California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

1020 N Ste, Room 111
(916) 319-3744
FAX: (916) 319-3745

AGENDA

Tuesday, April 21, 2026
8:30 a.m. -- State Capitol, Room 126

REGULAR ORDER OF BUSINESS

HEARD IN SIGN-IN ORDER

LIMITED TESTIMONY FOR SUPPORT AND OPPOSITION

TWO WITNESSES - TWO MINUTES EACH

1.	AB 1545	Krell	Sexually violent predators.
2.	AB 1612	Alanis	Disposition of controlled substances.
3.	AB 1627	Ávila Farías	Public employment: disqualifications.
4.	AB 1647	Bryan	Juveniles: transfer to criminal court: criminal procedure.
5.	AB 1650	Caloza	Rental vehicles: law enforcement.
6.	AB 1778	Patterson	Controlled substances: testosterone.
7.	AB 1806	Gabriel	Department of Justice.
8.	AB 1886	Elhawary	Wards: probation.
9.	AB 1896	Mark González	Public employment: disqualifications.
10.	AB 1897	Haney	Mentally disordered offenders: criteria for commitment.
11.	AB 1930	Zbur	Legally protected health care activity: inquiries, investigations, subpoenas, or summons.
12.	AB 2014	Elhawary	Habeas corpus: gender-based stereotypes.
13.	AB 2055	Jeff Gonzalez	Vessels: operation: registration.
14.	AB 2126	Elhawary	Community care facilities: criminal background exemptions.
15.	AB 2151	Pacheco	PULLED BY THE AUTHOR.
16.	AB 2230	Ávila Farías	Immigration enforcement: polling places and child daycare facilities.
17.	AB 2232	Patterson	Parole denial term.

18.	AB 2257	Hart	Corrections.
19.	AB 2273	Bains	Crimes: Scrivner Act.
20.	AB 2274	Bains	Crimes: plea deals.
21.	AB 2304	Lackey	Social workers.
22.	AB 2337	Lackey	Theft.
23.	AB 2339	Gipson	Firearms: prohibited persons.
24.	AB 2342	Hoover	Parole.
25.	AB 2344	Haney	Animal abuse: registry: internet publication.
26.	AB 2405	Gipson	Emergency Medical Services Act.
27.	AB 2411	McKinnor	California Olympic and Paralympic Public Safety Command: agreements with state and local agencies.
28.	AB 2553	Petrie-Norris	Real estate crimes: probation.
29.	AB 2605	Arambula	State Public Defender: county public defenders: data collection.
30.	AB 2624	Bonta	Privacy for immigration support services providers.
31.	AB 2636	Pacheco	Juveniles.
32.	AB 2669	Gipson	Pleas: immigration.
33.	ACR 159	Kalra	Indigent defense.

VOTE ONLY

34.	AB 1686	Lackey	Vehicles: driving under the influence: felonies.
35.	AB 1748	Sanchez	License suspension and revocation.
36.	AB 1968	Gallagher	Juveniles: transfer to court of criminal jurisdiction: offense.
37.	AB 2040	Macedo	Juveniles: transfer to court of criminal jurisdiction.
38.	AB 2237	Patterson	Probation: term length.
39.	AB 2701	Jeff Gonzalez	Domestic Violence Offender Registration Act.

Date of Hearing: April 21, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1545 (Krell) – As Amended March 9, 2026

SUMMARY: Mandates the Executive Officer of the Board of Parole Hearings (BPH), refer an eligible inmate for an evaluation as a sexually violent predator (SVP), as specified, at least six months prior to the person's release from prison or scheduled parole hearing, as specified. Specifically, **this bill**:

1) Authorizes a petition for commitment to be filed regardless of whether the person is in custody on either a determinate or indeterminate term.

2) Eliminates offenses committed prior to 1977 and for an indeterminate prison term from the stated definition of a sexually violent offense.

EXISTING LAW:

1) Provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be an SVP after the person has served their prison commitment. This is known as the Sexually Violent Predator Act ("SVPA"). (Welf. & Inst. Code, § 6600, et seq.)

2) Defines a "sexually violent predator" as "a person who has been convicted of a sexually violent offense against at least one victim, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior." (Welf. & Inst. Code, § 6600, subd. (a)(1).)

3) Mandates that any of the following be considered a conviction for a sexually violent offense:

   a) A prior or current conviction that resulted in a determinate prison sentence for an offense, as specified.

   b) A conviction for a sexually violent offense that was committed prior to July 1, 1977, and that resulted in an indeterminate prison sentence.

   c) A prior conviction in another jurisdiction for an offense that includes all of the elements of a sexually violent offense, as specified.

   d) A conviction for an offense under a predecessor statute that includes all of the elements of a sexually violent offense, as specified.

e) A prior conviction for which the inmate received a grant of probation for a sexually violent offense, as specified.

f) A prior finding of not guilty by reason of insanity for a sexually violent offense, as specified.

g) A conviction resulting in a finding that the person was a mentally disordered sex offender.

h) A prior conviction for a sexually violent offense, as specified, which the person was committed to the *former* Division of Juvenile Facilities, Department of Corrections and Rehabilitation (CDCR).

i) A prior conviction for a sexually violent offense, as specified, that resulted in an indeterminate prison sentence. (Welf. & Inst. Code, § 6600, subd. (a)(2)(A)-(I).)

4) Defines "sexually violent offense" as the following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury on the victim or another person, or threatening to retaliate in the future against the victim or any other person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as defined in subdivision (a): a felony rape, *former* spousal rape, rape with a foreign object, aggravated sexual assault of a child, sodomy, forcible oral copulation, child molestation, continuous sexual abuse of a child, or sexual penetration, or former provision on child molest, or any felony violation of kidnapping, kidnapping for ransom, or assault with intent to committed rape, *former* spousal rape, rape with a foreign object, sodomy, forcible oral copulation, child molestation, or sexual penetration, or *former* child molest. (Welf. & Inst. Code, § 6600, subd. (b).)

5) Permits a person committed as an SVP to be held for an indeterminate term upon commitment. (Welf. & Inst. Code, §§ 6604 & 6604.1.)

6) Establishes a process whereby a person committed as an SVP can petition for conditional release or an unconditional discharge any time after one year of commitment, notwithstanding the lack of recommendation or concurrence by the Director of the Department of State Hospitals (DSH). (Welf. & Inst. Code, § 6608, subds. (a), (f) & (m).)

7) Provides that if the petition is made without the consent of the director of the treatment facility, no action may be taken on the petition without first obtaining the written recommendation of the director of the treatment facility. (Welf. & Inst. Code, § 6608, subd. (e).)

8) Provides that before actually placing a person on conditional release, the community program director designated by the DSH must recommend the program most appropriate for supervising and treating the person. (Welf. & Inst. Code, § 6608, subd. (h).)

9) Provides that a person who is conditionally released shall be placed in the county of domicile of the person prior to the person's incarceration, unless both of the following conditions are satisfied:

a) The court finds that extraordinary circumstances require placement outside the county of domicile; and,

b) The designated county of placement was given prior notice and an opportunity to comment on the proposed placement of the committed person in the county. (Welf. & Inst. Code, 6608.5, subd. (a).)

10) States that the county of domicile shall designate a county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for persons committed as SVPs who are about to be conditionally released. (Welf. & Inst. Code, § 6608.5, subd. (d).)

11) Specifies that in recommending a specific placement for community outpatient treatment, the DSH or its designee shall consider all of the following:

a) The concerns and proximity of the victim or the victim's next of kin; and,

b) The age and profile of the victim or victims in the sexually violent offenses committed by the person subject to placement. The "profile" of a victim includes, but is not limited to, gender, physical appearance, economic background, profession, and other social or personal characteristics. (Welf. & Inst. Code, § 6608.5, subd. (e)(1)-(2).)

12) States that if the court determines that placement of a person in the county of their domicile is not appropriate, the court shall consider the following circumstances in designating his or her placement in a county for conditional release:

a) If and how long the person has previously resided or been employed in the county; and,

b) If the person has next of kin in the county. (Welf. & Inst. Code, § 6608.5, subd. (g)(1)-(2).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1545 closes a loophole under existing law that can result in people who have been convicted of sexually violent offenses being released on parole without first having an assessment for potential commitment as a sexually violent predator. Simply because they are serving an indeterminate sentence. Public safety requires us to fix this loophole."

2) **Sexually Violent Predator Act (SVPA):** Enacted in 1996, the SVPA authorizes an involuntary civil commitment of any person "who has been convicted of a sexually violent offense … and who has a diagnosed mental disorder that **makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior**." (Emphasis added.) (Welf. & Inst. Code, § 6601, subd. (a).) The SVPA was designed to accomplish the dual goals of protecting the public, by confining violent sexual predators likely to reoffend, and providing treatment to those offenders. "Those committed pursuant to the SVPA **are to be treated not as criminals, but as sick**

persons. They are to receive treatment for their disorders and must be released when they no longer constitute a threat to society." (Emphasis added.) (*People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774, 783, citing Welf. & Inst. Code, § 6250.)

Civil commitment is not a prison sentence. Once a person has been deemed no longer a threat to public safety, they must, as a matter of law, be released from custody. Involuntary commitment under the SVPA only begins after a person has completed their prison sentence. Originally, the SVP laws provided for an initial commitment of two years and then a review every two years thereafter. However, effective September 20, 2006, the law now provides for indeterminate commitments for persons found to be SVPs. (Welf. & Inst. Code § 6604.) A SVP is a person convicted of specified sex offenses against at least one person and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior. (Welf. & Inst. Code, § 6600, subd. (a)(1).)

a. Offenders that may be designated SVP:

A sexually violent predator is defined in Welfare & Institutions Code section 6600 as "a person who has been convicted of a **sexually violent offense against one or more victims** and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior." (Welf. & Inst. Code, § 6600, subd. (a).) (Emphasis added.) Welfare and Institutions Code, section 6600 further defines a sexually violent predator as someone who suffered the following:

i. A prior or current conviction that resulted in a determinate prison sentence for a sexually violent offense.

ii. A conviction for a sexually violent offense that was committed prior to July 1, 1977, and that resulted in an indeterminate prison sentence.

iii. A prior conviction in another jurisdiction for an offense that includes all of the elements of a sexually violent offense.

iv. A conviction for an offense under a predecessor statute that includes all of the elements of a sexually violent offense.

v. A prior conviction for which the inmate received a grant of probation for a sexually violent offense.

vi. A prior finding of not guilty by reason of insanity for a sexually violent offense.

vii. A conviction resulting in a finding that the person was a mentally disordered sex offender.

viii. A prior conviction for a sexually violent offense for which the person was committed to the Division of Juvenile Facilities, CDCR, as specified.

ix. A prior conviction for a sexually violent offense that resulted in an indeterminate prison sentence. (Welf. & Inst. Code, § 6600, subd. (a)(1)(A-I).)

A sexually violent offense means any of the following crimes when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury on the victim or another person, or threatening to retaliate in the future against the victim or any other person, and that are committed on, before, or after the effective date of the SVPA and resulted in a conviction or a finding of not guilty by reason of insanity: (i) a felony violation of rape, (ii) former provision of spousal rape, (iii) aiding abetting rape or sexual penetration, (iv) aggravated sexual assault of a child, (v) sodomy, (vi) forcible oral copulation, (vii) child molestation, (viii) continuous sexual abuse of a child, or (ix) sexual penetration, or (x) former provision on child molest, or any felony violation of (xi) kidnapping, (xii) kidnapping with intent to commit robbery or rape, or (xiii) assault with intent to commit rape, (xiv) former provision of spousal rape, (xv) aiding and abetting rape, (xvi) sodomy, (xvii) forcible oral copulation, (xviii) child molest, or (xix) sexual penetration. (Welf. & Inst. Code, § 6600, subd. (b).)

The SVPA was formally enacted in its current form after the U.S. Supreme Court approved SVP designations in *Kansas v. Hendricks* (1997) 521 U.S. 346. The SVPA was somewhat controversial at the time because offenders had already served their prison sentence and were being re-incarcerated in a mental health facility for the same crimes. As a general matter, that is, on its face, an unconstitutional violation of the Ex Post Facto clause, the double jeopardy clause, and the due process clause of the 5th Amendment. (*Kansas v. Hendricks*, 521 U.S. at 371.) However, in validating the involuntary commitment of sexually violent offenders who are compelled to commit sex offenses due to a "mental illness," the court explained that due process demands the individual have a mental illness and be provided a meaningful opportunity to be released when the mental illness is controlled. (*Ibid.*, 521 U.S. at 377, conc. Kennedy.)

In 1997, the SVPA required that an offender be committed for two or more sexually violent offenses that received a determinate sentence.[1] However, Proposition 83 and its mostly duplicative legislative companion, SB 1128 (Alquist), Chapter 337, Statutes of 2006 broadened the definition of an SVP and restricted the subsequent civil proceedings necessary to ensure the offender still constitutes a danger to society.

b. Process of SVP designation:

When CDCR- determines that an inmate "may be a sexually violent predator," the CDCR Secretary refers the inmate to the DSH for a thorough evaluation. (*Hubbart v. Superior Court* (1999) 19 Cal.4th 1138, 1145; Welf. & Inst., § 6601, subd. (b).) A "diagnosed mental disorder" for purposes of determining whether someone is a SVP means a "congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others." (Welf. & Inst. Code, § 6600, subd. (c).)

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[1] 1995 Cal ALS 763 | 1995 Cal AB 888 | 1995 Cal Stats. ch. 763.

An evaluation "must be conducted by at least two practicing psychiatrists or psychologists in accordance with a standardized assessment protocol[.]" (Welf. & Inst. Code, § 6601, subd. (c)-(d).) If the two evaluators agree the inmate is likely to reoffend without treatment or custody due to their mental disorder, the Director of DSH must request a petition for commitment pursuant to the Welfare and Institutions Code section 6602 to the county in which the inmate was last convicted. (Welf. & Inst. Code, § 6601, subd. (d).) Thereafter, the county district attorney will file a petition for civil commitment. Due process requires any deprivation of liberty by the state requires notice and a meaningful opportunity to be heard.

Accordingly, a court then reviews the petition and determines whether there is probable cause to believe the inmate "is likely to engage in sexually violent predatory criminal behavior upon their release. If the court or jury determines that the person is a sexually violent predator, the person [is] committed for an indeterminate term" to a state mental hospital "for appropriate treatment and confinement." (Welf. & Inst. Code, § 6604.)

The burden then shifts to the "offender seeking his or her release from an SVPA commitment" to prove he or she is no longer a significant risk to society. (Ashley Felando (2012) *California's Sexually Violent Predator Act and the Dangerous Patient Exception*, 40 W. St. U. L.Rev. 73, 76; Note (2014) *Examining the Conditions of Confinement for Civil Detainees under California's Sexually Violent Predators Act*, 68 Hastings L.J. 1441, 1444-1446.)

If the Director of DSH determines that the inmate's diagnosed mental disorder has so changed that the inmate is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the Director will forward a report and recommendation for conditional release. If the court at the hearing determines that the SVP would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court will order the person placed with an appropriate forensic conditional release program operated by the state for one year, a substantial portion of which is required to include outpatient supervision and treatment. (Welf. & Inst. Code, § 6608, subd. (f).)

After a judicial determination that a person would not be a danger to the health and safety of others (i.e., in that it is not likely that the person will engage in sexually violent criminal behavior due to the person's diagnosed mental disorder while under supervision and treatment in the community), they will be placed in their pre-incarceration county of domicile, unless the court finds that extraordinary circumstances require placement outside the county domicile. (Welf. & Inst. Code, § 6608.5, subd. (a); see Welf. & Inst. Code, § 6608.5, subd. (b).)

This bill clarifies that if an offender, who is currently serving or who has previously served a prison term for a sexually violent offense, and eligible for parole within the next six months, the BPH must refer that inmate for an evaluation for involuntary commitment as an SVP. It also clarifies that an offender may be referred for an SVP evaluation so long as they are either currently serving a prison sentence or previously served a prison sentence for a sexually violent offense. Both of these technical amendments were inspired by a recent parolee that was sentenced to multiple terms of 25-life for kidnapping, binding, and sexually assaulting children, mostly under the age of 10, in 1999. He was only technically available for parole at the age of 64 because of court-imposed elderly parole requirements due to

significant overcrowding and universal denial of parole in the early 2000s.[2] Funston was sentenced pursuant to California's one-strike sex statute (Pen. Code, § 667.61) which was contemplated at the time the SVPA was enacted. Therefore, these clarifications are within the original intent of the SVPA. It is unclear that Funston was not eligible for referral as a SVP notwithstanding his current indeterminate prison term based on his prior record. Nevertheless, since it was contemplated at the time the SVPA was initially enacted, it probably should have been included at its inception.

3) **Argument in Support**: According to the *San Diego District Attorney's Office*, a co-sponsor, "Under current law, SVPs are defined as individuals convicted of sexually violent offenses who have a diagnosed mental disorder that makes them a danger to others and are likely to reoffend. As our understanding of recidivism and risk management evolves, it is essential for the law to adapt accordingly to keep our communities safe and to effectively manage these high-risk individuals.

