

Date of Hearing: March 24, 2026

Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1816 (Davies) – As Introduced February 10, 2026

Revised

As Proposed to Be Amended in Committee

SUMMARY: Provides that, for an offender granted probation and ordered to register as sex offender, as specified, as a condition of probation, where the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, the court may order the term of probation to continue as necessary to complete programming for a period not exceeding one additional year and under the conditions as it shall determine.

EXISTING LAW:

- 1) Provides that the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding two years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (a).)
- 2) Provides that the court, or judge thereof, in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case. (Pen. Code, § 1203.1, subd. (a).)
- 3) Authorizes the court to impose and require any or all of the terms of imprisonment, fine, and conditions specified in this section, and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer, and that should the probationer violate any of the terms or conditions imposed by the court in the matter, it shall have authority to modify and change any and all the terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. (Pen. Code, § 1203.1, subd. (j).)
- 4) Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation. (Pen. Code, § 1203.1, subd. (j).)
- 5) Provides that, upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of

modification. (Pen. Code, § 1203.1, subd. (j).)

- 6) Provides that the two-year felony probation limit shall not apply to:
 - a) A violent felony, as specified, and an offense that includes specific probation lengths within its provisions. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.
 - b) A felony conviction for grand theft, as specified, embezzlement, and fraudulently obtaining money, property, or labor, if the total value of the property taken exceeds twenty-five thousand dollars (\$25,000). For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (1)(1)-(2).)
- 7) Provides that the following shall apply to felony probation, as specified:
 - a) The court may fine the defendant in a sum not to exceed the maximum fine provided by law in the case.
 - b) The court may, in connection with granting probation, impose either imprisonment in a county jail or a fine, both, or neither.
 - c) The court shall provide for restitution in proper cases.
 - d) The court may require bonds for the faithful observance and performance of any or all of the conditions of probation. (Pen. Code, § 1203.1, subd. (a)(1)-(4).)
- 8) Requires the court to consider whether the defendant as a condition of probation shall make restitution to the victim or the Restitution Fund. (Pen. Code, § 1203.1, subd. (b).)
- 9) Provides that, in counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in the road camp, farm, or other public work instead of in jail. (Pen. Code, § 1203.1, subd. (c).)
- 10) Provides that, in all cases of probation the court may require as a condition of probation that the probationer go to work and earn money for the support of the probationer's dependents or to pay any fine imposed or reparation condition, to keep an account of the probationer's earnings, to report them to the probation officer and apply those earnings as directed by the court. (Pen. Code, § 1203.1, subd. (d).)
- 11) Requires the court to consider whether the defendant as a condition of probation shall make restitution to a public agency for the costs of an emergency response, as specified. (Pen. Code, § 1203.1, subd. (e).)

- 12) Provides that, in all felony cases in which, as a condition of probation, a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve their sentence at intermittent periods the sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of the convicted person's maintenance shall be a county charge. (Pen. Code, § 1203.1, subd. (f).)
- 13) Authorizes the court, upon conviction of any sex offense subjecting the defendant to the registration requirements of Section 290, to order as a condition of probation, at the request of the victim or in the court's discretion, that the defendant stay away from the victim and the victim's residence or place of employment, and that the defendant have no contact with the victim in person, by telephone or electronic means, or by mail. (Pen. Code, § 1203.1, subd. (h)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Currently, California's arbitrary two-year cap on probation often results in the premature release of serious offenders before they have successfully completed rehabilitative programming or demonstrated they no longer pose a threat to our communities. AB 1816 fixes this broken system by removing that one-size-fits-all limit for sex crimes and serious felonies, allowing probation to extend for the full length of a potential sentence when necessary for public safety. By ensuring that high-risk individuals remain under supervision until they are truly prepared to reintegrate, we are prioritizing the rights of victims and the security of our neighborhoods over administrative convenience."
- 2) **Effect of this Bill:** Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can be "formal" or "informal." "Formal" probation is under the direction and supervision of a probation officer. As a general proposition, the level of probation supervision will be linked to the level of risk the probationer presents to the community.

Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant's rehabilitation and protect public safety. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*Id.* at 1121.)

