Information Privacy Act (GIPA) safeguards consumers from certain direct-to-consumer genetic testing companies. However, these protections leave a significant gap when it comes to private actors who collect or misuse genetic data outside of these regulated contexts.

"This gap has been exploited—particularly among seniors—by patient recruiters who collect DNA samples as part of Medicare fraud schemes. Additionally, the 2023 data breach involving

23andMe demonstrated the high value of genetic data to bad actors and underscored the risks Californians face when their sensitive information is exposed.

"While GIPA was a thoughtful and important step toward strengthening privacy protections, experience over the five years since its enactment has revealed the limitations of its targeted scope. The continued misuse and unlawful collection of DNA data make clear that existing safeguards are not sufficient to fully protect Californians.

"AB 1727 does not seek to restrict law enforcement officers or investigators from carrying out their duties or pursuing justice. Instead, it expands privacy protections to ensure that all Californians are safeguarded from individuals or entities that seek to profit from the unauthorized collection or exploitation of their genetic information. As criminals become more sophisticated in their enterprises, it is critical that we act to protect the most basic identity that people have – their DNA."

2) **GIPA**: In response to concerns about DNA testing companies selling information to third parties such as other companies, law enforcement, and the government, the Legislature passed, and the Governor signed, the GIPA in 2022. The GIPA requires DTC genetic testing companies to comply with certain privacy and data security provisions such as mandating consumers' affirmative consent regarding the collection, use, maintenance, and disclosure of genetic data, and enabling consumers to access and destroy their genetic data. According to the New York Times:

Home DNA testing kits usually involve taking a cheek swab or saliva sample and mailing it off to the company. In that little sample is the most personal information you can share: your genetic code. Some companies share that data with law enforcement, and most sell your DNA data to third parties, after which it can become difficult to track. For some people who work for small companies or serve in the military, it can affect insurance premiums and even the ability to get insurance at all.

While DNA testing has been used in medical and scientific contexts for decades, direct-to-consumer testing kits are still relatively new and legal policies that govern the private use of consumer data are still being developed.

According to Dr. James Hazel, a postdoctoral fellow at the Center for Genetic Privacy and Identity in Community Settings, there are fewer protections for your data with consumer DNA testing kits than there would be if you were taking a medical test. If a doctor takes a DNA sample, that sample is protected by the Health Insurance Portability and Accountability Act (HIPAA) and there are limits on how it can be shared.

"In the United States, if you're talking about genetic data that's generated outside of the health care setting, there's a relatively low baseline of protection," Dr. Hazel said. "And that's provided generally [] by the Federal Trade Commission. So, the Federal Trade Commission, although it's not specific to genetic data, has the ability to police unfair and deceptive business practices

across all industries. Other than that, there are really no laws in the United States that apply specifically."[1]

The GIPA applies to companies that sell, market, interpret, or otherwise offer DTC genetic testing products or services; analyze genetic data obtained from consumers; collect, use, maintain, or disclose genetic data collected or derived from a direct-to-consumer genetic testing product, service or directly provided by a consumer.

It covers "genetic data," which is defined as any data, regardless of the format, that results from analysis of a biological sample from a consumer or from another element enabling equivalent information to be obtained and concerns genetic material. Genetic material includes, but is not limited to, DNA, RNA, genes, chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphism (SNPs), uninterpreted data that results from analysis of the biological sample, and any information extrapolated, derived, or inferred from materials in this list.

Genetic data does not include **de-identified** data (meaning data not linked to any personal identifying information) or a biological sample to the extent that data or a biological sample is collected, used, maintained, and disclosed exclusively for scientific research under very particular circumstances described in the law. GIPA requires DTC genetic testing companies to: (a) provide clear and complete information regarding the company's policies and procedures for the collection, use, maintenance, and disclosure of genetic data; (b) obtain a consumer's express consent for the collection, use, and disclosure of the consumer's genetic data; (c) provide effective mechanisms, without dark patterns, for how a consumer may file to revoke consent; (d) implement and maintain reasonable security procedures and practices to protect a consumer's genetic data against unauthorized access, destruction, use, modification, or disclosure; and (e) prohibits discrimination against a consumer because the consumer exercised any of the consumer's rights under GIPA.

This bill differs from the GIPA in its definitions of genetic testing, genetic data, and express consent although it appears to criminalize a company or person who provides genetic material to third parties without consent. **The GIPA also makes clear that express consent is required for access by government actors pursuant to state and federal privacy laws.** This bill provides broad protections to information shared with government actors. Civil Code section 56.184 states in relevant part:

The provisions of this chapter shall not reduce a direct-to-consumer genetic testing company's duties, obligations, requirements, or standards under any applicable state and federal laws for the protection of privacy and security. **In the event of a conflict between the provisions of this chapter and any other law, the provisions of the law that afford the greatest protection for the right of privacy for consumers shall control.** (Civ. Code, § 56.184, subd. (a) & (b).)

It appears the mandates and definitions of this bill are significantly different than the GIPA and provide interpretation and enforcement limitations for the Department of Justice (DOJ) in

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[1] Eric Ravenscraft, *How to Protect Your DNA Data Before and After Taking an at-Home Test* (June 12, 2019) N.Y. Times, https://www.nytimes.com/2019/06/12/smarter-living/how-to-protect-your-dna-data.html

prosecuting a GIPA violation. While this bill is limited to criminal penalties, it appears to rely, in part, on the prohibitions in the GIPA aimed at DTC genetic testing companies.

The author's background statement to the committee cites a Florida law that is effectively just a version of California's GIPA. It includes most of the same civil penalties and is part of the civil rights statutes. (See § 760.40, Fla. Stat. Ann.)

3) **Data Breach Notification Law (DBNL)**: In 2003, California's security breach notification law went into effect. (See Civ. Code, §§ 1798.29, 1798.82.) There are two provisions governing data breach notification requirements, Civil Code sections 1798.29 and 1798.82. The two provisions are nearly identical, but the former applies to public agencies, and the latter applies to persons or businesses.

California's DBNL requires any person or business that owns or licenses computerized data that includes personal information to disclose a breach to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Any breach notifications must be titled "Notice of Data Breach," are required to meet certain formatting requirements, and must include specific information. This notification requirement ensures that residents are made aware of a breach, thus allowing them to take appropriate action to mitigate or prevent potential financial losses due to fraudulent activity such as changing passwords, monitoring accounts, or placing credit freezes.

Notification must also be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as specified. With regard to the law enforcement provision, the notification required may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification must be made promptly after the law enforcement agency determines that it will not compromise the investigation.

In 2023, 23andMe suffered a data breach affecting approximately 7 million users, roughly half its customer base—via a credential-stuffing attack.[2] Hackers accessed sensitive personal information, including ancestry, DNA matches, and health data. A $30 million class-action settlement was reached to address the security failures. Reports as of March 2025 indicate the company has faced significant reputational damage and financial distress following the breach. Shortly thereafter, the company filed for Chapter 11 bankruptcy. Multiple Attorneys General are investigating possible identity theft or fraud, and requests have been made to the U.S. Department of Justice to also investigate.

In its letter of support, SAG-Aftra noted that there is also an alleged rise in "genetic paparazzi" that seek a celebrity's DNA for some sort of nefarious purpose. California has numerous laws

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[2] According to ID Theft Resource Center: Credential stuffing is a widespread cyberattack where hackers use automated bots to test massive lists of stolen username/password pairs (from previous data breaches) against various websites, exploiting the habit of password reuse to gain unauthorized access. It causes account takeovers, financial fraud, and data theft, costing organizations millions. (See https://www.idtheftcenter.org/post/the-difference-between-credential-hacking-and-credential-stuffing/?utm_campaign={campaignname}&utm_term=&utm_source=google&utm_medium=cpc&gad_source=1&gad_campaignid=22212099742&gbraid=0AAAAAD_RqESmwT-LrjvIMlgJAE3xZnOSf&gclid=EAIaIQobChMIgOKa8qWJkwMVUCGtBh0--hZTEAMYASAAEgLFlvD_BwE

that prevent disclosure of personal identifying information, including the GIPA. While many states have expressed concern about what 23andMe would do with its expansive DNA database, it will likely only be sold in a deidentified form meaning the information will not be tied to a name or any other personal information.

In July 2025, the U.S. Bankruptcy Court for the Eastern District of Missouri approved the sale of 23andMe's genetic data. On July 14, 2025, a notice of the closing of the sale was filed in bankruptcy court. This sale process informs best practices for companies and other entities handling sensitive personal information. The Court approved the sale of 23andMe's genetic data and personal information assets to TTAM Research Institute, an entity founded by Anne Wojcicki, the former CEO and co-founder of 23andMe. TTAM was deemed the successful bidder over the bid of a leading biotechnology company, Regeneron.

It is unclear to what extent, if any, people in the public eye are susceptible to people stealing their DNA. However, mandating a five-year prison or jail term depending on a defendant's criminal history seems disproportionate for what may be a completely illusory problem.

4) **Criminal Penalties:** The GIPA may be enforced either by local district attorney offices or the DOJ. Penalties include fines between $1,000 and $10,000 depending on whether the breach was negligent or intentional. Criminal penalties require *mens rea*, or criminal intent. This bill appears to impose significant criminal penalties for violations of the same conduct at issue in the GIPA.

This bill would create three new crimes: (a) any person who intentionally sells or transfers another person's genetic material or DNA without express consent is guilty of unlawful use of DNA in the first degree and may be sentenced to three, four, or five years in county jail; (b) any person who submits a person's DNA for genetic testing, actually conducts the testing on another person's DNA, or discloses DNA or genetic material to a third party, as specified, without express consent is guilty of unlawful use of DNA in the second degree and may be sentenced to 16 months, two, or three years in county jail; and (c) any person who collects or retains another person's genetic material or DNA, or someone who accesses a computer system without authorization that has genetic material or DNA is guilty of unlawful use of DNA in the third degree and may be sentenced to up to one year in the county jail.

The penalty structure proposed by this bill seems both inconsistent with other crimes and does not follow criminal sentencing requirements. First, this bill sentences a person to county jail for as long as five years pursuant to Penal Code section 1170, subdivision (h). As a straight felony, in accordance with Penal Code section 1170, subdivision (h)(5), any person who is sentenced pursuant to Realignment with a prior serious or violent felony or sex offense, is sentenced to state prison. Comparatively, robbery (not home invasion, carjacking, train robbery, or taking money by force or threat of force near an ATM) is punishable by two, three, or five years. (Pen. Code, § 213, subd. (a).) The penalty for intentionally selling or transferring DNA without express consent is actually harsher on the low and middle term than robbery. Carjacking is punishable by a term of three, five, or nine years. (See Pen. Code, § 215, subd. (b).) The low and middle term for first degree unlawful use of DNA are about the same on the low and middle terms as carjacking.