"Recent events have underscored the urgency of this issue. California made headlines with the release of Gregory Vogelsang, a 57-year-old sex offender convicted of 30 counts of kidnapping and sex crimes against multiple children between the ages of 5 and 11 in the 1990s. Vogelsang was released after serving only 27 years of his 355 year-to-life sentences. His release followed the decision to release David Funston, who served only 20 years of a 75- year-to-life sentence for 16 counts of kidnapping and child molestation. Both individuals were sentenced to indeterminate terms but were not evaluated for possible commitment to the state hospital as SVPs because their lengthy indeterminate terms did not qualify for SVP evaluation under current law.

"California's SVP program currently only permits evaluation of sex offenders serving determinate prison terms. Paradoxically, individuals who commit the most egregious sexually violent offenses – those serving indeterminate terms under the One Strike Law or the Habitual Sexual Offender sentencing scheme – often escape evaluation. The rationale for not evaluating these "lifers" is the belief that parole-granted inmates serving indeterminate terms do not pose an unreasonable risk to society. Parole suitability focuses on whether an inmate currently poses an unreasonable risk of danger to society if released. However, SVP commitment uses a different standard: whether the individual has a diagnosed mental disorder that makes them likely to engage in sexually violent, predatory behavior.

"Defendants sentenced under the One Strike law are among the most violent sex offenders, yet this category may be released from prison without SVP screening because they are serving indeterminate terms. The One Strike Law mandates 25 years to life for the most severe sexual assaults, including those involving torture, mayhem, kidnapping, or burglary with intent to commit rape. Offenders convicted of rape with Great Bodily Injury or continuous sexual abuse of a child receive indeterminate terms and are not screened for SVP

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[2] https://www.latimes.com/california/story/2026-02-26/serial-child-molester-rearrested-day-hes-set-to-be-freed ["In 1999, he was convicted of 16 counts of kidnapping and child molestation and had been serving three consecutive sentences of 25 years to life and one sentence of 20 years and eight months at the California Institution for Men in Chino. The sentences followed a string of cases out of Sacramento County in which prosecutors said Funston lured children under the age of 7 with candy and, in at least one case, a Barbie doll to kidnap and sexually assault them, often under the threat of violence."] [last visited April 15, 2026].

upon release. AB 1545 will ensure these violent sex offenders are properly screened for possible SVP commitment, with appropriate legal safeguards in place.

"AB 1545 addresses key gaps in the SVP referral and evaluation process. By authorizing both the Secretary of the Department of Corrections and Rehabilitation and the Executive Officer of the Board of Parole Hearings to refer individuals for evaluation, including those serving indeterminate sentences and those with parole hearings within six months, the bill ensures that no potentially dangerous individual avoids review due to procedural limitations. This measure is necessary to close loopholes that could allow high-risk individuals to be released without proper assessment.

"Additionally, the bill's provisions support victim protection, community safety, and responsible criminal justice administration. While we recognize there may be impacts on local programs, these changes are essential to improve the SVP commitment process and to better protect our communities from preventable harm."

4) **Argument in Opposition**: According to *Prison Policy Initiative*, "This expansion is duplicative of the existing parole suitability system, will not improve public safety, and significantly increases costs within an already overburdened system. Our Principles for Parole Reform, created in partnership with the MacArthur Justice Center's National Parole Transformation Project, serve as a touchstone for those looking to improve parole systems across the country. Our work has shown that elderly parole is a vital mechanism of release for people in prisons that poses minimal risk to public safety and should not be bound by offense restrictions. This is particularly true as research has shown time and time again that people with sexually-based convictions have among the lowest risk of re-offense of anyone released from prison, as do those who are released from prison after the age of 55.

"The parole suitability process already performs the same function as SVP proceedings: thoroughly assessing whether individuals with sexual convictions pose a current public safety risk. The Board of Parole Hearings conducts comprehensive, individualized evaluations, including psychological assessments, extensive review of institutional records, victim input procedures, and rigorous in-person hearings focused on assessing rehabilitation and risk. Applying the SVP process to people serving indeterminate sentences who have already undergone parole consideration is therefore redundant.

"For people with sexual convictions, both the parole suitability and parole supervision processes additionally require the administration of research-validated, actuarial risk instruments specifically for assessing sexual re-offense risk, including the Static-99R and the STABLE 2007. In other words, the parole release process already thoroughly screens for sexual re-offense risk. As a result, parole is granted very rarely for this group, with approval rates as low as 5% in certain years, compared to 10 to 16% annual parole suitability grant rates for the overall population.

"When those few individuals are granted parole, they remain safe in the community. In fact, there has never been a documented case of someone released through the Elderly Parole program sexually recidivating. For all forms of recidivism, rates are very low, as the parole suitability process is highly effective at preventing all categories of recidivism amongst the population AB 1545 targets. People released through California's parole hearing process after serving indeterminate sentences consistently have among the lowest recidivism rates not

only in our state prison system, but in the nation — approximately 3% overall including misdemeanor recidivism and just 0.7% for felony crimes against another person. This is remarkably low in comparison to the general CDCR recidivism rate of 39% for the overall prison population and 7% recidivism for felony crimes against a person. Requiring an additional SVP evaluation is therefore redundant and unnecessary to protect public safety.

"Moreover, introducing SVP referrals to a markedly low-risk population *after* they have already been found suitable for parole risks leveraging the SVP system as a back-end civil tool for undermining parole grants, particularly in high-profile or politically sensitive cases. Given the significant political pressure that surrounds parole grants involving sexual offenses, expanding SVP referrals to people with indeterminate sentences invites the exertion of political pressure to influence both SVP and parole proceeding outcomes. This dynamic threatens the integrity and independence of both systems, making them vulnerable to politicized pressures rather than evidence-based standards.

"AB 1545 unjustifiably expands one of the most inefficient and costly public safety systems in the state, as SVP proceedings are notoriously resource-intensive, often involving years of litigation, multiple expert evaluations, and extended detention, placing substantial strain on courts, prosecutors, public defenders, and the Department of State Hospitals. Once committed, individuals may remain in costly inpatient treatment for years, followed by a conditional release process plagued by unlawful delays and housing shortages. A 2024 state audit of the program found that the cost of SVP conditional release alone — not accounting for the cost of SVP referrals and proceedings — is approximately $495,000 per person annually. Expanding this system to individuals already deemed safe for release by the parole board — and already subject to intensive, sex offense-specific supervision — lacks any evidence-based justification and diverts millions in limited resources from more effective public safety strategies.

"Finally, AB 1545 undermines rehabilitation for people with sexual offenses by creating a conflict in the parole process. Parole candidates are expected to demonstrate insight in hearings by openly discussing their recent sexual urges, triggers, and relapse prevention strategies. However, these same disclosures can later be used against them in SVP proceedings to support a mental illness diagnosis or other SVP criteria. This discourages honesty and participation in sex offense treatment, undermining the rehabilitative goals of the parole system."

5) **Related Legislation**:

a) AB 22 (DeMaio) requires, among other things, DSH to approve a potential placement before a department employee or vendor proposes a potential placement to a court, including signing a lease or rental agreement regarding the placement of a SVP who is scheduled to be conditionally released into the community. AB 22 was referred to, but never heard in, this committee.

b) SB 379 (Jones) states that the DSH is responsible for ensuring that department vendors consider public safety in the placement of a conditionally released SVPs. SB 379 was held on the Assembly Appropriations Committee suspense file.

c) AB 2727 (Nguyen) is identical as this bill as it pertains to the changes to the SVPA. However, AB 2727 also states that a person sentenced for a one-strike sex offense, as a habitual sex offender, for aggravated sexual assault of a child, or for specified sex acts on a child 10 years of age or younger, is ineligible for elderly parole until the person is 65 years old or older and has served a minimum of 25 years of continuous incarceration on their current sentence. AB 2727 is pending hearing in the Assembly Appropriations Committee.

6) **Prior Legislation**:

a) SB 380 (Jones), Chapter 581, Statutes of 2025 requires the DSH to conduct an analysis of the benefits and feasibility of establishing transitional housing facilities for the CONREP for SVPs.

b) AB 763 (Davies) of the 2023-24 Legislative Session, would have prohibited placing an SCP released on conditional release within 1/4 mile of a home school. AB 763 was referred to this committee but never heard.

c) AB 2035 (Patterson), of the 2023-24 Legislative Session, would have prohibited the DSH from placing a conditionally released SVP into the community if the person does not have housing in a qualified dwelling, which is defined as a structure intended for human habitation by one person or a single family and that is not within 10 feet of another dwelling. AB 2035 failed passage in this committee.

d) SB 841 (Jones), of the 2021-22 Legislative Session, would have enacted the Sexually Violent Predator Accountability, Fairness, and Enforcement Act, would have required the DSH to take specified actions regarding the placement of SVPs in communities, including notifying the county's executive officer of the placement location, as specified. SB 841 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

San Diego County District Attorney's Office (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 District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Association of Psychiatrists (CSAP)
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
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Ventura County District Attorney's Office

Opposition

A New Path
ACLU California Action
Bend the Arc: Jewish Action, California
California Coalition for Women's Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Dignity and Power Now
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Initiate Justice
Justice2jobs Coalition
LA Defensa
Prison Policy Initiative
Rubicon Programs
The W. Haywood Burns Institute
Transitions Clinic Network
Uncommon Law
Universidad Popular
3 Private Individuals

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

Date of Hearing: April 21, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1612 (Alanis) – As Amended April 7, 2026

SUMMARY: Authorizes the Department of Justice (DOJ) to contract with a third party to dispose of all controlled substances received from a local police department, sheriff's office, or state law enforcement agency. Specifically, **this bill**:

1) Authorizes the DOJ to, upon an appropriation by the Legislature, contract with a third party to dispose of all controlled substances received from a local police department, sheriff's office, or state law enforcement agency.

2) Authorizes a local police department, sheriff's office, or state law enforcement agency in possession of a controlled substance to, if the controlled substance has been held beyond the applicable retention period for an ongoing investigation or related proceedings and they are otherwise authorized by law to destroy the controlled substance, transport the controlled substance to the DOJ for disposal.

3) Requires the DOJ to promulgate regulations necessary to implement the provisions of this bill.

EXISTING LAW:

4) Establishes the federal Resource Conservation and Recovery Act (RCRA) to authorize the United States Environmental Protection Agency (US EPA) to manage hazardous and non-hazardous wastes throughout the wastes' life cycle. (42 U.S.C. § 6901 et seq.)

5) Creates the Hazardous Waste Control Law (HWCL) and provides the Department of Toxic Substances Control (DTSC) with responsibility for overseeing the management of hazardous waste in California. (Health & Saf. Code, § 25100, et seq).

6) Defines hazardous wastes as those identified in regulation by DTSC; wastes categorized as hazardous under RCRA; and, extremely hazardous waste and acutely hazardous waste. (Health & Saf. Code, § 25117)

7) Defines a hazardous waste as a federal RCRA hazardous waste if it meets any of the following criteria:

   a) It exhibits any of the characteristics of ignitability, corrosivity, reactivity, or toxicity;

   b) It is listed as a hazardous waste under federal regulation; and,

c) It is listed as a hazardous waste under state regulation. (Cal. Code Regs., tit. 22, § 66261.100)

8) Creates the "California Uniform Controlled Substances Act." (Act) (Health & Saf. Code, § 11000)

9) Defines "controlled substance" as a drug, substance, or immediate precursor which is listed in any schedule listed in law. (Health & Saf. Code, § 11007)

10) Designates controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of the Act as contraband and requires them to be seized and summarily forfeited to the state. (Health & Saf. Code, § 11475)

11) Requires all seizures of controlled substances, instruments, or paraphernalia used for unlawfully using or administering a controlled substance which are in possession of any city, county, or state official as found property, or as the result of a case in which no trial was had or which has been disposed of by way of dismissal or otherwise than by way of conviction, to be destroyed by order of the court, unless the court finds that the controlled substances, instruments, or paraphernalia were lawfully possessed by the defendant. (Health & Saf. Code, § 11473.5)

12) Authorizes, under a court order for the destruction of controlled substances, instruments, or paraphernalia, the court order to be carried out by a police or sheriff's department, the Department of Justice, the Department of the California Highway Patrol, the Department of Cannabis Control, or the Department of Alcoholic Beverage Control. Requires the court order to specify the agency responsible for the destruction. (Health & Saf. Code, § 11474)

13) Requires a law enforcement agency responsible for the disposal of any hazardous chemical to comply with the provisions of the HWCL (Chapter 6.5 commencing with Section 25100 of Division 20 of the HSC), as well as all applicable state and federal statutes and regulations. (Health & Saf. Code, § 11479.5)

14) Prescribes the retention and distribution of exhibits in a criminal case. (Pen. Code, § 1417 et seq.)

15) States that if an exhibit by its nature is toxic it shall be introduced in court in the form of photographic record and a written chemical analysis. (Pen. Code, § 1417.3)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:** According to the author, "California law enforcement agencies are seizing increasing volumes of dangerous controlled substances like fentanyl, methamphetamine, and heroin, yet there is currently no uniform pathway for their disposal. Following the closure of California's last in-state incineration facilities, agencies have been forced into a patchwork of inadequate alternatives including prolonged storage that exposes officers to lethal substances, costly and risky out-of-state transport, or disposal methods that are less secure and more harmful to the environment. AB 1612 addresses this gap by establishing a more coordinated, statewide approach to disposal through the Department of

Justice, ensuring law enforcement is no longer left without guidance or support in handling these hazardous materials. This bill is about protecting officers, maintaining chain of custody, and providing a practical, responsible solution to a growing public safety challenge."

2) **California Hazardous Waste Control Law (HWCL):** The HWCL is the state's program that implements and enforces federal hazardous waste law in California and directs DTSC to oversee and implement the state's HWCL. Any person who stores, treats, or disposes of hazardous waste must obtain a permit from DTSC. The HWCL covers the entire management of hazardous waste, from the point the hazardous waste is generated, to management, transportation, and ultimately disposal into a state or federal authorized facility.

3) **Household hazardous waste (HHW):** HHW is a waste generated by a resident and household. A person generates this waste while performing tasks in and around their home. When a person disposes of these products, they become "household hazardous waste". These wastes may cause harm to human health and the environment if handled or disposed of incorrectly. The safest place for a resident to take their HHW is to a household hazardous waste facility (HHWF). Common HHW includes, but is not limited to, antifreeze, glue and adhesives, pesticides, used oil, batteries, electronic wastes, and household cleaners. In California, HHW is prohibited from being disposed of in the trash, down the drain, or by abandonment, and must be disposed of through a HHW Program. Most HHWFs are run by local government agencies such as cities or counties.

4) **Managing pharmaceutical waste from take-back events:** In 2018, the US EPA issued a memorandum which provides law enforcement agencies with information on how to more cost effectively manage household pharmaceuticals collected in take-back programs. Specifically, the memorandum describes the various options law enforcement agencies can use to transport and destroy household pharmaceuticals collected in take-back programs consistent with the applicable regulations under US EPA, Drug Enforcement Administration (DEA), Department of Transportation (DOT), and U.S. Postal Service (USPS). In the memo, US EPA clarifies that law enforcement agencies should NOT use "burn barrels" or any other uncontrolled open burning method or technology to destroy household pharmaceuticals collected during take-back events or in take-back kiosks.

   US EPA also clarifies that law enforcement agencies are not required to drive collected household pharmaceuticals to a combustion facility. The collected pharmaceuticals can be sent for destruction via common carrier (in accordance with DEA and DOT or USPS procedures) for destruction at:

   a) Hazardous waste combustors;

   b) Large and small municipal waste combustors;

   c) Hospital, medical, and infectious waste incinerators;

   d) Commercial and industrial solid waste incinerators; or,

   e) Very small municipal waste combustors that are regulated as other solid waste incinerators.

In the memorandum US EPA additionally recommends that the collected household pharmaceuticals from take-back events be sent to a permitted hazardous waste combustor as this is the most environmentally protective approach.

DEA regulations require that collected household pharmaceuticals be destroyed in a manner that meets DEA's non-retrievable standard. DEA has indicated that incineration meets its non-retrievable standard of destruction.

Although law enforcement is not required to meet the DEA regulations that apply to DEA registrants, the DEA regulations state, "Any controlled substances collected by law enforcement through a take-back event, mail-back program, or collection receptacle should be transferred to a destruction location in a manner that prevents the diversion of controlled substances." As a result, US EPA assumes that law enforcement will also choose to meet DEA's non-retrievable standard of destruction for the household pharmaceuticals it collects to prevent the diversion of the controlled substances.

This US EPA guidance above is for law enforcement when administering a household pharmaceutical take back event. The guidance does not provide information for law enforcement when managing seized controlled substances. Regardless of whether the substance is a pharmaceutical from a take back event, or a seized controlled substance, it must be destroyed in a facility authorized under state and federal law to accept and destroy the substance.