Prior to 2021, when a defendant was convicted of a felony, the court could impose a term of probation for up to five years, or no longer than the prison term that can be imposed if the maximum prison term exceeds five years. (Pen. Code, § 1203.1.) In misdemeanor cases, the court could impose a term of probation for up to three years, or no longer than the maximum term of imprisonment if more than three years. (Pen. Code, § 1203a.) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, limited probation to two years for a felony and one year for a misdemeanor, except where "an offense that includes specific probation lengths within its

provisions.” (Pen. Code, § 1203.1, subd. (1)(1).) According to AB 1950’s author:

Probation - originally meant to reduce recidivism - has instead become a pipeline for re-entry into the carceral system.

Research by the California Budget & Policy Center shows that probation services, such as mental healthcare and addiction treatment, are most effective during the first 18 months of supervision. Research also indicates that providing increased supervision and services earlier reduces an individual’s likelihood to recidivate. A shorter term of probation, allowing for an increased emphasis on services, should lead to improved outcomes for both people on misdemeanor and felony probation while reducing the number of people on probation returning to incarceration.

AB 1950 would restrict the period of adult probation for a misdemeanor to no longer than one year, and no longer than two years for a felony. In doing so, AB 1950 allows for the reinvestment of funding into supportive services for people on misdemeanor and felony probation rather than keeping this population on supervision for extended periods.

This bill would provide that, for an offender granted probation and ordered to register as sex offender, as specified, as a condition of probation, where the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, the court may order the term of probation to continue as necessary to complete programming for a period not exceeding one additional year and under the conditions as it shall determine.

- 3) **Argument in Support:** According to *The Chief Probation of Officers of California*, the bill’s sponsor, “Assembly Bill 1950, (Chapter 328, Statutes of 2020), set the maximum term of probation for most misdemeanor crimes at one year and the maximum term of probation for most felonies at two years. There are certain crimes which are excluded from AB 1950 such as violent felonies, specified domestic violence offenses, and other crimes. This arbitrary cap set by AB 1950 shifted probation from an evidence-based model to a time-based model, which resulted in limiting the time to reasonably complete treatment for these specified offenses.

“Other states have already adjusted to lessons learned in California by passing legislation regarding probation term lengths that took into account rehabilitative and treatment needs, and risk factors. Rather than a specific cap regardless of rehabilitation or risk factors, legislation has utilized approaches such as allowing individuals to become eligible for a review after a specified period of time to determine suitability to terminate earlier based on rehabilitative goals and safety considerations, or setting a probation term but allowing for court extensions/modifications in order to meet specific rehabilitation goals that have not yet been achieved.

“AB 1816 would establish an appropriate pathway for courts to extend probation beyond two years when rehabilitative goals have not yet been met for individuals convicted of these serious offenses. Rehabilitation related to these criminogenic needs often require targeted, structured, and closely monitored programming to address underlying risks and needs. This approach is consistent with evidence-based practices, which emphasize that supervision should end based on progress, stability, and successful completion rather than the simple

passage of time.

“AB 1816 ensures that registerable sex offenses and serious felonies are not subject to the arbitrary two-year maximum probation term and authorizes courts to extend a term of probation beyond the two years when the court determines that the person has not successfully completed probation and their required rehabilitative programming.”

- 4) **Argument in Opposition:** According to the *San Francisco Public Defender*, “California has implemented various criminal justice reforms following decades of over-incarceration and misallocation of state funds into jails and prisons rather than prevention, intervention, and treatment services. A few years ago, we passed a historic reform, AB 1950 (Kamlager-Dove), that limited the term of probation to no more than two years for a felony conviction and one year for a misdemeanor conviction, with limited exceptions. AB 1816 seeks to reverse this progress.

“A 2018 Justice Center of the Council of State Governments study found that a large portion of people violate probation and end up incarcerated as a result. The study revealed that 24% of prison admissions in California are the result of supervised violations, vastly increasing amount of money we spend annually to incarcerate people for these violations. Prior to the AB 1950 reform, 20% of people incarcerated in a California prison were behind bars for supervised probation violations. Most violations are ‘technical’ and minor in nature, such as missing a drug rehab appointment or socializing with a friend who has a criminal record. Probation — originally meant to reduce recidivism — has instead become a pipeline for reentry into the carceral system.