Additionally, it is unclear how a prosecutor would demonstrate aggravating factors such that a jury would impose the upper term for unlawful use of DNA. Factors in aggravation in the

California Rules of Court, includes (a) great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness; (b) the defendant was armed with or used a weapon at the time of the commission of the crime; (c) victim was particularly vulnerable; (d) defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission; (e) the defendant induced a minor to commit or assist in the commission of the crime; (f) the defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process; (g) the defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed; (h) the manner in which the crime was carried out indicates planning, sophistication, or professionalism; (i) the crime involved an attempted or actual taking or damage of great monetary value; (j) the crime involved a large quantity of contraband; (k) defendant took advantage of a position of trust or confidence to commit the offense; and (l) the crime constitutes a hate crime. (Cal Rules of Court, Rule 4.421, subd. (a)(1)-(12).)

This crime does not fit within possible aggravating factors. As explained above, the GIPA is aimed at DTC genetic testing companies. Corporations are obviously sentenced to jail and Chief Executive Officers, or employees of the company do not ordinarily take on criminal liability for performing work for the company even though they may be intentionally testing DNA without **express consent**. Express consent is broadly defined in this bill, but the absence of "express consent" may be hard to discern given a person may be facing up to five years in county jail for selling or transferring DNA or genetic material intentionally without express consent.

Finally, the Penal Code does not criminalize conduct in the third degree. Again, the criminal penalty structure laid out on Penal Code section 17 is based on penalty. If a person may be sentenced to up to one year in county jail, or there is no stated penalty, the crime is a misdemeanor. If a person may be sentenced to up to one year in county jail or up to three years in county jail, it is a Realigned alternate-misdemeanor felony. If a person may be sentenced to either state prison or more than one year in county jail for an offense, it is a Realigned felony. If a person may be sentenced to state prison, it is a state prison felony. While a small number of offenses may be charged as a first- or second-degree crime, those offenses have existed in our Penal Code since the beginning of statehood, including murder, robbery, and burglary. (See generally, Pen. Code, § 1182.)

Pursuant to Penal Code section 17, a criminal penalty punishable in the county jail pursuant to Realignment could be an alternate felony-misdemeanor, depending on the court's action. However, a misdemeanor may be sentenced to no more than one year. Based on existing sentencing requirements, it appears first- and second-degree unlawful use of DNA are felonies, and a third-degree offense is a misdemeanor.

5) **Medicare Fraud:** The author provided the committee several articles related to Medicare/CMS fraud nationwide related to access to genetic testing via medical companies. Offenders in Texas, Illinois, and New York were charged, tried, and convicted of Medicare fraud for soliciting medical professionals for genetic testing simply to bill Medicare/CMS for the testing. In the Texas case, medical professionals were receiving kickbacks from solicitors to generate unnecessary genetic testing requests. Defendants in those cases were sentenced to up to ten years in federal prison. It is not clear from those cases that there was ever any genetic sequencing performed or if it was merely a ruse to generate Medicare billings.

As noted above, the GIPA was aimed at DTC companies like 23andMe selling genetic sequencing to third parties generally or in response to ordinary bankruptcy liquidation. In those cases, individual perpetrators may be hard to prosecute because the selling of genetic sequencing may have been a corporate decision and not the decision of one person acting rogue.

Prior to 2022, if a person did not opt out on a DTC DNA testing form, it was not illegal to sell DNA to third parties in the ordinary course of business (although some did not do so). Finally, protecting DNA should also extend to state actors. While companies generally have opt-out options for people who do not wish to share their DNA with law enforcement or for forensic genetic genealogy purposes, this bill expressly excludes law enforcement from surreptitiously accessing a person's DNA even if they have opted out of sharing with law enforcement. The GIPA requires compliance with notice requirements for opting out and includes a much more robust definition of "express consent."

6) **Argument in Support**: According to *California Civil Liberties Advocacy*, "Genetic data represents some of the most intimate and revealing information a person possesses. A DNA sample can expose deeply personal details about an individual's health predispositions, ancestry, and familial relationships. Unlike other forms of personal data, genetic information cannot be changed once compromised. As such, it warrants the highest level of legal protection.

"While California has taken important steps to regulate direct-to-consumer genetic testing companies through the Genetic Information Privacy Act, significant gaps remain in current law. Existing statutes focus primarily on corporate actors and do not adequately address the growing risk of unauthorized DNA collection and analysis by private individuals or third parties.

"AB 1727 fills this gap by clearly prohibiting the intentional collection, testing, or transfer of another person's genetic material without their consent and establishing appropriate criminal penalties for violations. The need for such protections is becoming increasingly urgent. Advances in genetic testing technology have dramatically lowered the cost and accessibility of DNA analysis. Today, individuals can obtain genetic profiles from discarded items such as drinking glasses, hair strands, or cigarette butts and submit those samples to private laboratories for testing. Without clear legal safeguards, these practices create the potential for serious abuses, including covert paternity testing, nonconsensual ancestry testing, genetic surveillance, and the unauthorized disclosure of highly sensitive health and family information.

"AB 1727 appropriately balances privacy protections with legitimate public interests. The bill includes sensible exemptions for law enforcement investigations conducted pursuant to existing legal authority, as well as for institutions that operate under established federal privacy frameworks such as HIPAA. These provisions ensure that the measure protects individual rights without interfering with legitimate medical research, criminal investigations, or court-authorized procedures.

"California's Constitution explicitly recognizes privacy as a fundamental right. Genetic information lies at the very core of that right. By establishing clear criminal penalties for the intentional misuse of another person's DNA, AB 1727 strengthens California's longstanding commitment to protecting personal privacy in the face of rapidly evolving technologies."

7) **Argument in Opposition**: According to *ACLU California Action*: "Our DNA can reveal some of our most personal and private information. As medical records are increasingly digitized and genetic sequencing becomes faster and cheaper, threats to our privacy and autonomy intensify. Whether it is police seeking to search for medical records or conduct DNA tests without a warrant, or private corporations patenting human genes, the ACLU is fighting to preserve privacy rights of all people.

For instance, we have long fought to maintain the privacy of sensitive medical and genetic information. In *Maryland v. King*,[3] we filed a brief in the U.S. Supreme Court opposing the drastic expansion of state DNA databases to include samples from people who have been arrested but not yet convicted. And in a similar case, *Center for Genetics and Society, et al. v. Rob Bonta, et al.*, we are challenging the state of California for its retention of genetic samples and profiles from people arrested but never convicted of a felony.[4]

While we advocate for strong consumer privacy protections in the face of growing surveillance across this nation, we believe we can impose robust safeguards through a regulatory and civil enforcement framework without creating new criminal penalties to protect people's privacy. Specifically, the legislature can design a regime with sufficiently strong civil penalties, meaningful reporting requirements, and real enforcement mechanism that would both protect consumers and make it financially untenable for companies to misuse sensitive DNA information. Well-calibrated fines, private rights of action, and both reporting and transparency obligations can create a powerful deterrence without needing to create new crimes.

Furthermore, the current exemptions in the proposed Penal Code §367(g) seem overbroad. We believe that any genetic privacy law that does not apply to some of the worst actors in this space, such as the large direct-to-consumer genetic testing companies, is insufficient in safeguarding people's sensitive genetic information.

Finally, we find issue with the term 'deidentified' data not being defined in the proposed Penal Code §367(a)(4)(B). While the term is defined in the California Consumer Privacy Act, that definition is meant to allow some analysis of people's personal information when it cannot be linked back to them as an individual. For genetic information, this is significantly more difficult given the uniquely identifying nature of the information. This presents a potential issue, as any Artificial Intelligence model trained on people's genetic data would be considered a form of "deidentified" data. In this scenario, the model itself could be shared or sold without people having any rights to consent. This brings us to a familiar question about when people should be able to decide when information about them is used to train an algorithmic system. Examples could include software to diagnose and screen for genetic diseases, or possibly software to simulate the effect of a biological weapon on a population.

We encourage the author to explore an alternative approach that shifts us away from failed carceral solutions and instead craft a robust regulatory and civil enforcement framework to hold bad actors accountable without exempting large direct-to-consumer genetic testing companies.

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[3] Maryland v. King, 569 U.S. 435 (2013)
[4] Center for Genetics and Society, et al. v. Rob Bonta, et al. No. CPF-18-516440

8) **Related Legislation**: AB 2018 (Ramos), would require the DOJ to take all reasonable steps to ensure that genetic data is used and disclosed only in a manner consistent with, and designed to advance, the purposes of identifying an unidentified person or locating a high-risk missing person. AB 2018 is pending hearing in this committee.

9) **Prior Legislation**:

   a) AB 3042 (Nguyen), Chapter 428, Statutes of 2024, extended the sunset date from January 1, 2025, to January 1, 2030, to collect and deposit funds into the DNA Identification Fund pursuant to Proposition 69 (2004), the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, or a longer period of time if necessary to make payments on any lease or leaseback arrangement utilized to finance any specific projects.

   b) SB 1228 (Weiner), Chapter 994, Statutes of 2022, adds to the Sexual Assault Victims' DNA Bill of Rights that DNA collected directly from a victim of sexual assault, and samples of DNA collected from intimate partners for the purposes of exclusion shall be protected in accordance with existing privacy provisions.

   c) SB 41 (Umberg), Chapter 596, Statutes of 2022, establishes the GIPA providing additional protections for genetic data by regulating the collection, use, maintenance, and disclosure of such data.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
California Civil Liberties Advocacy
City of Los Alamitos
SAG-AFTRA

Opposition

ACLU California Action
California Attorneys for Criminal Justice

Analysis Prepared by: Kimberly Horiuchi / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1737 (Lackey) – As Introduced February 5, 2026

SUMMARY: Increases the notice required by California Department of Corrections and Rehabilitation (CDCR) to a county probation department prior to the discharge of a person on postrelease community supervision (PRCS) from 30 days to no later than 90 days. Specifically, **this bill**:

1) Requires CDCR, no later than 90 days prior to the discharge date for a person subject to PRCS, to provide the county probation department written and verbal notification of the scheduled release date of the person and of all information that would otherwise be required for parolees, as specified.

2) Requires CDCR, if a discharge date is set or reset for fewer than 90 days after the date that the discharge date is set or reset, to provide the information described above to the county probation department no later than five business days after the date the discharge date is set or reset, but not later than 30 days before the discharge date of the person.

3) Requires CDCR to notify the county probation department of the name and contact information of the prerelease care manager, postrelease care manager, and enhanced care manager for the person being released to ensure California Advancing and Innovating Medi-Cal (CalAIM) processes are integrated with local reentry service delivery and court-ordered conditions.