5) **Destruction of seized controlled substances**. While there is clear processes for destroying controlled substances in a take- back event, it is not clear what the procedures for law enforcement when destroying seized controlled substances. While these controlled substances are similar to pharmaceuticals from a take-back event, they are not the same.

   By authorizing the DOJ to contract with a third party to dispose of all controlled substance received from a law enforcement agency, this bill will assist law enforcement agencies with managing and destroying seized controlled substances.

6) **Destruction of seized control substances beyond the required retention period**. The law governs how long evidence from a criminal case must be retained and when it may be destroyed. This bill specifically provides that a controlled substance in possession of law enforcement may be transported to the DOJ for disposal after the retention period for an ongoing investigation or related proceedings and when they are otherwise authorized by law to destroy the controlled substance.

7) **Argument in Support**: The *California Police Chiefs Association* states, "For decades, law enforcement agencies have relied on centralized incineration facilities to safely destroy seized narcotics and other hazardous contraband. However, the recent closure of California's remaining large-scale incineration facilities has created a significant gap in the state's ability to dispose of these materials. As a result, agencies are now left without a reliable in-state option for destruction, forcing departments to identify alternative methods that are often inefficient, costly, and potentially unsafe.

"In the absence of local disposal capacity, many agencies are now required to transport seized drugs and contraband over long distances, in some cases traveling across the state or even out of state to access appropriate facilities. This process requires significant coordination, including the use of sworn personnel, secure transport protocols, and extended time away from core public safety duties. These burdens are particularly acute for smaller and mid-sized departments that lack the staffing and resources to absorb these additional responsibilities.

"At the same time, the volume of seized narcotics—particularly fentanyl and other dangerous controlled substances—continues to increase. Without timely disposal options, agencies are experiencing growing backlogs of evidence that must be securely stored for extended periods. This creates additional risks, including potential diversion, contamination concerns, and increased liability associated with maintaining large quantities of hazardous materials in evidence facilities.

"AB 1612 takes a targeted and common-sense approach to addressing this problem. By authorizing law enforcement agencies to purchase and operate incineration equipment, and by streamlining the regulatory pathway for these facilities while maintaining compliance with federal air quality standards, the bill provides a practical framework for restoring local disposal capacity. This will allow agencies to safely and efficiently destroy contraband closer to where it is seized, reducing transportation burdens and improving overall safety."

8) **Related Legislation**: None

9) **Prior Legislation**: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association

Opposition

No longer applicable

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1627 (Ávila Farías) – As Amended April 15, 2026

As Proposed to be Amended in Committee

SUMMARY: Defines "law enforcement officer," for purposes of an existing provision of law that disqualifies a person from becoming a peace officer if they were employed in law enforcement by any state or the federal government and committed certain misconduct in their prior law enforcement role, to include a law enforcement officer employed in any state or United States territory or by the federal government who engages in immigration enforcement, as defined. Specifically, **this bill**:

1) Defines the following terms, for purposes of an existing provision of law that disqualifies, from becoming a peace officer, any person previously employed in law enforcement in any state or by the federal government, whose name is listed in a specified national decertification index or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the Commission on Peace Officer Standards and Training (POST) if employed as a peace officer in this state.

   a) "Employed in law enforcement" and "law enforcement officer" include a law enforcement officer employed in any state or United States territory or by the federal government who engages in immigration enforcement.

   b) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

2) Includes a severability clause.

EXISTING LAW:

1) Disqualifies each of the following persons, except as specified below, from holding office as a peace officer or being employed as a peace officer by any state or local agency, as specified:

   a) Any person who has been convicted of a felony, or of any offense in any other jurisdiction which would be a felony if committed in this state.

b) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would be a felony if committed in this state.

c) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony, regardless of whether a court declares the offense a misdemeanor or the offense becomes a misdemeanor by operation of law, as specified.

d) Any person who has been charged with a felony and adjudged to be mentally incompetent, as specified.

e) Any person who has been found not guilty by reason of insanity of any felony.

f) Any person who has been determined to be a mentally disordered sex offender, as specified.

g) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as specified.

h) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, as having committed an act that is a violation of a specified forgery offense, alteration of jury-lists, jury tampering, or falsifying jury lists, specified perjury offenses, specified falsifying evidence offenses, specified witness intimidation offenses, and specified offenses against public justice, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

i) Any person who has been issued a peace officer certification, as specified, and has had that certification revoked by the Commission on Peace Officer Standards and Training (POST), has voluntarily surrendered that certification, as specified, or, having met the minimum requirement for issuance of certification, has been denied issuance of certification.

j) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a) (1)-(11).)

2) Specifies that a plea of guilty to a felony pursuant to a deferred entry of judgment program, as specified, shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered, as specified. (Gov. Code, § 1029, subd. (b)(1).)

3) Specifies that a person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation, as specified, shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).)

4) Specifies that any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of CDCR or the Division of Juvenile Justice (DJJ), or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which they were convicted, although CDCR, DJJ, or the probation department may still refuse to employ that person regardless of their qualifications. (Gov. Code, § 1029, subd. (c).)

5) States that none of the above section limits or curtails the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense. (Gov. Code, § 1029, subd. (d).)

6) States that none of the above prohibits a person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony. (Gov. Code, § 1029, subd. (e).)

7) Requires the Department of Justice (DOJ) to supply POST with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers, and permits POST to use the information for decertification purposes. (Gov. Code, § 1029, subd. (f).)

8) Specifies that this data, once received by the POST, shall be made available for public inspection, including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service. (Gov. Code, § 1029, subd. (f).)

9) Requires CDCR and the Department of the Youth Authority to complete a background investigation, using as guidelines standards defined by POST, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer, and specifies, to reduce potential duplication of effort by individual institutions, that investigations shall be accomplished by each department on a centralized or regional basis to the extent administratively feasible. (Gov. Code, § 1029.1.)

10) Requires every law enforcement agency (LEA) to require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).)

11) Requires an LEA to submit to the DOJ fingerprint images and related information for a peace officer or prospective officer who is subject to a state and national criminal history background check, as specified, and requires the DOJ to provide a state- or federal-level response, as specified. (Gov. Code, § 1030, subd. (b).)

12) Establishes minimum standards for peace officers, including that they: 1) are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or have attained other specified educational levels; 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers, and specifies that these provisions shall be interpreted and applied consistent with federal law and regulations (Gov. Code, § 1031, subds. (a)-(h).)

13) Requires, for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required in the above paragraph, or in the case of an applicant for a position other than a sworn peace officer within an LEA, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if all of the following conditions are met:

    a) The request is made in writing.

    b) The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.

    c) The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency. (Gov. Code, § 1031.1, subd. (a).)

14) Defines employment information, as described above, to include written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other law enforcement agency applicant, except information prohibited from disclosure by any other state or federal law or regulation. (Gov. Code, § 1031.1, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Beginning in 2025, Immigration and Customs Enforcement (ICE) officers have terrorized California residents, United States citizens and noncitizens alike, through untargeted arrests and brutality based on nothing more

than a person's racial appearance, language spoken, their employment, or First Amendment-protected speech.

"The United States Department of Homeland Security has recruited peace officers to ICE with the promise of being unrestrained in the manner in which officers engage with civilians or by the laws of the State of California.

"In the past thirty-five years, state and local law enforcement agencies in California have made great strides in community relations, professionalism and accountability, but that trust is fragile. The public must be assured that California's law enforcement agencies are staffed by trained, professional and moral officers, and not infected by the culture of racism and brutality that currently defines ICE. Californians deserve public servants who respect the Constitution and the rule of law and our kids also deserve to be educated by role models, not individuals tied to fear and intimidation.

"AB 1627, the Misconduct Ends Law-enforcement Trust Act of 2026, would disqualify any person who has been employed by ICE from being employed as a peace officer or public-school teacher in California. AB 1627 makes it clear: masked agents who are willing to break the law, are unfit for positions of authority in California."

2) **Background: Increased Federal Immigration Enforcement Efforts:** President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.[1] On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[2] Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. Attorney General and DHS to ensure that "sanctuary" jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.[3]

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[1] Politico, *Trump got $170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785
[2] The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/
[3] *Ibid.*

Immigration arrests have significantly increased since President Trump's second term began.[4] ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump's second term; however, beginning in the summer, removals significantly ramped up.[5] Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.[6] From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.[7] In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.[8] In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.[9] Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. CBP officers.[10] Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.[11] Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.[12] The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.[13]

The increase in federal immigration enforcement under the Trump Administration has also been associated with aggressive federal recruitment efforts, including efforts to recruit California peace officers to join federal immigration agencies.[14] ICE has taken steps to significantly expand hiring, such as giving out $50,000 signing bonuses, offering student loan forgiveness, lowering the age limit for recruits from 21 to 18, and waiving the 37-year-old hiring cap, among others.[15] This has raised concerns that this may lead some California peace officers to leave their roles to pursue employment in federal immigration enforcement.

3) **Peace Officer Qualifications:** To become a peace officer, a person must meet certain minimum standards: 1) they are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as

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[4] Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html
[5] Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: https://www.sacbee.com/news/california/article314213552.html
[6] *Ibid.*
[7] Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says
[8] Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437.)
[9] Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, Cal Matters (Jan. 29, 2026), available at: https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/
[10] David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez
[11] Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody
[12] *Ibid.*
[13] *Ibid.*
[14] Sharp, et.al., *ICE offers big bucks – but California police officers prove tough to poach*, Los Angeles Times (Sept. 22, 2025), available at: https://www.latimes.com/california/story/2025-09-22/ice-poaching-cops
[15] Ray and Sanchez, *ICE expansion has outpaced accountability. What are the remedies?* Brookings (Jan. 26, 2026), available at: https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/

determined by a thorough background investigation; 5) are a high school graduate or other specified educational achievements; and 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers. (Gov. Code, § 1031, subds. (a)-(f).) For purposes of conducting thorough background investigations for peace officer applicants, employers are required to disclose employment information about an employee, upon request of an LEA, if the request is made in writing, is accompanied by a notarized authorization by an applicant releasing the employer of liability, and the request and authorization are presented to the employer by an authorized representative of the employing LEA. (Gov. Code, § 1031.1, subd. (a).) Employment information that must be disclosed includes written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other law enforcement agency applicant, except as specified. (Gov. Code, § 1031.1, subd. (c).)

In addition to these minimum standards, certain factors, such as a felony conviction and certain misconduct, disqualify a person from becoming a peace officer. More specifically, any of the following disqualifies a person from holding office or being employed as a peace officer: 1) a felony conviction or an offense in another jurisdiction which would be a felony if committed in this state; 2) military discharge for committing an offense which would be a felony if committed in this state; 3) conviction for a felony even if the court reduces the offense to a misdemeanor or the offense becomes a misdemeanor by operation of law; 4) a person charged with a felony who is adjudged to be mentally incompetent; 5) being found not guilty by reason of insanity for any felony; 7) adjudication as a mentally ordered sex offender; 8) adjudication as being addicted to narcotics and commitment to a state institution; 9) conviction of, or adjudication through an administrative, military, or civil judicial process requiring at least clean and convincing evidence that a person committed specified forgery, tampering, witness intimidation, and other offenses against public justice, as specified; 10) POST revocation of peace officer certification, as specified; 11) revocation of certification and being listed in the National Decertification Index for any person previously employed in law enforcement in any state or by the federal government or committing serious misconduct that would have resulted in decertification by POST if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a) (1)-(11).)

4) **Effect of this Bill:** As noted above, a federal law enforcement officer or law enforcement officer of another state can be disqualified from becoming a peace officer in California based on misconduct committed in their prior law enforcement positions. Specifically, existing law disqualifies "[a]ny person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state." (Gov. Code, § 1029, subd. (a) (11.) Serious misconduct includes, among other things, dishonesty related to the reporting, investigation or prosecution of a crime, abuse of power, physical abuse, including excessive or unreasonable force, sexual assault, and demonstrating bias on the basis of race, national origin, gender identity or expression, housing status, sexual orientation, mental or physical disability, or any other

protected status. (Pen. Code, § 13510.8, subd. (b).) Accordingly, a person previously employed in law enforcement by the federal government or another state, who engages in serious misconduct such as racial bias, can already be disqualified from becoming a peace officer in California. However, it may be difficult to enforce this basis for disqualification if the previous law enforcement employer does not make efforts to hold their officers accountable for misconduct or maintain records of such misconduct.

In an effort to ensure this provision of law encompasses law enforcement misconduct that occurs during immigration enforcement operations, this bill defines "law enforcement officer" and "employed in law enforcement" for purposes of this existing basis for disqualifying federal and out-of-state officers, to include a law enforcement officer employed in any state or United States territory or by the federal government who engages in immigration enforcement, as defined.

5) **Argument in Support**: No longer applicable.

6) **Argument in Opposition**: No longer applicable.

7) **Related Legislation**:

   a) AB 1896 (González and Rivas) would disqualify a person from being a peace officer, and from public employment more generally, if they were previously employed by an entity that engages in immigration enforcement, as defined, during the period beginning January 20, 2025, and ending January 20, 2029, except as specified. AB 1896 is being heard in this Committee today.

   b) SB 938 (Menjivar) would disqualify a person from being a peace officer if they were previously employed by an entity that assists in immigration enforcement, as defined, after January 20, 2025, except as specified. SB 938 is being heard in Senate Public Safety today.

8) **Prior Legislation**:

   a) AB 17 (Cooper), of the 2021-2022 Legislative Session, would have disqualified a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by the Commission on Peace Officer Standards and Training. AB 17 did not receive a hearing in this Committee.

   b) AB 60 (Salas), of the 2021-2022 Legislative Session, would have required a peace officer's certificate to be suspended, revoked, or canceled when the person is ineligible to be a peace officer or when the person has been subject to a sustained termination for serious misconduct, as defined, on or after January 1, 2022. AB 60 did not receive a hearing in this Committee.

   c) SB 2 (Bradford), Chapter 409, Statutes of 2021, granted new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in

"serious misconduct" and made changes to the Bane Civil Rights Act to limit immunity as specified.

d) AB 1022 (Holden), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person from being a peace officer for, as a peace officer, using excessive force that results in great bodily injury or death, or for a peace officer's failure to intercede in another officer's excessive use of force, as specified. AB 1022 was held in the Senate Appropriations Committee.

e) SB 731 (Bradford), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person who has been convicted of certain crimes against public justice, including falsification of records, bribery, or perjury, from obtaining employment as a peace officer. AB 731 was never heard on the Assembly Floor.

f) SB 221 (Romero), Chapter 297, Statutes of 2003, among other things, expands the grounds for disqualification of a person from being a peace officer for the conviction of a felony to include any person who, after January 1, 2004, who has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.

g) AB 882 (Cedillo), of the 2001-2002 Legislative Session, would have required the disqualification of a peace officer after the commission of specified crimes. AB 882 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
California School Employees Association
United Domestic Workers/afscme Local 3930

Opposition

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona 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
Newport Beach; City of
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Upland; City of

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

Amended Mock-up for 2025-2026 AB-1627 (Ávila Farías (A))

Mock-up based on Version Number 97 - Amended Assembly 4/15/26
Submitted by: Staff Name, Office Name

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Beginning in 2025, United States Immigration and Customs Enforcement officers have terrorized California residents, United States citizens and noncitizens alike, through untargeted arrests and brutality based on nothing more than a person's racial appearance, language spoken, means of earning a living, or exercise of First Amendment-protected expression.

(b) Beginning in 2025, the United States Department of Homeland Security has recruited peace officers to United States Immigration and Customs Enforcement with the promise of being unrestrained in the manner in which officers engage with civilians or by the laws of the State of California.

(c) Participating in the operations of United States Immigration and Customs Enforcement on or after January 20, 2025, demonstrates an immorality that California cannot afford to have in its ranks of peace officers whose duties include interacting with the public.

(d) Particularly over the past 35 years, California state and local law enforcement agencies have made great strides in community relations, professionalism, and accountability. While that improvement has generally resulted in greater public trust in California state and local law enforcement, that trust is fragile. To maintain that trust, the public must be assured that California's state and local law enforcement agencies are staffed by trained, professional, and moral officers, and not infected by the culture of racism and brutality that currently defines United States Immigration and Customs Enforcement.

(e) Ensuring that peace officers are of sound mind and not likely to engage in racial profiling or brutalization is a matter of statewide concern.

SEC. 2. Section 1029 of the Government Code is amended to read:

1029. (a) Except as provided in subdivision (b), (c), (d), or (e), ~~**or (g),**~~ each of the following persons is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county, or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the state, county, city, city and county, or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer:

(1) Any person who has been convicted of a felony.

(2) Any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in this state.

(3) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in this state.

(4) (A) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony. This paragraph applies regardless of whether, pursuant to subdivision (b) of Section 17 of the Penal Code, the court declares the offense to be a misdemeanor, or the offense becomes a misdemeanor by operation of law.

(B) For purposes of this paragraph, a person has been "convicted of a crime" immediately upon entry of a plea of guilty or nolo contendere to, or upon being found guilty by a trier of fact of, a felony offense, including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of the conviction.