“Supervision revocations, especially for technical violations, are a major driver of costly jail and prison admissions, and even short jail stays can create serious hardships for individuals, including loss of employment, decreased wages, housing insecurity, and family instability. Prior to the AB 1950 reform, incarceration for supervision revocations cost California taxpayers at least \$2 billion annually. We encourage the legislature to allow for the recent reform to continue taking effect before we make any further changes.”

5) **Related Legislation:**

- a) AB 2237 (Patterson) would authorize a court, in an order granting probation for an offender required to register as a sex offender, to suspend the imposition or the execution of the sentence and to direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and condition as it shall determine. AB 2237 is pending a hearing in this committee.
- b) SB 906 (Jones) would authorize the court to grant an extension of the term of probation for a period of time necessary to permit a defendant to complete a collaborative justice court program, not to exceed 18 months; and would authorize the defendant to bring a motion for an extension of the beyond the probation term limit in order to complete a collaborative justice program.

6) **Prior Legislation:**

- a) AB 1087 (Joe Patterson), Chapter 180, Statutes of 2025, provided for a period of probation of between three and five years for vehicular manslaughter while intoxicated and gross vehicular manslaughter while intoxicated.
- b) AB 2823 (Joe Patterson), of the 2023-2024 Legislative Session, was identical to AB 1087. AB 2823 did not receive a hearing in this committee.
- c) AB 2943 (Zbur), Chapter 168, Statutes of 2024, among other things, increased the maximum term of probation for shoplifting from up to one year to a period not exceed two years.
- d) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, specifies that a court may not impose a term of probation longer than two years for a felony conviction and one year for a misdemeanor conviction

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC) (Sponsor)
California Police Chiefs Association
California State Sheriffs' Association
Los Angeles County Probation Officers Union, Afscme Local 685
Peace Officers Research Association of California (PORAC)
Teamsters Local 986

Opposition

ACLU California Action
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Communities United for Restorative Youth Justice (CURYJ)
Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact
Vera Institute of Justice

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

Amended Mock-up for 2025-2026 AB-1816 (Davies (A))

**Mock-up based on Version Number 99 - Introduced 2/10/26
Submitted by: Staff Name, Office Name**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1203.1 of the Penal Code is amended to read:

1203.1. (a) The court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding two years, and upon those terms and conditions as it shall determine. The court, or judge thereof, in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case. The following shall apply to this subdivision:

(1) The court may fine the defendant in a sum not to exceed the maximum fine provided by law in the case.

(2) The court may, in connection with granting probation, impose either imprisonment in a county jail or a fine, both, or neither.

(3) The court shall provide for restitution in proper cases. The restitution order shall be fully enforceable as a civil judgment forthwith and in accordance with Section 1202.4 of the Penal Code.

(4) The court may require bonds for the faithful observance and performance of any or all of the conditions of probation.

(b) The court shall consider whether the defendant as a condition of probation shall make restitution to the victim or the Restitution Fund. Any restitution payment received by a court or probation department in the form of cash or money order shall be forwarded to the victim within 30 days from the date the payment is received by the department. Any restitution payment received by a court or probation department in the form of a check or draft shall be forwarded to the victim within 45 days from the date the payment is received, provided, that payment need not be forwarded to a victim until 180 days from the date the first payment is received, if the restitution payments for that victim received by the court or probation department total less than fifty dollars (\$50). In cases where the court has ordered the defendant to pay restitution to multiple victims and where the administrative cost of disbursing restitution payments to multiple victims involves a significant cost, any restitution payment received by a probation department shall be forwarded to

multiple victims when it is cost effective to do so, but in no event shall restitution disbursements be delayed beyond 180 days from the date the payment is received by the probation department.

(c) In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in the road camp, farm, or other public work instead of in jail. In this case, Section 25359 of the Government Code shall apply to probation and the court shall have the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work. Each county board of supervisors may fix the scale of compensation of the adult probationers in that county.

(d) In all cases of probation the court may require as a condition of probation that the probationer go to work and earn money for the support of the probationer's dependents or to pay any fine imposed or reparation condition, to keep an account of the probationer's earnings, to report them to the probation officer and apply those earnings as directed by the court.

(e) The court shall also consider whether the defendant as a condition of probation shall make restitution to a public agency for the costs of an emergency response pursuant to Article 8 (commencing with Section 53150) of Chapter 1 of Part 1 of Division 2 of the Government Code.