4) Requires CDCR, if a county probation department identifies, prior to the release of a person, that the person's current county of residence may be different than the county of the person's last legal residence, to coordinate with the county probation department to determine the person's current county of residence and to develop coordinated plans for the release and transport of the released person to the person's current county of residence.

5) Adds the county chief probation officer of jurisdiction to the officials that CDCR must notify when a person who was serving a state prison term for a violent felony, child abuse, or specified sex offenses where the victim was a minor, as specified, is scheduled to be released on parole, released following a period of confinement following a parole revocation without a new commitment, or ordered immediately released by the court.

6) Authorizes CDCR to provide the county chief probation officer, rather than the chief of police of a city or the sheriff of a county, information available to the department, as specified, concerning persons then on parole who are or may be residing or temporarily domiciled in that city or county.

EXISTING LAW:

1) Provides that a person released from prison shall, upon release from prison and for a period up to three years immediately following release, be subject to PRCS by the county probation department in the county to which the person is released. (Pen. Code, § 3451, subd. (a).)

2) Provides that persons convicted of the following crimes are not eligible for PRCS:

   a) A "serious" or "violent" felony, as defined;

   b) A crime for which the person suffered an increased sentence for having two or more prior "serious" or "violent" felony convictions, as specified;

   c) A crime for which the person is classified as a high-risk sex offender; or,

   d) A crime for which the person is required, as a condition of parole, to undergo treatment by the State Department of State Hospitals (DSH), as specified. (Pen. Code, § 3451, subd. (b)(1)-(5).)

3) Requires PRCS to be implemented by the county probation department according to a postrelease strategy designated by each county's board of supervisors. (Pen. Code, § 3451, subd. (c)(1).)

4) Requires CDCR to inform every prisoner released from state prison and subject to PRCS of PCRS requirements and their responsibility to report to the county probation department. (Pen. Code, § 3451, subd. (c)(2).)

5) Requires CDCR or the county probation department to also inform a person serving a term of parole or PRCS for a felony offense, as specified, of their responsibility to report to the county probation department. (Pen. Code, § 3451, subd. (c)(2).)

6) Requires CDCR, 30 days prior to the release of a person subject to PRCS, to notify the county of all information that would otherwise be required for parolees, as specified. (Pen. Code, § 3451, subd. (c)(2).)

7) Requires a person released to PRCS, regardless of any subsequent determination that the person should have been released to parole, as specified, to remain subject to PRCS after having served 60 days under PRCS. (Pen. Code, § 3451, subd. (c)(3).)

8) Requires CDCR to release the following information to local law enforcement agencies regarding a paroled person or a person placed on PRCS who is released in their jurisdiction:

   a) Last, first, and middle names;

   b) Birth date;

   c) Sex, race, height, weight, and hair and eye color;

   d) Date of parole or placement on PRCSand discharge;

e) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense'

f) California Criminal Information Number, FBI number, social security number, and driver's license number;

g) County of commitment;

h) A description of scars, marks, and tattoos on the inmate;

i) Offense or offenses for which the inmate was convicted that resulted in parole or PRCSin this instance;

j) Address, including all of the following information:

i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph;

ii) City and ZIP Code; and,

iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

k) Contact officer and unit, including all of the following information:

i) Name and telephone number of each contact officer; and,

ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

l) A digitized image of the photograph and at least a single digit fingerprint of the parolee; and,

m) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program. (Pen. Code, § 3003, subd. (e)(1)(A)-(M).)

9) Provides that the above information shall come from the statewide parolee database. (Pen. Code, § 3003, subd. (e)(3).)

10) Requires CDCR, unless the information is unavailable, to electronically transmit to the county agency the incarcerated person's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto PRCS for the purpose of identifying the medical and mental health needs of the individual. (Pen. Code, § 3003, subd. (e)(2).)

11) Requires CDCR to provide within 10 days, upon request, to the chief of police of a city or the sheriff of a county information available to the department, including actual, glossy photographs, no smaller than $3^1/_8$ x $3^1/_8$ inches in size, and, in conjunction with the

Department of Justice, fingerprints, concerning persons then on parole who are or may be residing or temporarily domiciled in that city or county. (Pen. Code, § 3058.5.)

12) Requires CDCR, whenever any person confined to state prison is serving a term for the conviction of a violent felony, child abuse, or any sex offense identified in statute as being perpetrated against a minor victim, as specified, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168 or pursuant to Section 1170, to notify the sheriff or chief of police, or both, and the district attorney, who has jurisdiction over the community in which the person was convicted and, in addition, the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person is scheduled to be released on parole or rereleased following a period of confinement pursuant to a parole revocation without a new commitment. (Pen. Code, §§ 3058.5, subd. (a); 3058.9, subd. (a).)

13) Requires CDCR, if the court orders the immediate release of an inmate, to notify the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person was convicted and, in addition, the sheriff or chief of police, or both, and the district attorney, having jurisdiction over the community in which the person is scheduled to be released on parole or released following a period of confinement pursuant to a parole revocation without a new commitment. (Pen. Code, §§ 3058.5, subd. (c); 3058.9, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Probation departments recognize the importance of early, timely, and robust reentry planning prior to release. This bill would codify the 90-day timeline for the sharing of information from CDCR to probation departments to ensure that county probation can plan, prepare and coordinate reentry services prior to release."

2) **AB 1210 (Lackey), of the 2025-2026 Legislative Session:** This bill would increase the notice required by CDCR to a county probation department prior to the discharge of a person on PRCS from 30 days to no later than 90 days. It does not significantly differ from AB 1210 (Lackey), which the Legislature sent to the Governor's desk last year. The Governor vetoed AB 1210, writing:

> This bill requires the California Department of Corrections and Rehabilitation to notify a county probation department 90 days prior to the discharge of a person on post-release community supervision, instead of 30 days prior.
>
> While well-intentioned, the practical implications of this bill would result in significant, ongoing costs to the state with limited benefit to public safety. There are numerous factors that trigger recalculations of an incarcerated person's release date, such as changes in workgroup assignments, program credit earnings, credit losses or restorations, and modifications to sentencing terms or case credits. Any one of these factors could lead to changes to the incarcerated person's release date, thereby triggering multiple recurring notifications to a county prior to the individual's release. Additionally, the requirements

of this bill would result in significant impacts on the General Fund not included in the 2025 Budget Act.

In partnership with the Legislature this year, my Administration has enacted a balanced budget that recognizes the challenging fiscal landscape our state faces while maintaining our commitment to working families and our most vulnerable communities. With significant fiscal pressures and the federal government's hostile economic policies, it is vital that we remain disciplined when considering bills with significant fiscal implications that are not included in the budget, such as this measure.

For these reasons, I cannot sign this bill.

This bill is substantially similar to the one the Governor vetoed last year.

3) **Postrelease Community Supervision**: AB 109 (Committee on Budget), Chapter 15, Statutes of 2011, enacted Criminal Justice Realignment which, among other things, limited which felons could be sent to state prison, required that more felons serve their sentences in county jails, and affected parole supervision after release from custody. The purposes of Criminal Justice Realignment include reducing recidivism by facilitating the reintegration of low-level offenders into society and managing incarcerated person more cost-effectively. (See Pen. Code, § 17.5, subd. (a)(5).)

Although not stated in the legislation, one of the main underlying reasons for realignment was concerns for prison overcrowding. In November 2006, plaintiffs in two class action lawsuits— *Plata v. Brown* (involving CDCR medical care) and *Coleman v. Brown* (involving CDCR mental health care)— filed motions for the courts to convene a three-judge panel pursuant to the federal Prison Litigation Reform Act. The plaintiffs argued that persistent overcrowding in the state's prison system was preventing CDCR from delivering constitutionally adequate health care to incarcerated persons. The three-judge panel declared that overcrowding in the state's prison system was the primary reason that CDCR was unable to provide incarcerated persons with constitutionally adequate health care. In January 2010, the three-judge panel issued its final ruling ordering the State of California to reduce its prison population by approximately 50,000 individuals in the next two years. (*Coleman/Plata vs. Schwarzenegger* (2010) No. Civ S-90-0520 LKK JFM P/NO. C01-1351 THE.)

The United States Supreme Court upheld the decision of the three-judge panel, declaring that "without a reduction in overcrowding, there will be no efficacious remedy for the unconstitutional care of the sick and mentally ill" persons in California's prisons. (*Brown v. Plata* (2011) 131 S.Ct. 1910, 1939.) Without changes to how the prison population was managed, the court decisions could have led to arbitrary release of tens of thousands of people in prison.

Prior to realignment, individuals released from prison were placed on parole and supervised in the community by parole agents of CDCR. If it was alleged that a parolee had violated a condition of parole, they would have a revocation proceeding before the Board of Parole Hearings (BPH). If parole was revoked, the offender would be returned to state prison for violating parole.

Realignment shifted the supervision of some individuals released from prison from CDCR parole agents to local probation departments. Parole under the jurisdiction of CDCR for persons released from prison is limited to those defendants whose term was for a serious or violent felony; were serving a Three-Strikes sentence; are classified as high-risk sex offenders; who are required to undergo treatment as mentally disordered offenders; or who, while on parole, commit new offenses. (Pen. Code, §§ 3000.08, subds. (a) & (c), and 3451, subd. (b).) All other individuals released from prison are subject to up to three years of PRCS under local supervision. (Pen. Code, §§ 3000.08, subd. (b), and 3451, subd. (a).)

Additionally, realignment changed the process for revocation hearings. As of July 1, 2013, the trial courts assumed responsibility for holding all revocation hearings for those individuals who remain under the jurisdiction of CDCR. Moreover, intermediate sanctions, including flash incarceration, also became available for a person on supervision. (Pen. Code, § 3000.08, subd. (d).)

Realignment also changed where an offender is incarcerated for violating parole or PRCS. Most individuals can no longer be returned to state prison for violating a term of supervision; offenders serve the revocation term in county jail. (Pen. Code, §§ 3056, subd. (a), and 3458.) There is an 180-day limit to incarceration. (Pen. Code, §§ 3056, subd. (a), and 3455, subd. (c).) The only offenders who are eligible for return to prison for violating parole are life-term parolees paroled pursuant to Penal Code section 3000.1 (e.g., murderers, specific life term sex offenses).