(C) Effective January 1, 2022, any person who has been convicted of a crime in accordance with this paragraph shall not regain eligibility for peace officer employment based upon the nature of any sentence ordered or imposed. In addition, no such person shall regain eligibility for peace officer employment based upon any later order of the court setting aside, vacating, withdrawing, expunging or otherwise dismissing or reversing the conviction, unless the court finds the person to be factually innocent of the crime for which they were convicted at the time of entry of the order.

(5) Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.

(6) Any person who has been found not guilty by reason of insanity of any felony.

(7) Any person who has been determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(8) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as provided in Section 3051 of the Welfare and Institutions Code.

(9) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, including a hearing that meets the requirements of the administrative adjudication provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), as having committed, any act that is a violation of Section 115, 115.3, 116, 116.5, or 117 of, or of any offense described in Chapter 1 (commencing with Section 92), Chapter 5 (commencing with Section 118), Chapter 6 (commencing with Section 132), or Chapter 7 (commencing with Section 142) of Title 7 of Part 1 of the Penal Code, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

(10) Any person who has been issued the certification described in Section 13510.1 of the Penal Code and has had that certification revoked by the Commission on Peace Officer Standards and Training has voluntarily surrendered that certification pursuant to subdivision (f) of Section 13510.8, or, having met the minimum requirement for issuance of certification, has been denied issuance of certification.

(11) (A) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state.

(B) For purposes of this paragraph, both of the following apply:

(i) "Employed in law enforcement" and "law enforcement officer" include a law enforcement officer employed in any state or United States territory or by the federal government who engages in immigration enforcement.

(ii) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

~~**(12) Any person previously employed by United States Immigration and Customs Enforcement at any time between September 1, 2025, and January 20, 2029.**~~

(b) (1) A plea of guilty to a felony pursuant to a deferred entry of judgment program as set forth in Sections 1000 to 1000.4, inclusive, of the Penal Code shall not alone disqualify a person from

being a peace officer unless a judgment of guilty is entered pursuant to Section 1000.3 of the Penal Code.

(2) A person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation pursuant to Section 1210.1 of the Penal Code shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor.

(c) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which they were convicted. Notwithstanding any other provision of law, the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or a county probation department, may refuse to employ that person regardless of their qualifications.

(d) This section does not limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

(e) This section does not prohibit any person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony.

(f) The Department of Justice shall supply the commission with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers. The commission shall be permitted to use the information for decertification purposes. The data, once received by the commission, shall be made available for public inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service.

~~**(g) A person who is disqualified from service as a peace officer pursuant to paragraph (12) of subdivision (a) may petition the State Personnel Board to restore their eligibility to serve**~~

~~as a peace officer. In deciding whether to restore eligibility under this subdivision, the board shall determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety and dignity of the public.~~

~~SEC. 3. Section 1029.1 of the Government Code is amended to read:~~

~~1029.1. The Department of Corrections and Rehabilitation shall complete a background investigation, using as guidelines standards defined by the Commission on Peace Officer Standards and Training, and an investigation of any previous employment described in paragraph (12) of subdivision (a) of Section 1029, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer. In order to reduce potential duplication of effort by individual institutions, investigations shall be accomplished on a centralized or regional basis to the extent administratively feasible.~~

SEC. 3 ~~4.~~ The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4~~5.~~ The Legislature finds and declares that Section~~s~~ 2 ~~and 3~~ of this act amending Section~~s~~ 1029 ~~and 1029.1~~ of the Government Code address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 2 ~~and 3~~ of this act appl~~y~~ies to all cities, including charter cities.

SEC. 5~~6.~~ 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.

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1647 (Bryan) – As Amended April 15, 2026

SUMMARY: Prohibits testimony a minor gives at a transfer hearing, or statements the minor makes to the minor's probation officer, from being used against the minor in subsequent proceedings. Specifically, **this bill**:

1) States that testimony a minor gives at a transfer hearing, or statements the minor makes to the minor's probation officer, shall not be used against the minor in subsequent juvenile proceedings or subsequent criminal proceedings for the offense.

2) Specifies that this provision does not prohibit statements made by the minor to the minor's probation officer or at a transfer hearing form being used at sentencing.

3) Provides that this provision is declaratory of existing law and shall not be construed to restrict, expand, alter, or modify the decision in *Bryan v. Superior Court*, 7 Cal.3d 575 (1972) or *Ramona R. v. Superior Court*, 37 Cal.3d 802 (1985).

EXISTING LAW:

1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)

3) States that in a case in which a minor is alleged to have committed any felony or any of the enumerated felonies, as specified, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1).)

4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, as specified, when the minor was 14 or 15 years of age, *but was not apprehended prior to the end of juvenile court jurisdiction*, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2), emphasis added.)

5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find *by clear and convincing evidence* that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:

a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;

b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;

c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;

d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,

e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3).)

6) Enumerates the following predicate offenses which permit transfer of a juvenile to adult court:

a) Murder;
b) Arson;
c) Robbery;
d) Rape with force, violence, or threat of great bodily harm;
e) Sodomy by force, violence, or threat of great bodily harm;
f) A lewd or lascivious act on a minor under 14 years of age by force, violence, or threat of great bodily harm;
g) Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
h) Sexual penetration by force, violence, duress, menace, or threat of great bodily harm;
i) Kidnapping for ransom;
j) Kidnapping for purposes of robbery;
k) Kidnapping with bodily harm;
l) Attempted murder;

m) Assault with a firearm or destructive device;
n) Assault by means of force likely to produce great bodily injury;
o) Discharge of a firearm into an inhabited or occupied building;
p) Causing great bodily injury in the commission of specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, a quadriplegic, or a person confined to a wheelchair;
q) Personal use of a firearm during the commission of a felony;
r) Personal use of a weapon;
s) Dissuading a witness or influencing testimony;
t) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a specified controlled substance;
u) A "violent" felony committed for the benefit of a criminal street gang;
v) Escape, by use of force or violence, from a county juvenile hall, home, ranch, camp or forestry camp if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the escape;
w) Torture;
x) Aggravated mayhem;
y) Carjacking while armed with a dangerous and deadly weapon;
z) Kidnapping for purposes of sexual assault;
aa) Kidnapping in the course of a carjacking;
bb) Drive by shooting;
cc) Exploding a destructive device with intent to commit murder; and,
dd) Voluntary manslaughter. (Welf. & Inst. Code, § 707, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Young people deserve to have certainty that their right to speak is protected during a fitness hearing. Case law is clear on this, and it's time California Statute affirms and codifies that case law"

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct

receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

3) **History of Juvenile Transfer Policies**: In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior Court* (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required prosecutors to charge minors 14 years or older directly in criminal court for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*)

In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., *Roper v. Simmons* (2005) 543 U.S. 551, 569–571 [prohibited capital punishment for juveniles]; *Graham v. Florida* (2010) 560 U.S. 48, 68–75 [prohibited life without the possibility of parole (LWOP) for juveniles in non-homicide cases]; *Miller v. Alabama* (2012) 567 U.S. 460, 469–470 [prohibited mandatory LWOP sentences for juveniles].) The Court summarized those differences in *Miller*:

> *Roper* and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, "they are less deserving of the most severe punishments." *Graham*, 560 U.S., at 68, 130 S.Ct. 2011, 176 L.Ed. 2d 825. Those cases relied on three significant gaps between juveniles and adults. First, children have a "'lack of maturity and an underdeveloped sense of responsibility,'" leading to recklessness, impulsivity, and heedless risk-taking. *Roper*, 543 U.S., at 569, 125 S.Ct. 1183, 161 L.Ed. 2d 1. Second, children "are more vulnerable . . . to negative influences and outside pressures," including from their family and peers; they have limited "contro[l] over their own environment" and lack the ability to extricate themselves from horrific, crime-producing settings. Ibid. And third, a child's character is not as "well formed" as an adult's; his traits are "less fixed" and his actions less likely to be "evidence of irretrievabl[e] deprav[ity]." (*Miller*, *supra*, 567 U.S. at 570.)

The California Supreme Court, relying on *Graham* and *Miller*, found that a determinate sentence that exceeds the expected lifetime of the juvenile defendant violates the Eighth Amendment because it effectively denies a juvenile any opportunity to demonstrate rehabilitation (*People v. Caballero* (2012) 55 Cal.4th 262, 267) and that a law that provides a

presumption in favor of LWOP for juveniles also violates the Eighth Amendment (*People v. Gutierrez* (2014) 58 Cal.4th 1354, 1375-1376).

Following this body of case law and research, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.) The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

4) **Transfer Criteria:** The issue in a juvenile transfer hearing "is not whether the minor committed a specified act, but rather whether [they are] amendable to the care, treatment and training program available through the juvenile court facilities…." (*People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717, disapproved on another point in *People v. Green* (1980) 27 Cal.3d 1, 33.) Under current law, the prosecution may move to transfer to adult criminal court any minor 16 years of age or older who is alleged to have committed a felony criminal offense. (Welf. & Inst. Code, § 707, subd. (a)(1).) The prosecution may also move to transfer to adult court a person who was 14 or 15 years of age at the time the person was alleged to have committed a specified serious or violent felony, but who was not apprehended prior to the end of juvenile court jurisdiction. (Welf. & Inst. Code, §§ 707, subds. (a)(2) & (b).) Existing law requires the juvenile court to find *by clear and convincing evidence* that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to adult criminal court. (Welf. & Inst. Code § 707, subd. (a)(3), emphasis added.)

In making its transfer decision, the court must consider the following: the minor's degree of criminal sophistication, whether the minor can be rehabilitated in the time before the juvenile court would lose jurisdiction over the minor, the minor's prior history of delinquency, the success of prior attempts by the juvenile court to rehabilitate the minor, and the circumstances and gravity of the charged offense. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)-(E).) Existing law provides guidance to the juvenile court when considering each of these criteria. Existing law specifies that when evaluating the degree of criminal sophistication exhibited by the minor, the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)(ii).) Existing law additionally specifies that when evaluating the minor's previous delinquent history, the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior. (Welf. & Inst. Code, § 707, subd. (a)(3)(C)(ii).) Existing law states that in evaluating the circumstances and gravity of the offense alleged in the petition to have been committed by the minor, the juvenile court shall

give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3)(E).)

5) **Relevant Case Law**: This bill states that its provisions are declaratory of existing law as established by *Bryan v. Superior Court* (1972) 7 Cal.3d 575 or *Ramona R. v. Superior Court* (1985) 37 Cal.3d 802. Ramona R. involved a 17-year-old who was charged with murder. Ordinarily, the prosecution would bear the burden of proving that a minor is unfit to be treated in juvenile court. The law, prior to the passage of Proposition 57 in 2016[1], contained a presumption that a minor who had committed a specified offense listed in Welfare and Institutions Code 707(b) was unfit for juvenile court unless the minor can prove they are fit.

   In *Ramona R.*, the minor defendant declined to testify at her fitness hearing after the court refused to grant the minor immunity from use at trial of any of statements made in the hearing or to her probation officer. (*Id.* at p. 804.) The minor defendant was declared unfit and she filed a writ of mandate to compel the court to vacate arguing that the court erred in refusing to grant her use immunity.

   The question before the court was whether prior law, which provided for such use immunities, was nullified by Proposition 8's "Right to Truth-in-Evidence" provision.[2] The relevant section reads: "Except as provided by statute hereafter enacted by a two-thirds vote of the membership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding, including pretrial and post conviction motions and hearings, or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court. Nothing in this section shall affect any existing statutory rule of evidence relating to privilege or hearsay, or Evidence Code, Sections 352, 782 or 1103." (Cal. Const. art. 1, Sec. 28, subd. (f)(2).)

   Prior to the passage of Proposition 8, the California Supreme Court held that "evidence of admissions made by a minor to the juvenile judge or the juvenile probation officer should be excluded in a criminal prosecution, for allowing this evidentiary use of the admissions would frustrate the protective and rehabilitative philosophy of the Juvenile Court Law . . . ." (*Bryan v. Superior Court* (1972) 7 Cal.3d 575, 587.)

   In *Ramona R.*, the California Supreme Court held that such immunities were preserved by the exception in Proposition 8 for statutory privileges:

   > That constitutional provision expressly provides that it does not affect any existing statutory rule of evidence relating to privilege. Such use immunities are essential to the California constitutional privilege against self-incrimination (Cal. Const., art. I, §

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[1] Proposition 57, the Public Safety and Rehabilitation Act, was approved by voters in the 2016 general election, amended the process to transfer juveniles to adult court including removing the presumption that a minor alleged to have violated a 707(b) offense is unfit.

[2] Proposition 8, approved by voters in the 1982 primary election, established the Victims Bill of Rights in the California Constitution.

> 15); thus, the law providing for such immunities is included within the broad language of Evid. Code, § 940, which declares that "To the extent that such privilege exists under the Constitution of the United States or the State of California, a person has a privilege to refuse to disclose any matter that may tend to incriminate him."

(*Id.* at p. 803.) The court further discussed the reasoning for its holding as applied to minors at their fitness hearings:

> The purpose of such an interview is not the marshalling of evidence on the issue of guilt, but rather the assembling of all available information relevant to an informed disposition of the case if guilt is established (§§ 280, 702; Pen. Code, § 1203), or to assist in the evaluation of the minor's fitness for treatment as a juvenile (§ 707). Such decisions, courts have uniformly concluded, should be based on the most complete knowledge of the defendant's background that is possible. His description and explanation of the circumstances of the alleged offense, and his acknowledgment of guilt and demonstration of remorse, may significantly affect decisions about punishment or transfer for adult proceedings." (*Id.* at pp. 599-600.) "The minor who is subject to the possibility of a transfer order should not be put to the unfair choice of being considered uncooperative by the juvenile probation officer and juvenile court because of his refusal to discuss his case with the probation officer, or of having his statements to that officer used against him in subsequent criminal proceedings." (*Bryan* v. *Superior Court, supra*, 7 Cal.3d at pp. 587-588.) "

(*Id.* at p. 806.) The court also explicitly included in its holding that use immunity applies even when the minor has been found fit for treatment under the juvenile court. (*Id.* at p. 811.)

This bill provides that testimony a minor gives at a transfer hearing, or statements the minor makes the minor's probation officer, shall not be used against the minor at a subsequent juvenile proceedings or subsequent criminal proceedings for the offense. This bill specifies that this provision does not prohibit the minor's statements made to the minor's probation officer or at a transfer hearing from being used at sentencing. Additionally, this bill provides that its provisions are declaratory of existing law and shall not be construed to restrict, expand, alter, or modify the decision in *Bryan v. Superior Court* or *Ramona R. v. Superior Court*.

6) **Argument in Support**: According to *Hoops 4 Justice*, a co-sponsor of this bill: "AB 1647 bill does not expand the law or create new rights.. It simply gives the clarity and permanence of statute to protections that California courts have recognized for decades. A young person must be able to participate in these proceedings and engage with probation officers, without fear that their words will later be used against them. California courts have upheld this principle since Bryan v. Superior Court (1972) and Ramona R. v. Superior Court (1985). Together, these cases establish that statements a young person makes at a transfer hearing or to a probation officer in connection with those proceedings may not be used against that youth in subsequent juvenile or criminal proceedings. AB 1647 makes these protections permanent, transparent, and guaranteed to every young person in every courtroom across the state."

7) **Argument in Opposition**: No longer relevant.

8) **Prior Legislation**:

a) AB 2361 (Bonta), Chapter 330, Statutes of 2022, increased the burden of proof from preponderance of the evidence to clear and convincing evidence for a court to find that a minor should be transferred to adult criminal court.

b) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.

c) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.

d) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.

e) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, prohibited the prosecution of a minor under the age of 12, unless the minor is alleged to have committed specified violent crimes.

f) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in specified cases, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

g) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.

h) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the "circumstances and gravity of the offense" for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.

i) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

A New Way of Life (Co-sponsor)
Alliance for Boys and Men of Color (Co-sponsor)
Communities United for Restorative Justice (Co-sponsor)
Hang Out Do Good (Co-sponsor)
Hayward Burns Institute (Co-sponsor)

Hoops 4 Justice (Co-sponsor)
Legal Services for Prisoners with Children (Co-sponsor)
All of Us or None (Co-sponsor)
National Center for Youth Law (Co-sponsor)
The Voice of Transfer Youth (Co-sponsor)
Urban Peace Institute (Co-sponsor)

Opposition

No longer relevant.

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1650 (Caloza) – As Amended April 16, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires a privately owned vehicle rented by any federal, state, or local law enforcement agency for the use of detaining, arresting, or transporting persons suspected of violating the law to have a temporary decal displaying the agency name and logo. Specifically, **this bill**:

1) Requires any privately owned vehicle rented by, or furnished to, any federal, state, or local law enforcement agency for the use of detaining, arresting, or transporting persons who have violated, or are suspected of having violated, any law, to have a temporary decal displaying the agency name and logo.

2) Requires the indicia or name of the governmental entity operating the vehicle to be displayed in sharp contrast to the background on the front door panels and shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of 50 feet, and requires the governmental entity to create and affix the temporary decal to the vehicle.