(f) In all felony cases in which, as a condition of probation, a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve their sentence at intermittent periods the sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of the convicted person's maintenance shall be a county charge.

(g) (1) The court and prosecuting attorney shall consider whether any defendant who has been convicted of a nonviolent or nonserious offense and ordered to participate in community service as a condition of probation shall be required to engage in the removal of graffiti in the performance of the community service. For the purpose of this subdivision, a nonserious offense shall not include the following:

(A) Offenses in violation of the Dangerous Weapons Control Law, as defined in Section 23500.

(B) Offenses involving the use of a dangerous or deadly weapon, including all violations of Section 417.

(C) Offenses involving the use or attempted use of violence against the person of another or involving injury to a victim.

(D) Offenses involving annoying or molesting children.

(2) Notwithstanding subparagraph (A) of paragraph (1), any person who violates Chapter 1 (commencing with Section 29610) of Division 9 of Title 4 of Part 6 shall be ordered to perform not less than 100 hours and not more than 500 hours of community service as a condition of probation.

(3) The court and the prosecuting attorney need not consider a defendant pursuant to paragraph (1) if the following circumstances exist:

(A) The defendant was convicted of any offense set forth in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

(B) The judge believes that the public safety may be endangered if the person is ordered to do community service or the judge believes that the facts or circumstances or facts and circumstances call for imposition of a more substantial penalty.

(h) The probation officer or their designated representative shall consider whether any defendant who has been convicted of a nonviolent and nonserious offense and ordered to participate in community service as a condition of probation shall be required to engage in the performance of house repairs or yard services for senior citizens and the performance of repairs to senior centers through contact with local senior service organizations in the performance of the community service.

(i) (1) Upon conviction of any offense involving child abuse or neglect, the court may require, in addition to any or all of the terms of imprisonment, fine, and other reasonable conditions specified in this section, that the defendant participate in counseling or education programs, or both, including, but not limited to, parent education or parenting programs operated by community colleges, school districts, other public agencies, or private agencies.

(2) Upon conviction of any sex offense subjecting the defendant to the registration requirements of Section 290, the court may order as a condition of probation, at the request of the victim or in the court's discretion, that the defendant stay away from the victim and the victim's residence or place of employment, and that the defendant have no contact with the victim in person, by telephone or electronic means, or by mail.

(j) The court may impose and require any or all of the terms of imprisonment, fine, and conditions specified in this section, and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer, and that should the probationer violate any of the terms or conditions imposed by the court in the matter, it shall have authority to modify and change any and all the terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation. However, upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. In counties and

cities and counties in which there are facilities for taking fingerprints, those of each probationer shall be taken and a record of them kept and preserved.

(k) Notwithstanding any other provisions of law to the contrary, except as provided in Section 13967, as operative on or before September 28, 1994, of the Government Code and Section 13967.5 of the Government Code and Sections 1202.4, 1463.16, paragraph (1) of subdivision (a) of Section 1463.18, and Section 1464, and Section 1203.04, as operative on or before August 2, 1995, all fines collected by a county probation officer in any of the courts of this state, as a condition of the granting of probation or as a part of the terms of probation, shall be paid into the county treasury and placed in the general fund for the use and benefit of the county.

(l) The two-year probation limit in subdivision (a) shall not apply to:

(1) An offense listed in subdivision (c) of Section 667.5 and an offense that includes specific probation lengths within its provisions. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine. All other provisions of subdivision (a) shall apply.

(2) A felony conviction for paragraph (3) of subdivision (b) of Section 487, Section 503, and Section 532a, if the total value of the property taken exceeds twenty-five thousand dollars (\$25,000). For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. All other provisions of subdivision (a) shall apply.

~~(3) Registerable sex offenses as listed in subdivision (c) of Section 290 of the Penal Code. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine. All other provisions of subdivision (a) shall apply.~~

~~(4) Serious felonies as defined in Section 1192.7 of the Penal Code. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine. All other provisions of subdivision (a) shall apply.~~

~~(5) Offenses in which the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, in which case the term of probation may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.~~

(3) For an offender granted probation and ordered to register pursuant to subdivision (c) of Section 290, as a condition of probation, where the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, the court may order the term of probation to continue as necessary to complete programming for a period not exceeding one additional year and under the conditions as it shall determine.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.