4) **Effect of the Bill**: Under existing law, a person released from prison is subject to PRCS by the county probation department in the county to which the person is released for a period of up to three years, unless that person has been convicted of specified offenses. (Pen. Code, § 3451, subds. (a) & (b).) Existing law requires CDCR to notify the county probation department of specified information 30 days prior to the person's discharge date, including among other things, their name, birth date, criminal history identification numbers, physical description, photograph, the offenses for which the inmate was convicted that resulted in PRCS, their address and geographic coordinates for that address. (Pen. Code, §§ 3451, subd. (c)(2); 3003, subd. (e)(1)(A)-(M).)

   This bill would increase the notice required by CDCR to a county probation department prior to the discharge of a person on PRCS from 30 days to no later than 90 days. It would also require CDCR to provide specified information on a person set for discharge on PRCS to a county probation department no later than 90 days prior to the discharge. If a discharge date is set or reset for fewer than 90 days after the date that the discharge date is set or reset, CDCR would have to provide the information no later than five business days after the date the discharge date is set or reset, and no later than 30 days before the person's discharge date. Additionally, it would require CDCR to notify the county probation department of the name and contact information of the prerelease care manager, postrelease care manager, and enhanced care manager for the person being released to ensure CalAIM processes are integrated with local reentry service delivery and court-ordered conditions.

5) **Placement Following Release Generally**: This bill would also require CDCR, if a county probation department identifies prior to the person's release that their current county of residence may be different than their last legal residence, to coordinate with the county probation department to determine the person's current county of residence and to develop

coordinated plans for the release and transport of the released person to the person's current county of residence.

Current law generally requires that a person who is released on parole or PRCS be returned to the county that was the last legal residence of the person prior to the person's incarceration. (Pen. Code, § 3003, subd. (a).) Individuals committed to prison for which sex offender registration is required are to be returned to the city of last legal residence or a close geographic location in which they have family, social, or economic ties and access to reentry services unless a return to that location would violate another law or pose a risk to the victim. (*Ibid.*)

CDCR regulations specify that the county of last legal residence is the county or city of residence where the person resided prior to incarceration for the most current commitment offense. (Cal. Code of Regs., tit 15, § 3741.) If a person has multiple commitment offenses, the most current of the offenses is used to determine the county or city of last legal residence. (*Ibid.*) Offenses that occur in custody, defined as being confined in state prison, county jail, or a DSH facility for treatment are not to be considered in determining the county or city of last legal residence. (*Ibid.*; Pen. Code, § 3003, subd. (a).)

Division of Adult Parole Operations (DAPO) determines the county or city of last legal residence using the current Probation Officer's Report, sentencing transcript for the current commitment, arrest report for the current commitment offense, and the abstract of judgment with the recorded county of commitment for the current commitment offense. (Cal. Code of Regs., tit. 15, § 3742.) If all the documents list the person as either transient or homeless, or fail to list a complete address, the person will be paroled to the county of commitment. (*Ibid.*)

6) **Placement in a County other than the County of Last Legal Residence:** Current law provides that an incarcerated person may be returned to another county or city if that would be in the best interests of the public. (Pen. Code, § 3003, subd. (b).) The paroling authority, either BPH or CDCR, must consider the following factors, giving the greatest weight to the protection of the victim and the safety of the community: the need to protect the life or safety of a victim, the parolee, a witness, or any other person; public concern that would reduce the chance that the person's parole would be successfully completed; the verified existence of a work offer, or an educational or vocational training program; the existence of family in another county with whom the incarcerated person has maintained strong ties and whose support would increase the chance that the person's parole would be successfully completed; and the lack of necessary outpatient treatment programs for parolees receiving treatment as a mentally disordered offender. (*Ibid.*)

If the person is serving a term for a violent felony, the reasons for the paroling authority's decision to return the person to another county or city must be included in the notice to the sheriff or chief of police, or both, who has jurisdiction over the community in which the person was convicted as well as the sheriff or chief of police, or both, who has jurisdiction over the community in which the person is going to be released. (*Ibid.*; Pen. Code, § 3058.6.) CDCR regulations specify that a person may be returned, or while in the community, a person may be transferred, from the person's county or city of last legal residence to a county or city other than the county or city of last legal residence to serve parole if it is in the best interest of the public, and DAPO determines placement in a county or city other than the county or city of last legal residence is appropriate based on specified criteria that match the

factors listed above that the paroling authority must consider. (Cal. Code of Regs., tit. 15, §§ 3743, 3744.) However, regulations additionally specify that DAPO must consider the availability for direct placement into a CDCR-funded community-based residential treatment program which is to be approved for transfer provided there are no victim or witness residence restrictions as recorded in the offender's special conditions of parole. (Cal. Code of Regs., tit. 15, § 3744.)

7) **Argument in Support**: According to the *Riverside Sheriffs' Association*, "AB 1737 will enhance public safety by updating State information sharing timelines and processes to better support locally led reentry for individuals leaving state prison to county jurisdiction on Post Release Community Supervision (PRCS). Specifically, the bill will require the California Department of Corrections and Rehabilitation (CDCR) to provide county probation departments information on a person that will be released to Post-Release Community Supervision (PRCS) no less than 90 days prior to release.

"AB 109 (Committee on Budget, 2011, ch. 15) shifted post-release supervision from the state to county probation departments, creating PRCS. Effective reentry planning relies on timely information from CDCR, but current law only requires data 30 days before release, despite informal agreements for earlier sharing. The lack of a codified timeline, integration with CalAIM/ECM health plans, and coordinated release processes can lead to individuals being sent to counties without adequate support networks, hindering access to housing, healthcare, and rehabilitative services, and increasing the risk of recidivism.

"AB 1737 ensures that individuals leaving state prison receive timely and coordinated support, which is critical for a successful reentry. By giving probation departments 90 days to plan, they can arrange housing, healthcare, employment support, and social services in advance, reducing the risk that individuals end up in counties without resources or their support networks. Overall, it creates a more structured, fair, and effective transition from prison back into the community."

8) **Prior Legislation**:

   a) AB 1210 (Lackey), of the 2025-2026 Legislative Session, was substantially similar to this bill. AB 1210 was vetoed by the Governor.

   b) SB 990 (Hueso), Chapter 826 Statutes of Statutes of 2022, required a person being released from state prison on parole to be released, transferred, or permitted to travel to a county where they have an educational, vocational, outpatient treatment, or housing opportunity, as specified, unless there is evidence that the person would present a threat to public safety; and authorized and strongly encouraged probation to extend these provisions to persons released from state prison on post release community supervision (PRCS)

   c) AB 1783 (Gallagher), of the 2017-2018 Legislative Session, as introduced, would have required the Board of State and Community Corrections (BSCC) to collect and analyze data regarding recidivism rates of all persons who receive a felony sentence punishable by imprisonment in a county or who are placed on PRCS, as specified. AB 1783 was amended into an unrelated subject matter.

d) AB 109 (Committee on Budget), Chapter 15, Statutes of 2011, enacted Criminal Justice Realignment which, among other things, limited which felons could be sent to state prison, required that more felons serve their sentences in county jails, and created PRCS.

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC)
Riverside Sheriffs' Association

Opposition

None submitted

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: March 10, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1741 (Pacheco) – As Introduced February 5, 2026

As Proposed to be Amended in Committee

SUMMARY: Makes sexual battery when committed after having entered an inhabited dwelling, without consent, punishable as an alternate felony-misdemeanor. Specifically, **this bill**:

1) States that every person who commits a sexual battery offense after having entered, without consent, an inhabited dwelling house, trailer coach, or the inhabited portion of any other building is guilty of an alternate felony-misdemeanor.

2) Punishes a violation of the above by imprisonment in a county jail for not more than one year, and a fine not exceeding $2,000; or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding $10,000.

EXISTING LAW:

1) States that any person who touches the intimate body part of another person while that person is unlawfully restrained by the accused or accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. This act is punishable as an alternate felony-misdemeanor by imprisonment in a county jail for not more than one year, and by a fine not exceeding $2,000; or by imprisonment in the state prison for 2, 3, or 4 years, and by a fine not exceeding $10,000. (Pen. Code, § 243.4, subd. (a).)

2) States that sexual battery of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated is punishable an as alternate felony-misdemeanor by imprisonment in a county jail for not more than one year, and by a fine not exceeding $2,000; or by imprisonment in the state prison for 2, 3, or 4 years, and by a fine not exceeding $10,000. (Pen. Code, § 243.4, subd. (b).)

3) States that sexual battery of another person when the perpetrator fraudulently represented that the touching served a professional purpose is punishable as an alternate felony-misdemeanor by imprisonment in a county jail for not more than one year, and by a fine not exceeding $2,000; or by imprisonment in the state prison for 2, 3, or 4 years, and by a fine not exceeding $10,000. (Pen. Code, § 243.4, subd. (c).)

4) States that sexual battery while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person is punishable as an alternate felony-misdemeanor by imprisonment in a county jail for not more than one year, and by a fine not exceeding $2,000; or by imprisonment in

the state prison for 2, 3, or 4 years, and by a fine not exceeding $10,000. (Pen. Code, § 243.4, subd (d).)

5) Makes all other types of sexual battery, including causing a person to masturbate or touch an intimate part of those persons or a third person against the victim's will, punishable as a misdemeanor by a fine not exceeding $2,000, or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. (Pen. Code, § 243.4, subd. (e)(1).)

6) Provides that "touches," for the purpose of sexual battery, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (Pen. Code, § 243.4, subd. (e)(2).)

7) Defines "intimate part" for purposes of sexual battery as the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. (Pen. Code, § 243.4, subd. (g)(1).)

8) Specifies that "sexual battery" does not include rape or sexual penetration. (Pen. Code, §243.4, subd. (g)(2).)

9) Requires a person convicted of sexual battery to register as a sex offender. (Pen. Code, § 290, subd. (c).)

10) Specifies that the punishment for indecent exposure after having entered, without consent, an inhabited dwelling house, or trailer coach, or the inhabited portion of any other building, is either imprisonment in the state prison, or in the county jail not exceeding one year. (Pen. Code, § 314.)

11) Specifies that the punishment for annoying or molesting a child under 18 after having entered, without consent, an inhabited dwelling house, or trailer coach, or the inhabited portion of any other building, is either by imprisonment in the state prison, or in a county jail not exceeding one year, and by a fine not exceeding $5,000. (Pen. Code, § 647.6, subd. (b).)

12) Provides that every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, floating home, railroad car, locked or sealed cargo container, any house car, inhabited camper, vehicle when the doors are locked, aircraft, or mine or any underground portion thereof, with intent to commit grand or petit larceny or any felony is guilty of burglary. (Pen. Code, § 459, subd. (a).)