3) Specifies that this requirement to have a temporary decal displaying the agency name and logo does not apply to privately owned vehicles rented or otherwise furnished or loaned to any federal, state, or local law enforcement agency for any of the following purposes:

    a) An officer engaged in plainclothes operations who is employed by the Business, Consumer Services, and Housing Agency, the Office of Law Enforcement Support, the California Health and Human Services Agency, the Labor and Workforce Development Agency, the Natural Resources Agency, the Department of Corrections and Rehabilitation, the Transportation Agency, the California Environmental Protection Agency, the Government Operations Agency, or by any department, board, commission, or other entity within those agencies or the federal equivalent of these state agencies.

    b) Exigent circumstances involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the officer is responding to one of these circumstances while off duty.

    c) Privately owned vehicles rented to, or otherwise furnished or loaned to, a Special Weapons and Tactics (SWAT) or tactical team unit that is actively performing their tactical team responsibilities.

    d) Privately owned vehicles rented to, or otherwise furnished or loaned to, an officer engaged in protective operations involving elected officials, judicial officers, or other

designated dignitaries if the display of identification would compromise the safety, anonymity, or tactical effectiveness of the protection detail.

e) An officer engaged in active undercover operations or investigative activities.

4) Specifies that any failure to display a decal in accordance with this bill shall subject the entity renting the vehicle from the private owner to liability that shall be enforced by a civil action, brought in the name of the people of California by the Attorney General (AG), a district attorney, county counsel, or a city attorney, who may seek injunctive or declaratory relief, and entitles a prevailing plaintiff in an action to all reasonable attorney's fees and costs.

5) Requires the terms and conditions of the rental car contract to specify that compliance with the temporary decal requirement is mandatory, and provides that the contract may include a term requiring the law enforcement agency to indemnify the owner of the private vehicle.

6) Specifies that the requirement to have a temporary decal displaying the agency name and logo does not apply to any rental car contract entered into prior to January 1, 2027.

EXISTING LAW:

1) Requires uniformed peace officers to wear a badge, nameplate, or other device that bears clearly on its face the identification number or name of the officer. (Pen. Code, § 830.10.)

2) Requires an non-uniformed peace officer or federal law enforcement officer operating in California, as specified, to visibly display identification that includes their agency and either a name or badge number or both name and badge number when performing their enforcement duties, subject to specified exemptions, including for an officer engaged in active undercover operations or investigative activities. (Pen. Code, § 13654, subd. (a).)

3) Requires a law enforcement agency operating in California, including any federal law enforcement agency, to maintain and publicly post a written policy on the visible identification of sworn personnel that must include specified exemptions, such as for officers engaged in active undercover operations or investigative activities. (Gov. Code, § 7288, subd. (a).)

4) Makes it a misdemeanor to operate a motor vehicle and willfully flee or elude a pursuing peace officer's motor vehicle only if the peace officer's vehicle exhibits at least one lighted red lamp, is sounding a siren as may be reasonably necessary, is distinctively marked, and the peace officer is wearing a distinctive uniform. (Veh. Code, § 2800.1, subd. (a).)

5) Defines an authorized emergency vehicle to include, among other things, any publicly owned vehicle operated by any federal, state, or local agency, department, or district employing peace officers as defined, for use by those officers in the performance of their duties, as well as any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work. (Veh. Code, § 165, subds. (b)(1) & (f).)

6) Provides, as a matter of legislative policy, that red lights and sirens on vehicles should be restricted to authorized emergency vehicles engaged in police, fire, and lifesaving services; and that other types of vehicles which are engaged in activities which create special hazards upon the highways should be equipped with flashing amber warning lamps. (Vehicle Code Section 30.)

7) Requires that every authorized emergency vehicle be equipped with at least one steady burning red warning lamp visible from at least 1,000 feet to the front of the vehicle, as specified, and provides that emergency vehicles may display revolving, flashing, or steady red warning lights to the front, sides, or rear of the vehicles. (Veh. Code, § 25252.)

8) Authorizes an authorized emergency vehicle to be equipped with a system that flashes the upper-beam headlamps of the vehicle, with the flashes occurring alternately from the front headlamp on one side of the vehicle to the front headlamp on the other side of the vehicle, as specified. (Veh. Code, § 25252.5, subd. (a).)

9) Authorizes an authorized emergency vehicle, where the vehicle is being driven in response to an emergency call, as specified, and the driver sounds a siren and displays a lighted red lamp, to display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals. (Veh. Code, § 25258, subd. (a).)

10) Authorizes an authorized emergency vehicle used by a specified peace officer or probation officer, in the performance of the peace officer's duties, to additionally display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle. (Veh. Code, § 25258, subd. (b)(1).)

11) Authorizes an authorized emergency vehicle to display flashing amber warning lights to the front, sides, or rear, and authorizes a vehicle operated by a police or traffic officer while in the actual performance of their duties to display steady burning or flashing white lights to either side mounted above the roofline of the vehicle. (Veh. Code, § 25259, subds. (a)-(b).)

12) States that the driver of an authorized emergency vehicle is exempt from a variety of specified Vehicle Code requirements, including specified traffic laws, under all of the following conditions:

    a) If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.

    b) If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. (Veh. Code, § 21055.)

c) Provides that this exemption does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, as specified. (Veh. Code, § 21056.)

13) Exempts an authorized emergency vehicle from any requirement to pay a toll, as specified, if the vehicle is properly displaying an exempt California license plate and is properly identified or marked as an authorized emergency vehicle, as specified, is being driven while responding to or returning from an emergency call, and the driver determines the use of the toll facility improves the availability or response and arrival time of the vehicle. (Veh. Code, § 23301.5, subd. (a).)

14) Provides that a public employee is not liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (Veh. Code, § 17004.)

15) Authorizes the DMV to issue license plates for vehicles exempt from registration fees in the same series as plates issued for nonexempt vehicles, where the plates may be issued for a one–year period and only upon the certification of the DMV that the issuance of the plates has been requested by the head of a criminal justice or a law enforcement agency of a city, county, or state or federal department, that the vehicle is assigned to persons responsible for investigating actual or suspected violations of the law or for supervisor, as specified, and is intended for use in the line of duty. (Veh. Code, § 5001.)

16) Requires the DMV to maintain a record of the registration of exempt vehicles with regular series plates, which record shall not be open to public inspection, except as specified. (Veh. Code, § 5003.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Since the summer of 2025, enforcement activities by ICE have intensified across our state. From Sacramento and San Francisco to Los Angeles and San Diego, we have seen growing concern on the use of unmarked rental vehicles in enforcement operations that have involved arrest, detention, and transport of members of our community.

   "When vehicles used by government agencies lack proper identification, it becomes difficult for the public to distinguish between legitimate law enforcement and bad actors. These practices create not just confusion, but fear—fear for the public and fear for those who are being illegally faced with governmental force and violence.

   "AB 1650 delivers a necessary and urgent step to safeguard our communities. It is not about restriction–it's about restoring trust, enforcing accountability, and ensuring that every act of law enforcement is grounded in the protection of basic human rights. No one should have to fear that a vehicle simply approaching them could put their safety at risk and cause them harm. This uncertainty has no place in California nor our government, entrusted to leaders

who have sworn to protect and serve the people."

2) **Background: Increased Federal Immigration Enforcement Efforts:** President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.[1] On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[2] Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. Attorney General and DHS to ensure that "sanctuary" jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.[3]

   Immigration arrests have significantly increased since President Trump's second term began.[4] ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump's second term; however, beginning in the summer, removals significantly ramped up.[5] Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.[6] From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.[7] In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.[8] In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of

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[1] Politico, *Trump got $170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785
[2] The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/
[3] *Ibid.*
[4] Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html
[5] Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: https://www.sacbee.com/news/california/article314213552.html
[6] *Ibid.*
[7] Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says
[8] Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437.)

2024.[9] Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. CBP officers.[10] Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.[11] Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.[12] The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.[13]

The increase in federal immigration enforcement under the Trump Administration has also been associated with an increased use of unmarked and unidentified rental vehicles for immigration enforcement purposes. Last year, U.S. border patrol agents conducting an immigration raid outside Home Depot in Los Angeles utilized an unmarked Penske rental truck to arrest more than a dozen people.[14] In Illinois, there were reports of public complaints of immigration agents switching license plates on rented vehicles in order to disguise the vehicles.[15] This led the Illinois Secretary of State's office to issue letters to at least 19 rental car companies about this unlawful practice.[16]

3) **Effect of this Bill:** This bill seeks to address the use of unmarked vehicles for federal immigration enforcement purposes by requiring any privately owned vehicle rented by a federal, state, or local law enforcement agency, for the detention, arrest, or transportation of persons who have violated the law, or who are suspected of violating the law, to have a temporary decal displaying the agency name or logo. The identifying information must be displayed in a sharp contrast to the background on the front door panels and must be readily legible during the day from a distance of 50 feet. The government entity is responsible for creating and affixing the decal to the vehicle. Any failure to comply with this requirement may be enforced by a civil action, as specified. This would not apply to any rental car contract entered into prior to January 1, 2027.

The bill additionally establishes specified public safety exemptions to this temporary decal requirement. Specifically, this requirement would not apply to a privately owned vehicle rented to any federal, state, or local law enforcement agency for any of the following purposes: 1) an officer engaged in plainclothes operations who is employed by specified state agencies, such as the Business, Consumer Services, and Housing Agency and the Department of Corrections and Rehabilitation, among others, or by any department, board, commission, or other entity within those agencies or the federal equivalent of these state agencies; 2) exigent circumstances involving an imminent danger to persons or property, the escape of a

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[9] Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, Cal Matters (Jan. 29, 2026), available at: https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/
[10] David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez
[11] Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody
[12] *Ibid.*
[13] *Ibid.*
[14] Sam Levin, *Border patrol agents jump out of rental truck and ambush people at LA Home Depot* (Aug. 6, 2025), available at: https://www.theguardian.com/us-news/2025/aug/06/ice-border-patrol-home-depot-los-angeles
[15] Natasha Korecki, *Illinois officials warn rental car companies that it is illegal for immigration agents to swap license plates* (Dec. 2, 2025), available at: https://www.nbcnews.com/news/us-news/illinois-rental-car-license-plates-immigration-agents-illegal-rcna246115
[16] *Ibid.*

perpetrator, or the destruction of evidence, including if the officer is responding to one of these circumstances while off duty; 3) privately owned vehicles rented to, or otherwise furnished or loaned to, a SWAT or tactical team unit that is actively performing their tactical team responsibilities; 4) privately owned vehicles rented to an officer engaged in protective operations involving elected officials, judicial officers, or other designated dignitaries if the display of identification would compromise the safety, anonymity, or tactical effectiveness of the protection detail; and 5) an officer engaged in active undercover operations or investigative activities.

These exemptions are largely modelled after similar public safety exemptions that exist for requirements that law enforcement display identification on their person, as established by SB 805 (Pérez), Chapter 126, Statutes of 2025. SB 805 required non-uniformed peace officers and federal law enforcement officers operating in California to visibly display identification that includes their agency and either a name or badge number, or both name and badge number, when performing their enforcement duties. (Pen. Code, § 13654, subds. (a) & (d)(2).) It similarly exempted officers engaging in active undercover operations, officers engaging in plainclothes operations for specified state agencies and their federal equivalents, officers responding in exigent circumstances, officers assigned to SWAT, and officers engaged in protective operations involving elected officials and judicial officers. (Pen. Code, § 13654, subd. (b)(2), (4), & (5).)

4) **Argument in Support**: According to the *Coalition for Humane Immigrant Rights, CHIRLA,* "Since the summer of 2025, ICE agents have been raiding the streets, targeting immigrant communities, families, and innocent civilians. Starting with the raids in Los Angeles, suspect ICE enforcement activities have spread throughout California, including in San Diego, Sacramento, San Francisco, and other cities. Advocacy campaigns and public debates have exposed that rental companies provide vehicles for ICE operations, prompting protests and calls for corporate accountability.

   "CHIRLA supports AB 1650 (Caloza) because it increases transparency and accountability when law enforcement, including ICE, uses rental vehicles in our communities. By requiring clear identification, this bill helps prevent confusion, fear and potential abuse, ensuring community members can recognize legitimate authority and stay safe.

   "At a time when concerns about the intersection of private industry and federal enforcement activities are growing nationwide, California has an opportunity to lead with a policy that prioritizes safety, clarity, and respect for community trust. AB 1650 is a reasonable, targeted response that helps ensure enforcement activities are conducted in a manner consistent with these values."

5) **Argument in Opposition**: According to the *California Chamber of Commerce*, "At a philosophical level, we do not believe that businesses should be compelled to participate in disagreements between California policymakers and the federal policies of the present – or any future – administration. Were the situation reversed, and federal law attempted to prohibit businesses from serving a California agency – for example, a law prohibiting all software providers from contracting with California's Labor and Workforce Development Agency – we would be equally opposed, for the reasons outlined below.

"First, such political differences are necessarily short-term. Presidential administrations must end, and policies may be changed even within a President's term. The laws passed in response, however, will linger long after a given federal policy ends or is changed. Practically speaking, if **AB 1650** were to pass, but the federal administration's policies on immigration enforcement were to change, this law would nevertheless remain in effect *indefinitely.*

"Second, this kind of law invites difficult state-to-state and state-vs-national conflicts for national companies, which we oppose. Here, California may pass a law aimed at preventing a business from contracting with a federal agency – because California understandably disapproves of the conduct at issue. Conversely, another state may pass a law punishing companies who do not fully support a federal policy – and punishing those who comply with California's law. In other words: businesses end up stuck between competing political priorities for different politicians in different regions when the business is merely trying to continue to operate. We oppose such "rock-and-a-hard-place" choices for businesses operating in California…

"We also have practical concerns about how a rental car company would safely comply and avoid violations. For example, a front desk clerk for the rental car company may be required to confront a group of armed federal agents if they demand to rent a car in violation of the statute. We do not want to put employees in this position.

"Furthermore, we have concerns with how rental car companies are expected to identify such agents where there is no indication they are ICE agents. Online bookings, for example, will not indicate that such individuals are law enforcement agents, and certainly will not identify the purpose for which the vehicle will be used. Again, clerks will be forced to confront potentially armed agents and refuse them service after they have booked a vehicle and arrive to collect it.

"Finally, we have concerns that the bill does not consider whether a vehicle that was properly rented with appropriate decals might have its decals *removed* by the *renter*. Instead, the bill would appear to continue to place legal liability on the rental car business."

6) **Prior Legislation**:

a) SB 805 (Pérez), Chapter 126, Statutes of 2025, requires law enforcement agencies to adopt policies on visible display of identification, requires specified law enforcement officers operating in California who are not uniformed to visibly display identification that includes either a name or badge number to the public when performing their duties, and expands the crime of false personation of a peace officer.

b) SB 627 (Wiener), Chapter 125, Statutes of 2025, makes it a crime for specified law enforcement officers, including federal officers, to wear a facial covering in the performance of the duties, except as specified, and requires any law enforcement agency operating in California to maintain and publicly post a written policy limiting the use of facial coverings, as specified.

c) AB 798 (Ramos), Chapter 282, Statutes of 2021, authorizes federally recognized tribes to operate, inspect, maintain, and drive emergency vehicles used in responding to emergency calls for fire or law enforcement.

d) AB 1654 (Conway), of the 2009-2010 Legislative Session, would have authorized school district governing boards that do not operate security or police departments to provide and maintain motor vehicles for the use of the district in emergency situations, and would have specified that these vehicles would be authorized emergency vehicles. AB 1654 was never heard in the Assembly Committee on Education.

REGISTERED SUPPORT / OPPOSITION:

Support

Aapi Equity Alliance (UNREG)
Associated Students of the University of California
Associated Students Ucsb
California Community Foundation
Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio
Coalition for Humane Immigrant Rights (CHIRLA)
Homies Unidos INC
Initiate Justice
International Institute of Los Angeles
Pilipino Workers Center
Ucla Undergraduate Student Association Council

Oppose

California Chamber of Commerce
Peace Officers Research Association of California (PORAC)

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

Amended Mock-up for 2025-2026 AB-1650 (Caloza (A))

Mock-up based on Version Number 96 - Amended Assembly 4/16/26
Submitted by: Staff Name, Office Name

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Public safety depends in substantial part on the clear, immediate, and reliable identification of vehicles operated for law enforcement purposes. Members of the public must be able to readily distinguish vehicles exercising police authority, particularly those engaged in detaining, transporting, or otherwise exercising custody over an individual, from ordinary vehicles.

(b) The use of rental vehicles by law enforcement agencies, while often necessary for operational flexibility, can create ambiguity when those vehicles lack standardized visual indicators of official status. Absent clear identification, individuals may be uncertain whether they are being lawfully stopped or approached by legitimate authorities, which can lead to escalation of conflict, delays in compliance, or unsafe interactions.

(c) Ensuring that rental vehicles used by law enforcement agencies are appropriately marked and equipped aligns with the public interest in preventing the unauthorized exercise or appearance of police authority.