13) Defines "inhabited" for purposes of burglary to mean currently being used for dwelling purposes, whether occupied or not. (*Ibid.*)

14) States that every burglary of an inhabited dwelling house, vessel which is inhabited and designed for habitation, floating home, or trailer coach, or the inhabited portion of any other building, is burglary of the first degree. (Pen. Code, § 460, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Current gaps in California's Penal Code allow some cases of sexual battery committed during a residential break-in to be charged only as misdemeanors unless additional factors are present. This means that someone who enters a home and sexually touches a victim may avoid felony charges simply because they did not intend to steal or commit another felony.

   "That outcome does not reflect the seriousness of invading a person's home to commit a sexual offense. A person's home should be a place of safety and privacy. Entering that space to commit sexual battery is an extreme violation of personal autonomy and security.

   "AB 1741 closes this loophole by ensuring that sexual battery committed during a home break-in may be charged as a felony wobbler, giving prosecutors and courts discretion to seek penalties that reflect the severity of the crime. The bill does not change the definition of sexual battery; it ensures that when this conduct occurs in the context of a residential intrusion, the law recognizes the heightened harm of the offense."

2) **Sexual Battery Law**: The sexual battery statute, Penal Code section 243.4, includes five subdivisions that define sexual battery based on the defendant's conduct and set the punishment for each respective situation.

   Subdivisions (a), (b), and (c) cover situations where the defendant touches the intimate parts of the victim. These subdivisions require that the victim be unlawfully restrained, institutionalized for medical treatment, or not conscious of the sexual nature of the act because of a fraudulent representation. (*People v. Elam* (2001) 91 Cal.App.4th 298, 310.) Subdivisions (a), (b), and (c) are wobblers, i.e., either a felony or misdemeanor. (*People v. Dayan* (1995) 34 Cal.App.4th 707, 715, fn. 4; Pen. Code, § 17.)

   Subdivision (d) proscribes conduct different from the other sexual batteries. Subdivision (d) covers the situation where the defendant causes the victim to masturbate or touch the intimate part of the defendant or another person. Subdivision (d) is a wobbler, and like the other wobblers, subdivision (d) requires that the victim is unlawfully restrained or institutionalized for medical treatment, and the "touching" requires the victim to touch the skin of the defendant or another person's intimate parts. (Pen. Code, § 243.4, subds. (d) & (f); *People v. Elam* (2001), *supra,* at p. 310; see also CALCRIM No. 953.)

   Subdivision (e) is misdemeanor sexual battery. This subdivision covers situations where the defendant touches the intimate parts of the victim. For misdemeanor sexual battery, unlike subdivisions (a), (b), and (c), there is no requirement that the victim be unlawfully restrained, institutionalized for medical treatment, or not conscious of the sexual nature of the act. (*People v. Dayan* (1995) 34 Cal. App. 4th 707, 715-716.) These differences make the misdemeanor definition broader than the wobbler definition and as such, subdivision (e) proscribes a wider variety of conduct than subdivisions (a), (b), and (c).

   This bill adds to the existing sexual battery statute a circumstance where a person commits an act of sexual battery after having entered an inhabited dwelling without consent. This offense would be punishable as a wobbler.

3) **Effect of this Legislation:** An existing statute that could potentially be used to punish this conduct is subdivision (b) of Penal Code section 220 which makes a person who, in the commission of a burglary of the first degree, assaults another with intent to commit rape, sodomy, oral copulation, lewd and lascivious acts, or sexual penetration. This crime is punishable by imprisonment in the state prison for life without the possibility of parole.

This bill increases the punishment for sexual battery when the conduct occurred after entering another person's residence without their consent. Depending on the circumstances, this conduct may not rise to the level of first-degree burglary which requires evidence that the defendant entered a dwelling place with intent to commit larceny or any felony. (Pen. Code, § 459 and 460.) The sponsor of this bill argues that because a person who enters a dwelling place to commit misdemeanor sexual battery does not have the intent to commit larceny or a felony, that the person may not be guilty of existing laws on burglary or burglary with intent to commit specified sex crimes. If there was any evidence that the defendant restrained the victim to accomplish the sexual battery or tried to get the victim to touch the defendant for purposes of sexual arousal, the defendant could be charged with a felony and the existing burglary laws. (Pen. Code, § 243.4, subds. (a) & (d).) This bill would punish sexual battery when committed after entering an inhabited dwelling, without consent, as a wobbler.

There are similar provisions in existing law that punishes indecent exposure (Pen. Code, § 314) and annoying or molesting a minor (Pen. Code, §647.6, subd. (b)), which are generally punished as misdemeanors, or as wobblers when committed after entering an inhabited dwelling without consent. In interpreting the inhabited dwelling provision in Penal Code 647.6, the appellate court in *People v. Mendoza* (2004) 118 Cal.App.4th 571, provided the following background and rationale of the amended laws:

> The dwelling house provision was added to section 647.6 (then section 647a) in 1982 by the same enactment that added identical language to California's indecent exposure law, section 314. (Stats. 1982, ch. 1113, §§ 2–3, p. 4032.) By this amendment, the Legislature treated residential indecent exposure and child molestation more seriously than such acts occurring in other environments "in recognition of the sanctity of one's residence and the inherent danger presented by residential intruders." (*People v. Rehmeyer* (1993) 19 Cal.App.4th 1758, 1768 [24 Cal.Rptr.2d 321] [discussing legislative intent underlying amendment to section 314].)

(*Id.* at p. 575.) While the court found that the act does not need to occur inside the inhabited dwelling to warrant a conviction, only that the act occur after entry into an inhabited dwelling without consent, the court ruled that "a clear nexus between the residential entry and the molesting conduct is required." (*Id.* at p. 576.)

By punishing this type of sexual battery as a wobbler, it could also indirectly expand the circumstances under which first degree burglary could be charged because the burglary statute punishes the entering of an inhabited dwelling with the intent to commit larceny or a felony.

4) **Argument in Support**: According to the *Riverside County District Attorney's Office*, the sponsor of this bill, "While burglary statutes and certain sex offense statutes provide strong

penalties, they fail to cover scenarios where an offender enters a home solely to commit sexual battery without intent to steal or commit another felony.

"For instance, under Penal Code section 647.6 (annoy/molest a child) and Penal Code section 314 (indecent exposure), if an individual breaks into a victim's home to commit these sex offenses, they may be charged with a felony wobbler offense. By contrast, if an individual breaks into a victim's home and sexually touches the victim (Penal Code 243.4), they cannot be charged with a felony wobbler offense. Unless the victim is under 15, or we can prove there was restraint or an intent to commit rape, this sex offender can only be charged with misdemeanor sexual battery. Quite simply, this makes no sense.

"As prosecutors, we have encountered cases where an assailant breaks into a victim's home at night and gropes a sleeping victim. In one such Riverside County case, a victim was asleep in her bedroom with her husband when an unknown male entered their apartment via a sliding glass door. The victim awoke to the unknown male rubbing her buttocks. Due to current limitations in the statute, this egregious act could only be prosecuted as a misdemeanor. This loophole undermines public safety and denies justice to victims of deeply invasive crimes.

"AB 1741 closes this loophole by amending Penal Code Section 243.4 to allow felony wobbler charges when sexual touching occurs after a residential break-in. This change ensures that prosecutors have the necessary tools to pursue the proper penalties for offenders who violate a victim's bodily autonomy within their most sacred haven – home."

5) **Argument in Opposition**: According to the *California Public Defenders Association*, "Under the scenario offered by the bill's sponsors, "An assailant breaks into a victim's home who is sleeping and sexually touches the victim " individuals are charged everyday by prosecutors in California with a violation of Penal Code section 220 (assaulting another with the intent to commit mayhem, rape, sodomy, oral copulation) which is punishable by two, four or six years in state prison. It is also frequently charged as an attempted rape. As public defenders who represent 80-90% of all criminal defendants in California we have a unique overview of the charging of criminal offenses.

"We also oppose this bill because it is vague on temporal and definitional grounds creating a potential felony requiring sex registration even if the person entered the inhabited dwelling without the intent to commit a sexual battery and the sexual battery occurs hours or days later. By contrast, to be guilty of a residential burglary, the person must enter an inhabited dwelling with the intent to commit a felony. Moreover, there is no legal definition of "guest". If a friend is invited to someone's house and brings another person, is the other person a guest?

"AB 1741 is overbroad casting too large of a net. If a person attends a large party at the home of someone they do not know, along with a group of friends who were invited to the party, and then later commits a misdemeanor sexual battery at the party, their misdemeanor conduct could be charged as a felony simply because it occurred inside of a house and the person might not be considered a guest."

6) **Related Legislation**: None

7) **Prior Legislation**:

a) SB 848 (Soria), Chapter 625, Statutes of 2025, provided that in the case of a felony conviction for sexual battery, the fact that the defendant was employed at a hospital where the offense occurred and the victim was in the defendant's care or seeking medical care at the hospital is a factor in aggravation in sentencing.

b) SB 442 (Limon), Chapter 981, Statutes of 2024, expanded the definition of misdemeanor sexual battery to include when a person for the purpose of sexual arousal causes another, against their will, to masturbate or touch an intimate part of either of those persons or a third person.

c) SB 1421 (Romero), Chapter 302, Statutes of 2002, made touching an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, if the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, a sexual battery.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Crime Victims Assistance Association
California District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County District Attorney
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Local 148 LA County Public Defenders Union
San Francisco Public Defender

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744

AMENDMENT TO ASSEMBLY BILL NO. 1741

Amendment 1
On page 6, strike out lines 18 to 32, inclusive, and insert:

(f) A person who violates this section after having entered, without consent, an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, shall be punished by imprisonment in the state prison for two, three, or four years and by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in a county jail not exceeding one year and by a fine not exceeding five thousand dollars ($5,000).

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PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1741

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL **No. 1741**

Introduced by Assembly Member Pacheco

February 5, 2026

An act to amend Section 728 of the Business and Professions Code, to amend Section 43.93 of the Civil Code, and to amend Section 243.4 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1741, as introduced, Pacheco. Sexual battery.

Existing law defines sexual battery as the touching of any intimate part of another person, if the touching is against the will of the person touched and for the purpose of sexual arousal, gratification, or abuse. A violation of this provision is punishable as a misdemeanor.

~~This bill would add to the definition of sexual battery the entering of an inhabited dwelling, as defined, and touching the intimate part of another against the will of the person touched for the purpose of sexual arousal, gratification, or abuse. The bill would make this offense punishable as a misdemeanor or a felony.~~ *This bill would make a violation of the above provision punishable as a misdemeanor or a felony if the person entered an inhabited dwelling house or trailer coach, as defined, or the inhabited portion of any other building without consent.* By creating a new crime, this bill would impose a state-mandated local program. The bill would make other technical, conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

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SECTION 1. Section 728 of the Business and Professions Code is amended to read:

728. (a) Any psychotherapist or employer of a psychotherapist who becomes aware through a client that the client had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the client a brochure developed pursuant to Section 337 that delineates the rights of, and remedies for, clients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss the brochure with the client.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

(1) "Psychotherapist" means any of the following:

(A) A physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy.

(B) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900).

(C) A psychological assistant.

(D) A registered psychologist.

(E) A trainee under the supervision of a licensed psychologist.

(F) A marriage and family therapist.

(G) An associate marriage and family therapist.

(H) A marriage and family therapist trainee.

(I) A licensed educational psychologist.

(J) A clinical social worker.

(K) An associate clinical social worker.

(L) A licensed professional clinical counselor.

(M) An associate professional clinical counselor, as specified in Chapter 16 (commencing with Section 4999.10).

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(N) A clinical counselor trainee, as specified in Chapter 16 (commencing with Section 4999.10).

(2) "Sexual behavior" means inappropriate contact or communication of a sexual nature. "Sexual behavior" does not include the provision of appropriate therapeutic interventions relating to sexual issues.

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(3) "Sexual contact" means the touching of an intimate part of another person.

(4) "Intimate part" and "touching" have the same meanings as defined in subdivisions (h) and (e), respectively, of Section 243.4 of the Penal Code.

(5) "The course of a prior treatment" means the period of time during which a client first commences treatment for services that a psychotherapist is authorized to provide under their scope of practice, or that the psychotherapist represents to the client as being within their scope of practice, until the psychotherapist-client relationship is terminated.

SEC. 2. Section 43.93 of the Civil Code is amended to read:

43.93. (a) For the purposes of this section the following definitions are applicable:

(1) "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

(2) "Psychotherapist" means a physician and surgeon specializing in the practice of psychiatry, a psychologist, a psychological assistant, a marriage and family therapist, a registered marriage and family therapist intern or trainee, an educational psychologist, an associate clinical social worker, a licensed clinical social worker, a professional clinical counselor, or a registered clinical counselor intern or trainee.

(3) "Sexual contact" means the touching of an intimate part of another person. "Intimate part" and "touching" have the same meanings as defined in subdivisions (h) and (e), respectively, of Section 243.4 of the Penal Code. For the purposes of this section, sexual contact includes sexual intercourse, sodomy, and oral copulation.

(4) "Therapeutic relationship" exists during the time the patient or client is rendered professional service by the psychotherapist.

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(5) "Therapeutic deception" means a representation by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the patient's or former patient's treatment.

(b) A cause of action against a psychotherapist for sexual contact exists for a patient or former patient for injury caused by sexual contact with the psychotherapist, if the sexual contact occurred under any of the following conditions:

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(1) During the period the patient was receiving psychotherapy from the psychotherapist.

(2) Within two years following termination of therapy.

(3) By means of therapeutic deception.

(c) The patient or former patient may recover damages from a psychotherapist who is found liable for sexual contact. It is not a defense to the action that sexual contact with a patient occurred outside a therapy or treatment session or that it occurred off the premises regularly used by the psychotherapist for therapy or treatment sessions. No cause of action shall exist between spouses within a marriage.

(d) In an action for sexual contact, evidence of the plaintiff's sexual history is not subject to discovery and is not admissible as evidence except in either of the following situations:

(1) The plaintiff claims damage to sexual functioning.

(2) The defendant requests a hearing prior to conducting discovery and makes an offer of proof of the relevancy of the history, and the court finds that the history is relevant and the probative value of the history outweighs its prejudicial effect.

The court shall allow the discovery or introduction as evidence only of specific information or examples of the plaintiff's conduct that are determined by the court to be relevant. The court's order shall detail the information or conduct that is subject to discovery.

SEC. 3. Section 243.4 of the Penal Code is amended to read:

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison

for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty

Page 5 of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars ($3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding

Page 6 any other provision of law, any amount of a fine above two thousand dollars ($2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars ($2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

~~(f) (1) Any person who enters the inhabited dwelling, within the meaning of subdivision (a) of Section 460, of another person without being a lawful occupant, resident, or guest and touches an intimate part of another person against the will of the person touched for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).~~

~~(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.~~

Amendment 1

+ *(f) A person who violates this section after having entered, without consent, an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, shall be punished by imprisonment in the state prison for two, three, or four years and by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in a county jail not exceeding one year and by a fine not exceeding five thousand dollars ($5,000).*

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(g) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(h) As used in this section, the following terms have the following meanings:

Page 7

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(i) This section does not limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(j) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(k) In the case of a felony conviction for a violation of this section, the fact that the defendant was employed at a hospital, as defined in Section 243.2, where the offense occurred and the victim was in the defendant's care or seeking medical care at the hospital shall be a factor in aggravation in sentencing.

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(*l*) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars ($10,000).

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of

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the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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Date of Hearing: March 10, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1743 (Wicks) – As Introduced February 5, 2026

SUMMARY: Clarifies that identification and tracing information for illegal firearms recovered during criminal investigations be made available to any town, city, or county, any state government agency, a California community college or California State University, or the University of California for academic and policy research purposes. Specifically, **this bill**:

1) States that information collected shall be maintained by the Department of Justice (DOJ) for a period of not less than 10 years, and shall be available to any town, city, or county, any state government agency, the University of California, the California State University, or a California community college, under guidelines set forth by the Attorney General, for academic and policy research purposes.

2) Requires the Attorney General to make the information available, upon request, to any town, city, county, state government agency, the University of California, the California State University, or a California community college, in a format conducive to the requester's needs.

EXISTING LAW:

1) Establishes that in addition to specified requirements, defined law enforcement agencies shall, and any other law enforcement agency or agent may, report to the DOJ in a manner determined by the AG in consultation with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) all available information necessary to identify and trace the history of all recovered firearms that are illegally possessed, have been used in a crime, or are suspected of having been used in a crime, within seven calendar days of obtaining the information. (Pen. Code, § 11108.3, subd. (a).)
2) Provides that when the DOJ receives information from a defined law enforcement agency, DOJ shall promptly forward this information to the National Tracing Center (NTC) of the ATF to the extent practicable. (Pen. Code, § 11108.3, subd. (b).)

3) Establishes that in implementing this section, the AG shall ensure to the maximum extent practical that both of the following apply:

    a) The information provided to the federal ATF enables that agency to trace the ownership of the defined firearm; and,

    b) Law enforcement agencies can report all relevant information without being unduly burdened by this reporting function. (Pen. Code, § 11108.3, subd. (c).)

4) States that specified information shall be maintained by the DOJ for a period of not less than 10 years, and shall be available, under guidelines set forth by the Attorney General, for academic and policy research purposes. (Pen. Code, § 11108.3, subd. (d).)

5) Requires the DOJ to, on an ongoing basis, analyze the information collected pursuant to this section for patterns and trends relating to recovered firearms that have been illegally possessed, used in a crime, or suspected to have been used in a crime, including the leading sources and origins of those firearms. (Pen. Code, § 11108.3, subd. (e).)

6) Requires the DOJ to prepare and submit a report to the Legislature summarizing the analysis completed. (Pen. Code, § 11108.3, subd. (f)(1).)

   a) States the report shall, without limitation and to the extent possible, include all of the following:

      i) The total number of firearms recovered in the state;

      ii) The number of firearms recovered, disaggregated by county and by city;

      iii) The number of firearms recovered, disaggregated by the firearms dealer where the most recent sale or transfer of the firearm occurred. This shall include the full name and address of the firearms dealer;

      iv) The number of firearms recovered, disaggregated by manufacturers;

      v) The total number of unserialized firearms recovered in the state; and,

      vi) The number of unserialized firearms recovered, disaggregated by county and by city. (Pen. Code, § 11108.3, subd. (f)(2).)

   b) States the DOJ shall make the report described in this subdivision available to the public. (Pen. Code, § 11108.3, subd. (f)(3).)

7) States the specified report shall also contain all of the following information from the applicable time period:

   a) The department's staffing levels for conducting firearms dealer inspections pursuant to Section 26720 and ammunition vendor inspections pursuant to Section 30345, to include both allocated positions and filled positions. (Pen. Code, § 11108.3, subd. (g)(1).)

   b) The number of firearms dealer inspections conducted and, for each inspection, all of the following information:

      i) The name of the dealer;

      ii) The dealer's license number;

      iii) The business address of the dealer;

      iv) The number of hours spent to complete the inspection;

v) A list of violations identified through the inspection, whether those violations were subsequently resolved and, if so, the date they were resolved, and any fines or penalties assessed;

vi) The date of reinspection, if applicable, and any violations identified during reinspection;

vii) The dates of any prior inspections;

viii) The number of Dealers' Record of Sale (DROS) background checks submitted by the dealer during the one-year period prior to the inspection, and the outcome of those background checks;

ix) The total number of firearms used in crimes that were traced back to the dealer during the one-year period prior to the inspection, and the percentage of total sales by the dealer in the same period of time that the traced firearms represent; and,

x) The number of firearms that the dealer reported or discovered lost or stolen during the one-year period prior to the inspection. (Pen. Code, § 11108.3, subd. (g)(2).)

c) All of the following information regarding the roster of handguns that have been determined not to be unsafe handguns, as described in Section 32015:

i) The total number of handguns on the roster;

ii) The number of handguns added to the roster during the applicable time period;

iii) The number of handguns removed from the roster during the applicable time period, including the reasons for removal;and,

iv) The number of handguns that were denied approval to be listed on the roster during the applicable time period, including the reasons for denial. (Pen. Code, § 11108.3, subd. (g)(4).)

8) Requires the Attorney General to permanently keep and properly file and maintain all information reported to DOJ pursuant to defined provisions, and any other laws as the information applies to firearms. (Pen. Code, § 11106, subds. (b)(1)(A)-(I).)

9) States that all information collected shall be maintained by the DOJ and shall be available to researchers affiliated with the California Firearm Violence Research Center at UC Davis for academic and policy research purposes upon proper request and following approval by the center's governing institutional review board. Material identifying individuals shall only be provided for research or statistical activities and shall not be transferred, revealed, or used for purposes other than research or statistical activities, and reports or publications derived therefrom shall not identify specific individuals. (Pen. Code, § 11106, subd. (d).)

10) Requires a law enforcement agency to enter or cause to be entered into the DOJ Automated Firearms System (AFS) each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered as specified, or any other section of law that requires relinquishment or surrender of firearms to that law enforcement agency, or under

observation, within seven calendar days after being notified of the precipitating event. (Pen. Code, § 11108.2, subd. (a).)

11) States that information about a firearm entered into the AFS for firearms shall remain in the system until the reported firearm has been found, recovered, is no longer under observation, or the record is determined to have been entered in error. (Pen. Code, § 11108.2, subd. (b).)