(d) Properly marked vehicles equipped with visible identification thus service a critical safety function. Those vehicles provide notice of lawful authority, thereby preventing impersonation, promoting orderly interactions with law enforcement, and reducing misunderstanding.

SEC. 2. Section 1939.36 is added to the Civil Code, to read:

1939.36. (a) (1) Any privately owned vehicle rented by, or furnished to, any federal, state, or local law enforcement agency for the use of detaining, arresting, or transporting persons who have violated, or are suspected of having violated, any law, shall be required to have a temporary decal displaying the agency name and logo.

(2) The indicia or name of the governmental entity operating the vehicle shall be displayed in sharp contrast to the background on the front door panels and shall be of such size, shape, and

color as to be readily legible during daylight hours from a distance of 50 feet. The governmental entity shall create and affix the temporary decal to the vehicle.

(b) Subdivision (a) does not apply to privately owned vehicles rented or otherwise furnished or loaned to any federal, state, or local law enforcement agency for any of the following purposes:

(1) An officer engaged in plainclothes operations who is employed by the Business, Consumer Services, and Housing Agency, the Office of Law Enforcement Support, the California Health and Human Services Agency, the Labor and Workforce Development Agency, the Natural Resources Agency, the Department of Corrections and Rehabilitation, the Transportation Agency, the California Environmental Protection Agency, the Government Operations Agency, or by any department, board, commission, or other entity within those agencies or the federal equivalent of these state agencies.

(2) Exigent circumstances involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the officer is responding to one of these circumstances while off duty.

(3) Privately owned vehicles rented to, or otherwise furnished or loaned to a Special Weapons and Tactics or tactical team unit that is actively performing their tactical team responsibilities.

(4) Privately owned vehicles rented to, or otherwise furnished or loaned to, an officer engaged in protective operations involving elected officials, judicial officers, or other designated dignitaries if the display of identification would compromise the safety, anonymity, or tactical effectiveness of the protection detail.

(5) An officer engaged in active undercover operations or investigative activities.

(c) (1) A failure to display a decal in accordance with this section shall subject the entity renting the vehicle from the private owner to liability that shall be enforced by a civil action, brought in the name of the people of California by the Attorney General, a district attorney, county counsel, or a city attorney, who may seek injunctive or declaratory relief.

(2) A prevailing plaintiff in an action shall be entitled to all reasonable attorney's fees and costs.

(d) The terms and conditions of the rental car contract shall specify that compliance with the temporary decal requirement in subdivision (a) is mandatory. The contract may include a term requiring the law enforcement agency to indemnify the owner of the private vehicle.

(e) Subdivision (a) does not apply to any rental car contract entered into prior to January 1, 2027.

Date of Hearing: April 21, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1778 (Patterson) – As Introduced February 9, 2026

SUMMARY: Requires testosterone's classification under California's Uniform Controlled Substances Act (UCSA) to conform to its classification under the federal Controlled Substances Act, including any future rescheduling or exemption.

EXISTING LAW:

1) Lists controlled substances in five "schedules" - intended to list drugs in decreasing order of harm and increasing medical utility or safety - and provides penalties for possession of and commerce in controlled substances. Schedule I includes the most serious and heavily controlled substances, with Schedule V being the least serious and most lightly controlled substances. (Health & Saf. Code, §§ 11054-11058.)

2) Classifies testosterone, among other specified substances, as a Schedule III controlled substance. (Health & Saf. Code, § 11056.)

3) Makes possession of a non-narcotic Schedule III controlled substance a misdemeanor subject to imprisonment in county jail for up to one year. (Health & Saf. Code, § 11377, subd. (a).)

4) Makes possession of a non-narcotic Schedule III controlled substance a felony subject to 16 months, 2 years, or 3 years in county jail where the person has one or more prior convictions for an offense classified as a violent felony or one that requires registration as a sex offender. (Health & Saf. Code, § 11377, subd. (a).)

5) Makes possession for sale of a non-narcotic Schedule III substance a felony subject to imprisonment in county jail for 16 months, 2 years or 3 years. (Health & Saf. Code, § 11378.)

6) Makes trafficking of a non-narcotic Schedule III substance a felony subject to imprisonment in county jail for 2, 3, or 4 years. (Health & Saf. Code, § 11379.)

7) Makes manufacturing, producing, or preparing a non-narcotic Schedule III controlled substance either directly or indirectly by chemical extraction or independently by means of chemical synthesis a felony punishable by imprisonment in county jail for 3, 5, or 7 years and a fine of up to $50,000. (Health & Saf. Code, § 11379.6, subd. (a).)

8) Makes offering to manufacture, produce, or prepare a non-narcotic Schedule III controlled substance either directly or indirectly by chemical extraction or independently

by means of chemical synthesis a felony punishable by imprisonment in county jail for 3, 4, or 5 years. (Health & Saf., § 11379.6, subd. (e).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1778 is about ensuring consistency and clarity in our laws. If the federal government changes how testosterone is classified, California should not be stuck operating under outdated rules that create confusion for doctors, pharmacists, and patients. Right now, state law would not automatically adjust if federal law changes, and this opens the door to unnecessary red tape and conflicting standards. AB 1778 simply keeps California aligned with federal scheduling decisions, providing a clear and consistent framework moving forward."

2) **Testosterone:** Testosterone is an androgenic hormone that is essential to the development of male growth and masculine characteristics, which is classified as a Schedule III controlled substance under both federal and California law. Medically, testosterone is currently approved solely for use in men who lack or have low testosterone levels in conjunction with an associated medical condition.[1] Current FDA-approved testosterone formulations include oral, topical gel, transdermal patch, buccal system (applied to upper gum or inner cheek), and injection.[2] Testosterone is also widely used as part of gender-affirming hormone therapy for transgender men and some nonbinary individuals, where it is considered a medically necessary treatment by major medical organizations.[3] At the same time, testosterone and other anabolic steroids are associated with non-medical use, particularly in athletic performance enhancement and bodybuilding. The U.S. Drug Enforcement Administration (DEA) has identified anabolic steroid misuse, including testosterone, as a persistent concern due to risks of cardiovascular harm, liver damage, and hormonal disruption.[4] Additionally, the World Anti-Doping Agency prohibits testosterone use in competitive sports due to potential misuse for its performance-enhancing effects.[5] National researchers estimates that between 3 to 4 million individuals misuse anabolic steroids, with use concentrated among young men and often beginning before age 21.[6] Due to California-specific data being limited, it is unclear how often illegal uses of testosterone may be occurring in California.

3) **The California Uniform Controlled Substances Act**: In 1970, Congress passed the Comprehensive Drug Abuse Prevention and Control Act, which established a framework for federal regulation of controlled substances. Title II of the act is the Controlled Substances Act (CSA), which placed controlled substances in one of five "schedules."

> The schedule on which a controlled substance is placed determines the level of restriction imposed on its production, distribution, and possession, as well as the penalties applicable to any improper handling of the substance… [W]hen DEA

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[1] https://www.fda.gov/drugs/drug-alerts-and-statements/fda-issues-class-wide-labeling-changes-testosterone-products?aff_id=DAPL4&order=ASC&orderby=post_date
[2] *Ibid.*
[3] https://www.endocrine.org/clinical-practice-guidelines/gender-dysphoria-gender-incongruence
[4] https://www.dea.gov/factsheets/steroids
[5] https://www.wada-ama.org/en/prohibited-list
[6] https://www.ncbi.nlm.nih.gov/books/NBK538174/

> places substances under control by regulation, the agency assigns each controlled substance to a schedule based on its medical utility and its potential for abuse and dependence.[7]

Substances are added to or removed from schedules through agency action or by legislation.[8]

State laws generally follow the federal scheduling decisions, and "they are relatively uniform across jurisdictions because almost all states have adopted a version of a model statute called the Uniform Controlled Substances Act (UCSA)." (*Id.* at 4.) California adopted the UCSA in 1972. (Stats. 1972, ch. 1407, § 3.) The UCSA generally aligns with the federal government's scheduling decisions. (See *People v. Ward* (2008) 167 Cal.App.4th 252, 259 ["In the California Uniform Controlled Substances Act, California adopted the five schedules of controlled substances used in federal law and in the Uniform Controlled Substances Act"]; *Williamson v. Bd. Of Medical Quality Assurance* (1990) 271 Cal.App.3d 1343, 1352, fn. 1. ["Effective January 1, 1985, Schedules I through V of the California Uniform Controlled Substances Act were revised so as to generally parallel the five schedules contained in the Federal Controlled Substances Act."].)

Congress has already classified testosterone as a Schedule III controlled substance under the federal Controlled Substances Act, when it passed the Anabolic Steroids Control Act of 1990.[9] There appears to be no current federal bills proposing to reschedule or reclassify testosterone. However, in December 2025, the U.S. Food and Drug Administration (FDA) convened an expert panel on testosterone replacement therapy to evaluate its safety, appropriate clinical use, and potential risks, including misuse and overprescription.[10] The panel reflects the FDA is reviewing new evidence on testosterone therapy and considering expanded approved uses, signaling potential shifts in federal regulation such as rescheduling testosterone in the near future.

4) **Effect of the Bill:** This bill would provide that the classification of testosterone under the California Uniform Controlled Substances Act conforms to its classification under the federal Controlled Substances Act. Under this bill, if testosterone is rescheduled or exempted under federal law, it would be deemed rescheduled or exempted under state law without further legislative action. Testosterone is classified as a Schedule III controlled substance and is not considered a narcotic. (Health & Saf. Code, § 11056.) As a non-narcotic, Schedule III substance, possession of testosterone without a valid prescription is generally a misdemeanor punishable by up to one year in county jail. (Health & Saf. Code, § 11377, subd. (a).) Possession of testosterone for sale is punishable by imprisonment for up to three years, and sale or transportation is punishable by imprisonment for up to four years. (Health & Saf. Code, §§ 11378-11379, subd. (a).)

In California, testosterone remains lawfully available by prescription, but unlawful possession, distribution, or use without a valid prescription is subject to criminal penalties. While comprehensive statewide data on testosterone misuse is limited, national law

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[7] The Controlled Substances ACT (CSA): A Legal Overview for the 118th Congress, Congressional Research Service (Jan. 19, 2023) p. 2 <https://crsreports.congress.gov/product/pdf/r/r45948> [last visited Mar. 28, 2024].
[8] *Id.* at p. 9.
[9] https://www.congress.gov/bill/101st-congress/house-bill/4658
[10] https://www.fda.gov/patients/fda-expert-panels/fda-expert-panel-testosterone-replacement-therapy-men-12102025

enforcement and public health authorities have identified anabolic steroid use, including testosterone, as part of broader illicit drug distribution networks and doping practices.[11] The dual status of testosterone, as both an established medical therapy and a substance with potential for misuse, makes in an inherently complicated substance to regulate, especially with growing medical uses being contemplated by the FDA.

By linking state classification to federal law, this bill would effectively delegate future scheduling decisions regarding testosterone to federal authorities, ensuring that California law conforms to any federal reclassification without requiring separate state legislation.

5) **Argument in Support**: According to the *California Pharmacists Association*, "Pharmacists in California must comply with both state and federal requirements. When controlled substance schedules are not aligned, even temporarily, it can create confusion about which rules apply, including prescribing limits, storage and security, and recordkeeping. This increases the risk of inadvertent noncompliance, potential enforcement issues, and operational challenges. By ensuring that California law automatically conforms if federal law reclassifies or exempts testosterone from Schedule III, AB 1778 helps eliminate these inconsistencies. This alignment reduces administrative burden, streamlines workflow, and allows pharmacists to focus more on patient care rather than navigating conflicting regulatory frameworks."

6) **Related Legislation**: AB 1612 (Alanis) authorizes law enforcement agencies to transport controlled substances that have been held beyond the applicable retention period for use in ongoing investigations or related proceedings. AB 1612 is set to be heard by the Committee today.

7) **Prior Legislation**:

   a) AB 82 (Ward) Chapter 679, Statutes of 2025, prohibited the reporting of prescriptions for testosterone to the Department of Justice's Controlled Substance Utilization Review and Evaluation System (CURES), California's prescription drug monitoring program, and required the removal of existing testosterone prescription records from CURES by January 1, 2027.

   b) SB 6 (Ashby), of the 2025-2026 Legislative Session, would made xylazine a Schedule III controlled substance under California's Uniform Controlled Substances Act. SB 6 was held in suspense in the Assembly Appropriations Committee.

   c) AB 634 (Gonzalez), of the 2025–2026 Legislative Session, would made tianeptine a Schedule I controlled substance under California's Uniform Controlled Substances Act. AB 634 is pending referral in the Senate Rules Committee.

   d) SB 1502 (Ashby) was substantially similar to SB 6. SB 1502 was held in the Assembly Public Safety Committee.

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[11] https://www.dea.gov/factsheets/steroids

e) AB 2018 (Rodriguez), Chapter 98, Statutes of 2024, removed fenfluramine as a controlled substance under the UCSA.

f) SB 58 (Wiener), of the 2023-2024 Legislative Session, would have made lawful the possession for personal use of specified hallucinogenic substances by persons 21 years of age or older, and would have made lawful the facilitated and supported use of these substances once the state develops a regulatory framework for these activities. The Governor vetoed SB 58.

g) AB 2246 (Petrie-Norris), of the 2021-2022 Legislative Session, would have, among other things, classified non-FDA approved fentanyl analogs as Schedule I controlled substances. AB 2246 failed passage in this committee.

h) SB 519 (Wiener), of the 2021-2022 Legislative Session, was substantially similar to SB 58. SB 519 died on the Assembly inactive file.

i) AB 710 (Wood), Chapter 62, Statues of 2018 provides that if cannabidiol (CBD) is federally rescheduled or otherwise made a legally prescribable controlled substance, it shall also be legal to prescribe under state law.

REGISTERED SUPPORT / OPPOSITION:

Support

California Pharmacists Association

Opposition

None submitted

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1806 (Gabriel) – As Amended March 16, 2026

SUMMARY: Requires a state prosecutor to conduct an independent investigation into a federal immigration enforcement officer-involved shooting of a civilian. Specifically, **this bill**:

1) Requires a state prosecutor to conduct an independent, transparent, and thorough investigation into incidents of a federal immigration enforcement officer-involved shooting of a civilian.

2) Requires the state prosecutor to do all of the following:

   a) Investigate and gather facts in an incident involving a shooting by a federal immigration enforcement officer.

   b) For all investigations conducted, prepare and submit a written report, which shall include, at a minimum, a statement of the facts and a detailed analysis and conclusion for each investigatory issue.

   c) If criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer.

3) Requires the state prosecutor to post and maintain on a public internet website each written report prepared by the state prosecutor, as specified, appropriately redacting any information in the report that is required by law to be kept confidential.

4) Specifies that the Attorney General (AG) is the state prosecutor unless otherwise specified or named.

5) Specifies that this does not limit the AG's authority under the California Constitution or any applicable state law.

6) Includes a severability clause.

EXISTING FEDERAL LAW

1) Provides that in any civil action or criminal prosecution that is commenced in a state court and that is against the United States (U.S.) or any officer of the U.S., in an official or individual capacity, for any act under color of such office or on account of any right or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue, may be removed by them to the district court of the U.S., as specified (28 U.S.C. § 1442(a).)

2) Provides, solely for purposes of determining removal, a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer:

   a) Protected an individual in the presence of the officer from a crime of violence.

   b) Provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

   c) Prevented the escape of any individual whom the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury. (28 U.S.C. § 1442(c).)

EXISTING STATE LAW:

1) *S*pecifies that, subject to the powers and duties of the Governor, the AG shall be the chief law officer of the State. (Cal. Const., art. 5, § 13.)

2) States that it shall be the duty of the AG to see that the laws of the State are uniformly and adequately enforced. (Cal. Const., art. 5, § 13.)

3) Provides that the AG shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their perspective jurisdictions as to the AG may seem advisable. (Cal. Const., art. 5, § 13.)

4) Specifies, whenever in the opinion of the AG any law of the State is not being adequately enforced in any county, it shall be the duty of the AG to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the AG shall have all the powers of a district attorney. (Cal. Const., art. 5, § 13.)

5) Specifies that when the AG deems it advisable or necessary in the public interest, or when directed to do so by the Governor, the AG shall assist any district attorney in the discharge of the district attorney's duties, and may, if deemed necessary, take full charge of any investigation or prosecution of violations of law of which the superior court has jurisdiction, and that in this respect the AG has all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process. (Gov. Code, § 12550.)

6) Provides that the AG has direct supervision over the sheriffs of the several counties of the state, and may require of them written reports concerning the investigation, detection, and punishment of crime in their respective jurisdictions, and provides, whenever the AG deems it necessary in the public interest the AG shall direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff, and may direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith. (Gov. Code, § 12560.)

7) Requires a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian and specifies that the AG is the state prosecutor unless otherwise specified or named. (Gov. Code, § 12525.3, subd. (b)(1).)