12) Defines "law enforcement agency" to mean a police or sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any specified peace officer including, but not limited to, the Department of the California Highway Patrol, the Department of Fish and Wildlife, the University of California or California State University Police Departments, and the police department of any school district, transit district, airport, and harbor, port, or housing authority. (Pen. Code, § 11108.2, subd. (d).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "The State has invested significant resources into a robust database of information about guns that have caused harm in our communities. That data is powerful, and allowing our trusted partners in local government and higher education to request it will give them one more tool to end gun violence."

2) **Effect of the Bill**: AB 1743 would make available firearm trace data to most municipalities, California universities (UC), State universities (CSU), community colleges, and state government agencies for academic or policy research purposes. The bill would require DOJ to send the data in a format conducive to the requestor's needs.

   Current law generally requires law enforcement agencies to report to DOJ the recovery of all available firearm trace data relating to firearms recovered resulting from crime, or suspected of having been used in crime, within seven calendar days of obtaining the information. (Pen. Code, § 11108.3, subd. (a).) Law enforcement agencies generally are required to enter recovered, misplaced, or surrendered firearm data in the DOJ Automated Firearms System (AFS) within seven days of becoming notified (Pen. Code, § 11108.2, subd. (a).). This was passed into law in 2024 via SB 899 (Skinner), Ch. 544, Stat. of 2024. The law, however, only became operative on January 1, 2026. (Pen. Code, § 11108.2, subd. (e).) DOJ is also required to send that information to ATF's National Tracing Center (NTS). (Pen. Code, § 11108.3, subd. (b).) DOJ must analyze the data collected for identification of patterns or trends and keep the data for at least 10 years. (Pen. Code, § 11108.3, subds. (d)-(e).)

   The AFS is a collection of firearm records maintained by DOJ.[1] The AFS data is collected from firearm purchases or transfers at a California licensed firearm dealer, registration of assault weapons during specified registration periods, an individual's report of firearm ownership to DOJ, Carry Concealed Weapons Permit records, or records entered by law

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[1] *Automated Firearms System Personal Information Update* (2026) California Department of Justice <https://oag.ca.gov/firearms/afspi> [as of Mar. 5, 2026].

enforcement agencies.[2] Individuals can electronically update AFS records through the California Firearms Application Reporting System (CFARS).[3]

Enormous amounts of firearms data are required to be collected and shared under California law. One dataset required is a report for the Legislature that must describe "information regarding the roster of handguns that have been determined to be 'not unsafe' handguns." (Pen. Code, § 11108.3, subd. (f)(4).) Other data collected includes data related to firearms purchases, ammunition purchases, background checks, background check results, dealer inspections, including "staffing levels" for inspections and "the number of hours spent to complete the inspection." (See Pen. Code, § 11108.3, subds. (e)-(i).) There is at least colorable public safety uses for most of the data collected. Those uses can include supporting criminal investigations, identification of patterns relating to unlawful firearms conduct, directing resources to disproportionately impacted communities and regions, and internal systems improvement.

Concern over surrendering to the government even greater volumes of personal data is understandable, especially considering the general controversy over firearms and DOJ's improper exposure of the confidential personal data for more than 190,000 concealed carry applicants.[4] It is also important to note that the sections of the law being amended in this bill are still new in this statutory scheme, having just been passed in 2024. There does not appear to be any case law where courts have had the opportunity to delineate bounds of these newer requirements.

Yet, there are some understandable public safety uses and some relevant limitations in this bill. Specifically, this bill would provide only for data sharing with government-affiliated institutions and the purpose for use of the data is limited to academic and policy research. Given the data mandated to be captured, collected, and shared already under California law, this bill is a relatively modest extension of conduct that is already permitted under the law. AB 1743 would attempt to expand the public safety uses for existing data collection and sharing requirements by permitting state agencies, municipalities, and universities to receive this data for academic and policy research purposes.

3) **Californians' Constitutional Rights to Privacy and Public Access:** The California Constitution provides for an individual right to privacy. (U.S. Const. Art. I, § 1.) The "'principal mischiefs' at which the constitutional right to privacy was directed were the uncontrolled collection and use of personal information gathered by government . . .." (*Robbins v. Superior Court* (Cal. 1985) 38 Cal.3d 199, 211.) Our right of privacy sometimes conflicts with our right to access information related to public affairs. (Cal. Const. Art. I, § 3, subd. (b)(1)) ["The people have the right of access to information concerning the conduct of

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[2] *Ibid.*
[3] *Ibid.*
[4] *California Department of Justice Releases Results of Independent Investigation of Firearms Dashboard Data Exposure* (Nov. 30, 2022) California Department of Justice < https://oag.ca.gov/news/press-releases/california-department-justice-releases-results-independent-investigation#:~:text=The%20California%20Department%20of%20Justice%20(DOJ)%20released,on%20June%2027%20and%20June%2028,%202022> {as of Mar. 5, 2026] [Press release sharing the outcome of an independent investigation conducted by legal and forensic cyber experts that found some confidential personal data of roughly 192,000 individuals, who applied for a concealed carry weapons (CCW) permit from approximately 2012-2021, was unintentionally disclosed due to an error updating the 2022 Firearms Dashboard].

the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny."].

There is a potential privacy right infringement with AB 1743. The firearms data sharing provisions, in combination with the existing statutory scheme authorizing robust firearms data collection and sharing, arguably exacerbate the principal mischief for which the privacy right was designed to combat. The courts in our jurisdiction, however, have addressed this issue in similar legislative contexts and have broadly upheld the constitutionality of firearms data collection sharing.

In a federal appellate case, registered gun owners challenged the firearms data provisions authorized by AB 173 (Comm. On Budget), Chapter 253, Statutes of 2021. (Pen. Code, § 11106, subd. (d); See also *Doe v. Bonta* (9th Cir. 2024) 101 F.4th 633, 635.) While the Ninth Circuit acknowledged a Fourteenth Amendment right to informational privacy, the court held the firearms owners could not show the data shared under the law was sufficiently sensitive to implicate the protections found in the Fourteenth Amendment. (*Id.* at pp. 638-39.) Furthermore, the court found no cognizable Second Amendment injury for the firearms owners because their injury – risk of public harassment due to the data being made public that chills their exercise of Second Amendment rights – was not "certainly impending" as required for standing. (*Id.* at pp. 639-40; see also *Lujan v. Defenders of Wildlife* (1992) 504 U.S. 555.) Moreover, the same law was challenged on state constitutional grounds in state court and while the challengers secured a preliminary injunction in Superior Court, the Court of Appeal sided with DOJ and ultimately reversed the injunction.[5]

Current legal precedent suggests constitutional challenges to AB 1743 are unlikely to void the law, at least in the near term.

4) **Federal Law and the Tiahrt Amendments**: AB 1743 interacts and intersects with areas of federal law that may impact its enforcement.

The ATF is the agency authorized to trace firearms, which it administers through its National Tracing Center (NTC).[6] Tracing is a systematic process of tracking the movement of a firearm from its manufacture or from its introduction into U.S. commerce by the importer through the distribution chain (wholesalers and retailers), to identify an unlicensed purchaser.[7] Firearm tracing provides critical information to assist domestic and international law enforcement agencies investigate and solve firearms crimes.[8] NTC additionally supports detection of firearms trafficking, tracking the intrastate, interstate and international movement of crime guns.[9] All firearms traced must have been used, or suspected to have been used, in a crime.[10] The NTC oversees numerous firearms, including eTrace, Obliterated Serial number Program, Interstate Theft Program, Out-of-Business Records management,

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[5] *Barba v. Bonta* (Cal. 4th Dist. Nov. 7, 2023) Case No: D081194 <https://www.courts.ca.gov/opinions/nonpub/D081194.PDF> [as of Mar. 5, 2026].
[6] *National Tracing Center* (Sep. 19, 2024) Bureau of Alcohol, Tobacco, Firearms, and Explosives <https://www.atf.gov/firearms/tools-services-law-enforcement/national-tracing-center> [as of Mar. 5, 2026].
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] *Ibid.*

Multiple Sales Program, and the NTC Connect program, which stores descriptive forearm and disposition data.[11] Unlike California, participation in the program is voluntary.[12] But all federal firearms licensees (FFLs) are required to report a theft or loss within 48 hours of discovery. (27 C.F.R. § 478.39a, subd. (a)(1).)

ATF's 2024 Theft and Loss Report shows that just 10 FFLs with the most firearms reported in Theft/Loss Reports are associated with 6,187 firearms reported lost or stolen.[13] The next 90 highest FFLs are associated with approximately 4,000 more firearms reported lost or stolen.[14] ATF processed nearly 640,000 crime gun traces in 2024. They were successful in tracing nearly 80% of those crime guns.[15] While no overall total of crimes solved exists that are linked to these traces, over 9,000 law enforcement agencies used ATF trace data to assist in identifying firearms traffickers, homicides, and aggravated assaults.[16]

Congress can direct agencies to engage, or to refrain from engaging, in certain activities to receive appropriated funds.[17] Congress has included firearms riders into appropriations bills. A recent firearms rider includes the Tiahrt Amendments.[18] The Tiahrt Amendments are a series of riders attached to appropriations for ATF and FBI.[19] Initially introduced in 2003, and successively amended over the next two decades, the Tiahrt Amendments currently prohibit the ATF from engaging in specified firearms-related activities.[20] The ATF is barred from "consolidating or centralizing" records held by FFLs.[21] The ATF additionally cannot disclose to anyone the contents from the trace database maintained by the NTC, including when subjected to legal process in civil actions.[22] Exceptions for these restrictions are made for law enforcement and national security purposes.[23] The ATF also cannot implement a regulation that would require FFLs to take a physical inventory of their businesses, in addition to requiring that the FBI destroy identifying information submitted during a background check within 24 hours of notifying an FFL that a firearm transfer may proceed.[24] Due to Congress' inclusion of added futurity language[25] to the Tiahrt Amendments, they are considered permanent restrictions on the ATF and FBI unless Congress eliminate them.[26] A bill was introduced in 2025 by Rep. Madeleine Dean (D-PA) to repeal certain provisions of

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[11] *Ibid.*
[12] *Ibid.*
[13] *2024 - Federal Firearms Licensee Theft/Loss Report* (Feb. 2025) Bureau of Alcohol, Tobacco, Firearms, and Explosives <https://www.atf.gov/firearms/report/firearms-theft-loss/2024-federal-firearms-licensee-theft/loss-report#summation> [as of Mar. 5, 2026].
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] Schwartz, M. *Firearms-Related Appropriations Riders* (Nov. 22, 2019) Congressional research Service <https://www.congress.gov/crs-product/IF11371> [as of Mar. 5, 2026].
[18] *Ibid.*
[19] *Ibid.*
[20] *Ibid.*
[21] *Ibid.*
[22] *Ibid.*
[23] *Ibid.*
[24] *Ibid.*
[25] *Ibid.*
[26] *Ibid.*

the Tiahrt Amendments, however, there appears to have been no action taken since its referral to the House Judiciary Committee in June 2025.[27]

California law aligns with federal law in parts of this space but is more comprehensive in its reporting requirements. The DOJ, upon receiving crime gun information under this law, must promptly forward it to the NTC of the ATF to the extent practicable. (Pen. Code, § 11108.3, subd. (a)(2).) California law generally provides for more aggressive firearms restrictions relative to federal law, but must do so without directly conflicting with pre-empting federal law. (See U.S. Const. amend. VI.) While more cases would be helpful in evaluating these newer firearms data sharing laws, AB 1743 does not appear to directly conflict with contrary federal law, at least not more so than current California law in this statutory scheme.

5) **Argument in Support**: According to *Brady United to End Gun Violence*, "In furtherance of our goal to reduce firearm violence across the state, Brady and Brady California are proud to sponsor AB 1743.

"What is Firearm Trace Data:

"Every gun recovered on California streets starts somewhere, and the overwhelming majority have their origins in the legal marketplace. Understanding how guns — particularly those that have been diverted from legal commerce to the underground market — make their way to crime scenes is essential to crafting evidence-based and life-saving solutions to the American gun violence epidemic. Firearm trace data, which identifies the flow of that firearm from its legal construction or importation by a manufacturer/importer, wholesaler, or distributor, to a federally licensed firearms dealer, and finally to the firearm's original purchaser, is key.

"Are the guns coming from in state? Are they coming from a specific county? Are they coming from nearby or far away? Are they coming from a specific dealer? Firearm Trace data, which is information about where firearms are purchased, is key to understanding where crime guns are coming from. This data is a vital investigative tool, providing the historical sales record of a gun, tracked from its manufacturing to its first retail sale. It can help find the original purchaser, link suspects to crimes, identify traffickers, and uncover patterns in crime gun sources, revealing how guns move from legal commerce into illegal hands.

"In short, firearm trace data is an essential tool for identifying and holding accountable the minority of irresponsible gun dealers and manufacturers who cater to the illegal gun trafficking market. It is only with this knowledge that they can take action to prevent further tragedy.

"California's Firearm Trace Date System:

"The Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) annual crime gun tracing report from 2023 identified that approximately 54% of all California crime guns originate

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[27] H.R.4223 - Gun Records Restoration and Preservation Act. (2025-26) 119th Congress <https://www.congress.gov/bill/119th-congress/house-bill/4223/committees> [as of Mar. 5, 2026].

from within the state, however ATF's reports do not identify the individual dealers. The vast majority of gun dealers in this country and in California sell guns responsibility and make every effort to comply with federal, state, and local law. However, a small minority of gun dealers supply the criminal market. Prior to 2003, ATF conducted a nationwide analysis on crime gun tracing and made that analysis public. In fact, early ATF reports show that about 5% of gun dealers are responsible for about 90% of recovered crime guns. In 2003, the Tiahrt Amendment was added to the 2003 federal appropriations bill and because of ATF's interpretation of the amendment, policymakers and the general public no longer have any visibility into how crime guns flood into their communities or which irresponsible gun dealers supply them.

"Thankfully, the California Department of Justice's (Cal DOJ) Automated Firearms System (AFS) contains a database with information on all crime guns recovered in California. Because of California's unique firearms databases and systems, California has its own crime gun tracing program, independent and outside the restrictions set by ATF and the Tiahrt Amendment, allowing California to take meaningful and immediate action in reducing the effects of crime guns in its communities.

"**Why this Bill is Needed:**

"The firearm trace data is housed within Cal DOJ, and it can be shared with localities as part of an investigation in real time, which is incredibly important. Additionally, pursuant to existing law statute firearm trace data is published in an annual report. However, despite the availability of the information and ability to share in those circumstances, the ability for Cal DOJ to share cumulative trace data with cities or counties, even if requested by a city or county counsel is not as clear or streamlined in California code. This information is incredibly important not only for solving violent crimes and understanding patterns of where crime guns are coming from but is becoming increasingly more relevant as localities consider litigation against gun industry members for irresponsible and dangerous business practices.

"AB 1743 is simple; it makes clear and streamlined in statute that Cal DOJ can share this key data with localities upon request. California has invested in a system that ensures it has access to this vital data and information, and it is important that all levels of government in the state can utilize it to keep their constituents safe and to prevent gun violence."

6) **Argument in Opposition**: According to the *California Rifle and Pistol Association*, "On behalf of the California Rifle & Pistol Association, Inc. (CRPA), representing millions of law-abiding gun owners statewide, CRPA is dedicated to defending the rights of law-abiding firearms owners, promoting firearms safety and education, and fostering the shooting sports. On behalf of our members and supporters, we respectfully oppose AB 1743. CRPA promotes recreational shooting sports and provides safety, education, and skills training to enable all persons a safer recreational experience and the ability to defend themselves and others. CRPA has promoted firearms safety for 150 years.

"AB 1743 seeks to expand access to sensitive firearms tracing data maintained in the Department of Justice's Automated Firearms System (AFS) to a broader array of entities, including towns, cities, counties, state agencies, the University of California, California State University, and community colleges, for "academic and policy research purposes." It further mandates that the Attorney General provides this data in a format "conducive to the

requester's needs." While presented as a measure to facilitate research, this bill poses significant risks to the privacy and safety of California's law-abiding gun owners and could be weaponized to advance anti-gun agendas.

"CRPA has long advocated for the protection of gun owners' personal information, as evidenced by our strong response to the 2022 DOJ data breach that exposed confidential details of hundreds of thousands of concealed carry permit holders. That incident, which CRPA condemned and demanded immediate remediation for, highlighted the dangers of mishandling firearms-related data, including risks of identity theft, harassment, and targeted burglaries. Expanding access to AFS data— which includes detailed histories of recovered, stolen, or crime-related firearms—without robust safeguards exacerbates these vulnerabilities. The bill's vague "guidelines set forth by the Attorney General" offer insufficient protection against potential leaks or misuse, especially given past failures in data security.

"Moreover, this expanded access could enable biased "research" aimed at justifying further infringements on Second Amendment rights. Academic and policy studies funded or conducted by entities with anti-gun predispositions have historically been used to push for restrictive legislation, chilling lawful firearms ownership. CRPA opposes measures that facilitate such outcomes, as they undermine the privacy rights of individuals exercising their constitutional freedoms. Existing law already requires data retention for 10 years and allows limited access under controlled guidelines; AB 1743's broadening of eligibility and format requirements is unnecessary and burdensome, potentially straining DOJ resources and increasing error risks."

7) **Related Legislation**:

a) AB 1948 (Ramos) would extend the licensure duration of concealed carry licenses from two years to six years. AB 1948 is pending hearing in the Assembly Public Safety Committee.

b) AB 1974 (Stefani) would authorize a law enforcement agency, as defined, to create a voluntary firearm storage program that allows a person to voluntarily transfer custody of their firearm to the local law enforcement agency for temporary safekeeping purposes to prevent firearm violence, suicide, or other injury. AB 1948 is pending hearing in the Assembly Public Safety Committee.

c) SB 948 (Arreguin) would require a personal firearm importer to obtain a valid firearm safety certificate and include a copy of the valid firearm safety certificate within the report. SB 948 also would require an applicant for a firearm safety certificate to complete a training course no less than 8 hours in length that, among other things, includes instruction on firearm safety and handling and live-fire shooting exercises on a firing range. SB 948 is pending hearing in the Senate Public Safety Committee.

8) **Prior Legislation**:

a) SB 965 (Min), Chapter 546, Statutes of 2024, requires DOJ to include in report to the Legislature information about DOJ staffing for conducting inspections of firearms dealers and ammunition vendors, detailed information about each such inspection conducted,

including violations and the resolution of those violations, and specified information about the roster of handguns, including information about handguns added to, removed from, or denied addition to, the roster.

b) SB 899 (Skinner), Chapter 544, Statutes of 2024, among other things, requires the court to provide the person subject to the order with information on how any firearms or ammunition still in their possession are to be relinquished, as specified.

c) SB 1038 (Blakespear), of the 2023-2024 Legislative Session, would have amended Proposition 63 by requiring a person to report the loss or theft within 48 hours of the time that the owner or possessor knew or should have known that the firearm had been stolen or lost. SB 1038 also would have required a firearm dealer to annually certify their inventory to the Department of Justice, as specified. SB 1038 was held in the Senate Appropriations Committee.

d) AB 1191 (McCarty), Chapter 693, Statutes of 2021, requires DOJ to analyze firearms trace data, as specified. The analysis must be submitted as a report to the Legislature and the report made available to the public.

e) AB 1237 (Ting), of the 2021-2022 Legislative Session, would have required all firearms trace information collected to be maintained by DOJ for a period of not less than 25 years. The data may be made available to the California Firearm Violence Research Center at UC Davis, provided to any other nonprofit bona fide research institution or public agency concerned with the study and prevention of violence, for academic and policy research purposes. Material identifying individuals shall only be provided for research or statistical activities and shall not be revealed or used for purposes other than research or statistical activities, and reports or publications derived therefrom shall not identify specific individuals. This bill died in the Assembly Appropriations Committee.

f) AB 173 (Comm. on Budget), Chapter 253, Statutes of 2021, requires certain firearms information above to be made available to the center and researchers affiliated with the center and any other nonprofit bona fide research institution accredited by the United States Department of Education or the Council for Higher Education Accreditation, as specified, for the study of the prevention of violence. The bill requires that material identifying individuals only be provided for research or statistical activities and requires that information to only be used for those purposes and would prohibit reports or publications derived from that information from identifying specific individuals.

g) AB 2222 (Quirk), Chapter 864, Statutes of 2018, would have extended firearms trace data reporting requirements to all law enforcement agencies in the state, as defined, and would require that the report be entered within 7 days of the agency being notified of the precipitating event.

REGISTERED SUPPORT / OPPOSITION:

Support

Brady California
Brady Campaign
Consumer Protection Policy Center/usd School of Law
Everytown for Gun Safety Action Fund
Giffords
Moms Demand Action for Gun Sense in America
Students Demand Action

Opposition

California Civil Liberties Advocacy
California Rifle and Pistol Association, INC.
Gun Owners of California, INC.
National Rifle Association - Institute for Legislative Action

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