8) Authorizes the state prosecutor to do all of the following:

   a) Investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if the civilian was unarmed or if there is a reasonable dispute as to whether the civilian was armed.

   b) For all investigations conducted, prepare and submit a written report, which shall include, at a minimum, a statement of the facts, a detailed analysis and conclusion for each investigatory issue, and recommendations to modify the policies and practices of the law enforcement agency, as applicable. (Gov. Code, § 12525.3, subd. (b)(2)(A)-(B).)

   c) If criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer. (Gov. Code, § 12525.3, subd. (b)(2)(C).)

9) Requires the state prosecutor to post and maintain on a public internet website each written report prepared by the state prosecutor, as specified, appropriately redacting any information in the report that is required by law to be kept confidential. (Gov. Code, § 12525.3, subd. (b)(3).)

10) Specifies that commencing on July 1, 2023, the AG shall operate a Police Practices Division within the DOJ to, upon request of a local law enforcement agency, review the use of deadly force policies of that law enforcement agency. (Gov. Code, § 12525.3, subd. (c)(1).)

11) Requires the Police Practices Division to make specific and customized recommendations to any law enforcement agency that requests a review, based on those policies identified as recommended best practices. (Gov. Code, § 12525.3, subd. (c)(2).)

12) Provides that none of the above limits the AG's authority under the California Constitution or any applicable state law. (Gov. Code, § 12525.3, subd. (d).)

13) Requires each law enforcement agency to monthly furnish to the DOJ, in a manner defined and prescribed by the AG, a report of all instances when a peace officer employed by that agency is involved in any of the following:

   a) An incident involving the shooting of a civilian by a peace officer.

   b) An incident involving the shooting of a peace officer by a civilian.

   c) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.

   d) An incident in which the use of force by a civilian against a peace officer results in serious bodily injury or death. (Gov. Code, § 12525.2, subd. (a).)

14) Requires, for each incident described above, the information reported to the DOJ to include specified information including the gender, race, and age of each individual who was shot, injured, or killed, the date, time, and location of the incident, the type of force used against the officer, the civilian, or both, the reason for using force, the injuries sustained, and if any medical aid was rendered, among other categories of information. (Gov. Code, § 12525.2, subd. (b).)

15) Provides that, notwithstanding any other law, United States Immigration and Customs Enforcement (ICE) officers and United States Customs and Border Protection (CBP) officers are not California peace officers. (Pen. Code, § 830.85.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California must take decisive action to ensure accountability when federal immigration agents use deadly force against civilians. AB 1806 would grant the California Attorney General clear authority to investigate any shooting incidents involving federal immigration agents and members of the public. The state has both a moral and legal obligation to protect its residents and uphold the rule of law."

2) **Effect of this Bill:** This bill is modelled after a provision of California law that requires the AG to investigate peace officer-involved shootings. Under current law, the AG is required to investigate incidents of officer-involved shootings resulting in the death of an unarmed civilian. (Gov. Code, § 12525.3, subd. (b)(1).) Specifically, the AG is authorized to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if the civilian was unarmed or if there is a reasonable dispute as to whether the civilian was armed, prepare a written report that includes specified information, and prosecute a criminal action against the officer if criminal charges against the involved officer are found to be warranted. (Gov. Code, § 12525.3, subd. (b)(2)(A)-(C).) This investigatory authority generally applies to "an officer-involved shooting," although later, the statute refers to the investigation of a "shooting by a peace officer." This suggests that this investigation authority is limited to shootings committed by California peace officers. United States Immigration and Customs Enforcement (ICE) officers and United States Customs and Border Protection (CBP) officers are not California peace officers. (Pen. Code, § 830.85.)

   This bill establishes substantially similar provisions, specific to shootings by federal immigration officers. It requires the AG to conduct an independent, transparent, and thorough investigation into incidents of a federal immigration enforcement officer-involved shooting of a civilian. This broadly applies to any federal immigration officer-involved shooting. Unlike the AG investigations of peace officer shootings, this bill does not require that the federal immigration officer-involved shooting result in death, or that the civilian be unarmed. To maintain consistency in the law and to protect against a possible discrimination-based Supremacy Clause claim that this bill treats federal officers differently than state peace officers, the author may wish to limit this investigation requirement to shootings involving the deaths of unarmed civilians.

   It additionally requires the AG to investigate and gather facts in an incident involving a shooting by a federal immigration enforcement officer and prepare and submit a written

report that includes a statement of the facts and a detailed analysis and conclusion for each investigatory issue. If criminal charges against the involved officer are found to be warranted, the AG would be required to initiate and prosecute a criminal action against the officer. Unlike the existing provision relating to AG investigations of peace officer-involved shootings, this bill makes it *mandatory*, rather than discretionary, for the AG to investigate and gather facts for the incident, prepare and submit a written report, and prosecute criminal action against the officer if criminal charges are warranted. Again, to maximize the likelihood of this bill surviving a potential legal challenge, the author may wish to align the provisions of this bill with comparable provisions that apply to California peace officers. Doing so may avoid creating a more stringent mandate to prosecute federal officer-involved shootings, while giving discretion over whether to prosecute state peace officer-involved shootings.

Finally, this bill requires the AG to post and maintain on a public internet website each written report prepared by the AG, as specified, redacting any information in the report that is required by law to be kept confidential. It also provides that this does not limit the AG's authority under the California Constitution or any applicable state law.

3) **State Prosecution of a Federal Officer-Involved Shooting:** An AG's effort to prosecute a federal immigration enforcement officer for a shooting committed during their immigration enforcement duties may end up being litigated in federal court. Under federal law, any state criminal prosecution of a federal officer, for any act under color of such offense, may be removed to a U.S. district court. (28 U.S.C. § 1442(a).) For purposes of determining whether removal is permitted, a defendant officer is deemed to have been acting under color of their office if they: 1) protected an individual in the presence of the officer from violence; 2) provided immediate assistance to an individual who suffered, or was threated with bodily harm; or 3) prevented the escape of an individual the officer reasonably believed committed, or was going to commit, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury. (28 U.S.C. § 1442(c).)

   Whether the AG will be able to effectively prosecute federal immigration officer-involved shootings, as required by this bill when criminal charges are warranted, will depend upon the facts of the specific case and the reasonableness of the immigration officer's actions. The ability of state prosecutors to prosecute federal law enforcement officers is largely governed by the Supremacy Clause immunity established by a 1890 Supreme Court Case called *In Re Neagle.* In that case, a local California sheriff arrested a federal marshal assigned to protect a federal judge, who shot and killed a man who attacked the judge he was assigned to protect. (*In re Neagle* (1890) 135 U.S. 1, 52-53.) The U.S. Supreme Court ultimately ruled that he was immune from prosecution and could not be guilty of a crime under California law because he did "no more than what was necessary and proper for him to do." (*Id.* at p. 75) Phrased differently, federal immunity will protect a federal agent from state prosecution if the "acts are both (1) authorized by the laws of the United States and (2) necessary and proper to the execution of his responsibilities." (*Morgan v. California* (9th Cir. 1984) 743 F.2d 728, 731.) The necessary and proper standard requires a showing that the defendant "had an honest and reasonable belief that what he did was necessary in the performance of his duty." (*Clifton v. Cox* (9th Cir. 1977) 549 F.2d 722, 728-729) (quoting *Petition of McShane* (N.D. Miss. 1964) 235 F.Supp. 262, 274.) Supremacy Clause immunity is available if the defendant "reasonably believed that his actions were necessary to perform that job…and had no motive other than to do his job." (*Whitehead v. Senkowski* (2d Cir. 1991)

943 F.2d 230, 234.) A federal officer's error of judgement in what they conceive to be their legal duty will not alone create criminal responsibility on that officer. (*Morgan v. California,* supra, 743 F.2d at p. 731.) Under this relatively permissive federal immunity standard, it may be difficult for the AG to successfully prosecute federal immigration officer-involved shootings that are considered to have reasonably occurred during the performance of the officer's duties. However, unjustified and unreasonable shootings, or shootings that occur outside the scope of an immigration officer's duties, may be subject to successful AG prosecution.

4) **Constitutional Concerns:** Irrespective of whether an immigration officer can successfully establish Supremacy Clause immunity in a required prosecution under this bill, because this bill applies solely to federal immigration enforcement officers, and applies more expansively than similar investigation and prosecution requirements for peace officers, this bill may be subject to a legal challenge under the Supremacy Clause.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (U.S. Const., art. VI, cl. 2.)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that "the activities of the Federal Government are free from regulation by any state." (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted.) This makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from "interfering with or controlling the operations of the Federal Government." (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, "'[a] state or local law discriminates against the federal government if it treats someone else better than it treats the government.'" (*Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original). However, generally applicable state laws can apply to federal entities. (See *Johnson v. Maryland* (1920) 254 U.S. 51, 56; *N.D*, *supra,* 495 U.S. at pp. 435-438; *United States v. Washington*, *supra,* 596 U.S. at p. 839.)

A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California*, *supra*, F.3d at pp. 878-879.) "This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*Arizona v. United States* (2012) 567 U.S. 387, 399.) For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had "no doubt that SB 54 makes the jobs of federal immigration authorities more difficult." (*Id.* at 886.) But the court concluded that "this frustration does not constitute obstacle preemption," because federal law "does not require any particular action on the part of California or its political subdivisions."

(*Id.* at p. 889.) "Even if SB 54 obstructs federal immigration enforcement," the court stated, "the United States' position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule." (*Id.* at p. 888.) "California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts." (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States' intergovernmental immunity for similar reasons. (*Ibid.*)

Here, this bill requires the AG to investigate incidents of a federal immigration enforcement officer-involved shooting of a civilian, and mandates the AG to initiate criminal charges against those officers if such charges are warranted, which could lead to a lawsuit alleging that it discriminates against the federal government in violation of intergovernmental immunity. The likelihood of success of such a claim is unclear.

California already requires the AG to investigate incidents of officer-involved shootings resulting in the death of an unarmed civilian, which supports the argument that this law is generally applicable to any law enforcement-officer involved shooting. However, an argument that this law is generally applicable may be undermined by the distinctions between the AG's requirement to investigate peace officers and the requirements to investigate federal immigration officers under this bill. As previously noted, this bill is broader than the current requirement to investigate peace officer shootings because it is not limited to shootings resulting in the deaths of unarmed civilians. It also mandates the AG, upon investigating the shooting, to gather facts, submit a written report, and prosecute the officer if charges are warranted, while those actions are discretionary if the investigation involves a shooting by a peace officer.

To protect against a claim that this law discriminates against the federal government because it establishes more expansive and mandatory obligations to investigate federal officer shootings, the author may wish to align the provisions of this bill with existing statutory provisions pertaining to investigating peace officers.

5) **Argument in Support**: According to *SEIU California*, "[AB 1806] would require that the California Attorney General conduct an independent, transparent, and thorough investigation into any incident involving a shooting of a civilian by federal immigration enforcement agents.

"SEIU's workforce has identified protecting the civil and human rights of immigrants broadly and immigrant workers specifically as a top legislative priority. ICE raids continue to adversely affect the lives of our members, their workplaces, and the communities in which they live, and it is imperative that state authorities investigate the types of incidents covered under this bill to ensure impartiality under the law.

"The 2025 immigration enforcement surge has led to an unprecedented increase in civilian shootings by immigration agents. An investigative report by the Wall Street Journal identified 13 instances of immigration agents firing at or into civilian vehicles across the country since July 2025. These incidents resulted in four deaths and at least five of those shot were U.S. citizens.

"Two of the most high-profile cases involve the deaths of two American citizens in Minneapolis, Minnesota. Renee Nicole Good, a 37-year-old mother of three, was fatally shot

by an Immigration and Customs Enforcement (ICE) agent on January 7th, and Alex Pretti, an ICU nurse, was fatally shot by a Customs and Border Patrol (CBP) officer on January 24th. The U.S. Department of Justice declined to open an investigation into the agent that killed Renee Good, and state officials reported being barred from receiving any evidence from the FBI. Similarly, in Alex Pretti's case, state authorities were blocked from accessing the crime scene by Homeland Security officials.

"In both the Good and Pretti cases, the federal government defended the shootings, characterizing the victims as violent agitators. These claims were publicly disputed by video evidence, local law enforcement, and independent analyses. The Trump administration has signaled to agents that they have "federal immunity," creating a culture of few checks on the use of deadly force during enforcement operations.

"California has already established a framework for independent investigation of officer-involved shootings. AB 1806 extends that same proven framework to shootings by federal immigration agents operating in California."

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

7) **Prior Legislation**:

   a) AB 807 (McCarty), of the 2023-2024 Legislative Session, would have required the DOJ to investigate additional types of use-of-force incidents resulting in death and eliminate a requirement that the DOJ operate a division to review law enforcement agencies' deadly use-of-force policies. AB 807 was held in the Assembly Appropriations Committee.

   b) SB 715 (Portantino), Chapter 250, Statutes of 2021, clarified what qualifies as an "unarmed" civilian to trigger investigations of officer-involved shootings by the AG's Office.

   c) AB 1506 (McCarty), Chapter 326, Statutes of 2020, provided that a state prosecutor shall investigate any officer-involved shooting that resulted in the death of an unarmed civilian, as specified.

   d) AB 392 (Weber), Chapter 170, Statutes of 2019, revised the standards for use of force by police officers.

   e) SB 230 (Caballero), Chapter 285, Statutes of 2019, required law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques and other alternatives to use of force, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents

   f) AB 2917 (McCarty), of the 2019-2020 Legislative Session, would have required the AG, commencing on July 1, 2023, to create a program within the DOJ to review the policies on the use of deadly force of any law enforcement agency, as specified, that requests a review, and to make recommendations. AB 2917 was not set for a hearing in this Committee.

g) AB 284 (McCarty), of the 2017-2018 Legislative Session, would have required DOJ, upon appropriation, to conduct a study of peace officer-involved shootings resulting in death or serious injury within a specified two-year period. AB 284 was held in the Senate Appropriations Committee.

h) AB 86 (McCarty), of the 2015-2016 Legislative Session, would have required the Attorney General to appoint a special prosecutor to direct an independent investigation if a peace officer, in the performance of his or her duties, uses deadly physical force upon another person and that person dies as a result of the use of that deadly physical force. AB 86 was held on the Assembly Appropriations Suspense File.

i) SB 227 (Mitchell), Chapter 175, Statutes of 2015, prohibited a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a peace officer, as specified, that led to the death of a person being detained or arrested by the peace officer. SB 227 was held unconstitutional by the Third Appellate District Court of Appeal.

REGISTERED SUPPORT / OPPOSITION:

Support

California Community Foundation
California Immigrant Policy Center
California Lulac State Organization
California State Council of Service Employees International Union (seiu California)
Californians for Safety and Justice (CSJ)
Center for Human Rights and Constitutional Law
Communities United for Restorative Youth Justice (CURYJ)
Drug Policy Alliance
East Valley Indivisibles
Ella Baker Center for Human Rights
Empowering Marginalized Asian Communities
Jewish Center for Justice
Justice2jobs Coalition
LA Defensa
Latino Community Foundation
Rubicon Programs
The Black Alliance for Just Immigration
The San Diego Lgbt Community Center

Opposition

None submitted.

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

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1886 (Elhawary) – As Amended March 16, 2026

SUMMARY: Removes the exclusion of wards that have been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements from the 12-month limitation on term of probation in existing law. Specifically, **this bill**:

1) States that the requirement to comply with specified procedures for the termination of jurisdiction over a ward who was subject to foster care placement shall not be a basis for extending the probation period, except if the procedures cannot be completed before the end of the period of probation.

2) Provides that the court may maintain jurisdiction beyond the end of the probation period for the purpose of complying with those procedures, but shall not impose any terms and conditions of probation or any other conditions of performance or compliance on the ward during this period of extended jurisdiction.

3) Removes the exclusion from the 12-month probation limitation of any ward whom the court ordered the care, custody, and control of the minor or nonminor to be under the supervision of the probation officer for out-of-home placement as specified.

4) Revises the exclusion from the 12-month probation limitation that applies to wards who are transferred from a secure youth treatment facility (SYTF) to a less restrictive program (LRP) or to wards who are discharged from an SYTF to instead exclude a ward who is committed to an SYTF while the ward has any remaining baseline or modified baseline term, whether the ward remains in the SYTF or has been transferred to an LRP.

5) Applies the 12-month probation limit to a ward upon discharge to a period of probation supervision, or upon the commitment being set aside, as specified.

6) States the Legislative intent that youth in out-of-home placements, disproportionately girls and youth of color, be entitled to protections that limit terms of probation.

EXISTING LAW:

1) Provides that a minor adjudged to be a ward of the court shall not remain on probation for a period that exceeds 12 months from the most recent disposition hearing, except as specified, and nothing precludes the court from holding progress review hearings prior to 12 months from the most recent disposition hearing. (Welf. & Inst. Code, § 602.5, subd. (a).)

2) Authorizes a court to extend the probation period beyond 12 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and public's best interest using the following procedures:

   a) At the noticed hearing, the probation agency shall submit a report to the court detailing the basis for any request to extend probation;

   b) The court shall provide the ward and the prosecuting attorney with the opportunity to present relevant evidence. The court has discretion to receive evidence by testimony, declaration, and other documentary evidence;

   c) In cases in which the court finds by a preponderance of the evidence a basis for extending probation, the court shall state the reasons for the findings orally on the record. The court shall also set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter; and,

   d) If the court finds good cause to continue the noticed hearing, probation shall continue until completion of the noticed hearing, provided that continuance shall be for only as long as necessary. (Welf. & Inst. Code, § 602.5, subd. (b).)

3) States that if the court extends probation at the noticed hearing, the court shall schedule and hold subsequent noticed hearings for the ward not less frequently than every six months for the remainder of the wardship period. (Welf. & Inst. Code, § 602.5, subd. (c).)

4) Provides that a court is not precluded from terminating a ward's probation before the end of the 12-month period. (Welf. & Inst. Code, § 602.5, subd. (d).)

5) Requires, prior to terminating jurisdiction over a youth who was subject to foster care placement, the court shall comply with existing procedures. (Welf. & Inst. Code, § 602.5, subd. (e).)

6) Specifies that the 12-month probation limit does not apply to the following:

   a) Any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements;

   b) Any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp; and,

   c) Any ward who is transferred from an SYTF to an LRP or who has been discharged from an SYTF. (Welf. & Inst. Code, § 602.5, subds. (f)-(h).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Keeping young people on probation longer doesn't make our communities safer. It increases violations and pushes youth back into the system. And we know the harm isn't felt equally. Youth of color are kept on probation longer than their white peers. AB 1886 builds on the work of AB 1376 (Bonta, CHP 2025) by making sure probation remains individualized, developmentally appropriate, and fair, while extending those same protections to youth in out-of-home placements and secure youth treatment facilities. This bill is about equity and consistency. Judges still have the authority to extend probation when it's truly necessary, but no young person should be excluded from review simply because of where they live or their past involvement in the system."

2) **Juvenile Probation Generally and Recent Legislation**: There are a variety of case dispositions available for minors who come before the juvenile court based on commission of a crime. The court may order the minor to participate in a diversion with the Probation Department for six months. (Welf. & Inst. Code, § 654.2) If the minor is not made a ward of the court, the court also order informal probation for a period of six months. (Welf. & Inst. Code, § 725, subd. (a).) For those who are made a ward of the court, the court can order wardship probation either with or without supervision of the Probation Department. The most common disposition is probation with Probation Supervision.[1]

   Unlike adult probationers who have a statutory cap of one year probation for misdemeanors and two years' probation for felonies, except as specified for longer terms by statute, juvenile probation terms under wardship probation do not have a statutory cap on the probation term, with the only statutory limitation being when the court loses jurisdiction over the minor at age 21. (Welf & Inst. Code, § 602.) According to a report by Youth Law Center[2]:

   > While the court is not required to specify the probation length, the court does have the discretion to set a specific date for probation termination. Current research supports tailoring probation length to the individual youth, with a typical period being no more than six to nine months. The probation term should be shortened for youth who meet probation expectations and should not ever exceed one year. Such an approach is consistent with research showing that youth respond better to incentives rather than punishment, and that shorter probation terms both save costs and produce better outcomes. Whether or not the court sets a definite term, the court has the discretion to terminate probation at any time, and in making that decision must consider the youth's overall performance on probation. There is no requirement that a youth show perfect compliance in order to complete probation. Instead, the court can dismiss probation if it finds that the youth has "substantially complied" with the purpose of his or her probation, even when the youth has not perfectly complied with all technical requirements. If a youth meets this standard of substantial compliance, he or she has attained "satisfactory completion" of probation, and in most cases the court will then order that the youth's case be dismissed and sealed. Once a case is sealed, the case is deemed not to have occurred, and the youth has a legal right not to disclose it to employers, educational institutions, or other persons or entities.

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[1] *A Legal Map of Youth Probation in California*, Youth Law Center (Aug. 2020) < ylc-part5-youth-probation-final.pdf> at p. 2 (accessed Apr. 14, 2025).
[2] *Id.* at p. 8.

Last year, the Legislature enacted AB 1376 (Bonta) which established a presumptive 12-month limit that a ward may remain on probation. The law authorizes a court to extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest. The law requires the court to hold noticed hearings for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation.

Notably, AB 1376 excluded from the 12-month limitation on probation any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements; any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp; and, any ward who is transferred from an SYTF to an LRP or who has been discharged from an SYTF.

This bill would remove the exclusion of wards who are on probation for placement in specified out-of-home placements, and would make the 12-month limitation apply to wards who have been discharged from an SYTF or whose commitment to an SYTF was set aside. According to opponents of this bill, the exclusions were a critical part of negotiations on AB 1376 from last year to relieve oppositions' concerns. According to supporters, wards in out-of-home placement, such as foster care, are oftentimes there due to factors outside of their control thus should not receive disparate probation terms from those who remain at home. Additionally, as to the wards discharged from SYTF after completing their baseline confinement period, supporters believe there is no reason to subject them to a longer probation limit because they have fulfilled the time determined necessary to address their developmental and treatment needs.

3) **Juvenile Justice Realignment**: In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice, and transferring the responsibility for managing all youthful offenders to local jurisdictions.[3]

Among other things, SB 823 stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish secure youth treatment facilities for the placement of wards who were adjudicated for specified serious offenses when the juvenile was age 14 or older, as specified. (Welf. & Inst. Code, § 875.) At the conclusion of a baseline confinement term, a ward could be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).) The court could also discharge a ward to a program of probation supervision. The court would determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the ward's successful reentry into the community. If the ward was discharged to a program of probation supervision, the court would be required to periodically review the

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[3] See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

ward's progress and make any additional orders deemed necessary in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. (Welf. & Inst. Code, § 875, subd. (e)(4).) If the ward failed to materially comply with the reasonable orders of probation imposed by the court, the court could order that the ward be returned to custody in the secure youth treatment facility for the remainder of the presumptive term initially ordered by the court, subject to review hearings. (*Ibid.*)

The court may, upon the motion of the probation department or ward, order that the ward be transferred from a secure youth treatment facility to a less restrictive program, such as such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. (Welf. & Inst. Code, § 875, subd. (f)(1).) The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan and that placement is consistent with the goals of youth rehabilitation and community safety. (*Ibid.*) In transferring a ward to a less restrictive program, the court may require the ward to observe reasonable conditions and shall set the length of time the ward is to remain in the less restrictive program, not to exceed the remainder of the baseline or modified baseline term. (Welf. & Inst. Code, § 875, subd. (f)(2).) If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic reviews and to the maximum confinement set by the court. (*Ibid.*)

AB 1376 specified that the bill's presumptive maximum of 12 months' probation period does not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program, as specified, or any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp, or any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements.

This bill removes the exclusion of any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements and revises the exclusion for wards who are transferred from an SYTF to an LRP or to wards who are discharged from an SYTF to instead only exclude a ward who is committed to an SYTF while the ward has any remaining baseline or modified baseline term, whether the ward remains in the SYTF or has been transferred to an LRP.

4) **Argument in Support**: According to *Center on Juvenile & Criminal Justice*, "Recent evidence indicates that probation, in its current form, often prioritizes monitoring over meaningful rehabilitation. Studies conducted between 2022 and 2024 show that longer probation periods are associated with higher rates of technical violations and non-criminal issues, such as missed appointments or curfew violations. These violations frequently result in deeper system involvement, despite having little to no impact on improving public safety. Research from the Pew Charitable Trusts similarly finds that shorter probation terms can lower recidivism while also reducing costs.

"These challenges are even more pronounced for youth in foster care, who are disproportionately impacted by the juvenile legal system through what is commonly referred to as the "crossover youth" pathway. Findings from the Urban Institute and the Annie E. Casey Foundation demonstrate that foster youth are far more likely to be arrested, formally charged, and placed on probation than their peers. Once involved, they often face additional instability, including frequent placement changes, limited access to consistent services, and overlapping supervision from multiple systems.

"Additionally, AB 1376 left out youth who have been released from Secure Youth Treatment Facilities (SYTFs) after completing their baseline confinement period. Many of these young people have already spent years in custody and have fulfilled the time determined necessary to address their developmental and treatment needs. Requiring extended or indefinite probation after such confinement can hinder, rather than support, successful reintegration into the community.

"Significant racial disparities also persist within the system. Data from the California Department of Justice show that youth of color remain overrepresented at every stage of the juvenile legal process, including probation and placement in secure facilities. They are also more likely to be placed on probation and to remain under supervision for longer periods than white youth, further reinforcing inequities."

5) **Argument in Opposition**: According to *Chief Probation Officers of California*, "CPOC's opposition was premised on the fact that the bill set a presumption of discharge and removed the court's ability to make individualized determinations based on the crimogenic risks and rehabilitative needs of youth and the public safety impact to communities to which these youth will be returning.

"While AB 1376 just went into effect in January, courts and probation departments across the state have already seen the impacts to juvenile probationers and the communities to which they are returning prior to completion of necessary rehabilitative programming.

"Now, AB 1886 (Elhawary) seeks to undo limited but necessary exemptions that were part of last year's AB 1376. AB 1886 seeks to now apply the 12-month limited probation term to wards that have been discharged from a secure youth treatment facility (SYTF), a part of the continuum reserved for the highest risk and highest need youth and young adults up to age 25 for the most serious and violent offenses. Application of the one-year supervision term post custodial baseline term is arbitrary and does not allow for sufficient time for probation support and supervision for the highest risk, highest need population as these individuals establish and reinforce their natural supports that will be critical for their long-term success post their probationary period – and increased public safety. Additionally, the bill would now also apply to probation foster youth which similarly were exempted from the bill last year in light of focused approaches taken by the court in addressing their needs as foster youth within the juvenile justice system."

6) **Prior Legislation**:

   a) AB 1376 (Bonta), Chapter 575, Statutes of 2025, limited to 12 months from the most recent disposition hearing the period of time a ward may remain on probation, except that

a court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest.

b) SB 824 (Menjivar), of the 2025-2026 Legislative Session, would have required Individualized Rehabilitation Plans (IRP) for youth committed to an SYTF to contain a roadmap for their successful return to their community and requires judges to assess the juvenile's progress at each six-month review hearing. SB 824 was held in the Senate Appropriations Committee suspense file.

c) AB 102 (Ting), Chapter 38, Statutes of 2023, relevant to this bill, required county probation departments to provide the OYCR with specific juvenile justice data related to the realignment of DJJ.

d) AB 503 (Stone), of the 2021-2022 Legislative Session, would have limited a ward's probation term to 6 months as specified. AB 503 was vetoed.

e) SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, allowed counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the DJJ, as provided.

f) SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, established a process for realigning California's juvenile system by phasing out the state's youth prison system, DJJ, and transferring the responsibility for managing all youthful offenders to local jurisdictions.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys & Men of Color (Sponsor)
ACLU California Action
Alliance for Boys and Men of Color
Alliance for Children's Rights
Anti-recidivism Coalition
Asian Solidarity Collective
Back to the Start
Bay Peace
Bay-peace
Bend the Arc: Jewish Action California
Bend the Arc: Jewish Action, California
Black Youth Leadership Project
Bridges of Hope CA
Brotherhood Crusade
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California Public Defenders Association

California School-based Health Alliance
California Youth Connection
California Youth Connection (CYC)
California Youth Defender Center
Californians for Safety and Justice
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Cancel the Contract Antelope Valley
Center on Juvenile and Criminal Justice
Children Now
Communities United for Restorative Youth Justice (CURYJ)
Community Interventions
Community Works
Consumer Attorneys of California
Courage California
Ella Baker Center for Human Rights
Essie Justice Group
Fair Chance Project
Felony Murder Elimination Project
Freedom 4 Youth
Fresh Lifelines for Youth
Fresh Lifelines for Youth (FLY)
Fresno Barrios Unidos
Glide Foundation
Haywood Burns Institute
Hoops 4 Justice
Initiate Justice
Initiate Justice Action
Insideout Writers
Integral Community Solutions Institute
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoner With Children
Legal Services for Prisoners With Children / All of US or None
Local 148 Los Angeles County Public Defender's Union
National Center for Youth Law
National Center for Youth Law (NCYL)
Pillars of the Community
Restore 180
Restoring Hope California
San Francisco Public Defender's Office
San Francisco Public Defender’s Office
Santa Cruz Barrios Unidos
Silicon Valley De-bug
Silicon Valley Debug
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
The California Youth Justice Project

The Collective for Liberatory Lawyering
The W. Haywood Burns Institute
Ujima Adult and Family Serivces
Underground Grit
Universidad Popular
Upward Together
Urban Peace Institute
Urban Peace Movement
Western Center on Law & Poverty
Western Center on Law and Poverty
Youngsters for Change
Youth Alliance
Youth Justice Coalition
Youth Justice Coaltion LA
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School
Youth Law Center
Youth Leadership Institute

Opposition

California District Attorneys Association
California Police Chiefs Association
Chief Probation Officers' of California (CPOC)
Juvenile Court Judges of California
Peace Officers Research Association of California (PORAC)
Solano County Board of Supervisors

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1896 (Mark González) – As Amended April 14, 2026

SUMMARY: Disqualifies any person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer, except as specified. Specifically, **this bill**:

1) Provides that any person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county, or other political subdivision, as specified, and is disqualified from any office or employment by any such entity, as specified, which confers upon the holder or employee the powers and duties of a peace officer.

2) Exempts the following persons from the above peace officer disqualification requirement, if they were engaged in immigration enforcement at any of the following public entities as permitted under California law, as specified (hereafter, exempt entity):

   a) A local agency, as specified, which is defined to mean any city, county, city and county, special district, or other political subdivision of the state.

   b) A local law enforcement agency, as specified, which is defined to mean any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

   c) A California law enforcement agency, as specified, which is defined to mean a state or local law enforcement agency, including school police or security departments, but excluding the Department of Corrections and Rehabilitation (CDCR).

   d) CDCR, as specified.

3) Establishes a new minimum standard for each class of public officers or employees declared by law to be peace officers, which requires that such persons be free of previous employment with an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, inclusive, and except for persons who engaged in immigration enforcement at an exempt entity.

4) Disqualifies a person from public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state, if they were previously

employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, inclusive, except for a person who engaged in immigration enforcement at an exempt entity.

5) Authorizes the Department of Human Resources or a designated appointing power to refuse to examine, or after examination may refuse to declare as eligible, or may withhold or withdraw from an eligible list, before the appointment, anyone who has been previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, except for persons who engaged in immigration enforcement at an exempt entity.

6) Defines "immigration enforcement" as including any efforts to investigate or enforce any federal civil immigration law, including investigating or enforcing any federal criminal immigration law that penalizes a person's presence in entry to, or reentry to, or employment in, the United States.

7) Specifies that none of the above prohibits or restrict any governmental entity or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or from maintaining or exchanging that information with any other federal, state, or local governmental entity, as specified.

8) Includes a severability clause.

9) Makes legislative findings and declarations.

EXISTING LAW:

1) Disqualifies each of the following persons, except as specified below, from holding office as a peace officer or being employed as a peace officer by any state or local agency, as specified:

   a) Any person who has been convicted of a felony, or of any offense in any other jurisdiction which would be a felony if committed in this state.

   b) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would be a felony if committed in this state.

   c) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony, regardless of whether a court declares the offense a misdemeanor or the offense becomes a misdemeanor by operation of law, as specified.

   d) Any person who has been charged with a felony and adjudged to be mentally incompetent, as specified.

   e) Any person who has been found not guilty by reason of insanity of any felony.

f) Any person who has been determined to be a mentally disordered sex offender, as specified.

g) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as specified.

h) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, as having committed an act that is a violation of a specified forgery offense, alteration of jury-lists, jury tampering, or falsifying jury lists, specified perjury offenses, specified falsifying evidence offenses, specified witness intimidation offenses, and specified offenses against public justice, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

i) Any person who has been issued a peace officer certification, as specified, and has had that certification revoked by the Commission on Peace Officer Standards and Training (POST), has voluntarily surrendered that certification, as specified, or, having met the minimum requirement for issuance of certification, has been denied issuance of certification.

j) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a)(1)-(11).)

2) Specifies that a plea of guilty to a felony pursuant to a deferred entry of judgment program, as specified, shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered, as specified. (Gov. Code, § 1029, subd. (b)(1).)

3) Specifies that a person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation, as specified, shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).)

4) Specifies that any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of CDCR or the Division of Juvenile Justice (DJJ), or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which

they were convicted, although CDCR, DJJ, or the probation department may still refuse to employ that person regardless of their qualifications. (Gov. Code, § 1029, subd. (c).)

5) States that none of the above section limits or curtails the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense. (Gov. Code, § 1029, subd. (d).)

6) States that none of the above prohibits a person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony. (Gov. Code, § 1029, subd. (e).)

7) Requires the Department of Justice (DOJ) to supply POST with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers, and permits POST to use the information for decertification purposes. (Gov. Code, § 1029, subd. (f).)

8) Specifies that this data, once received by the POST, shall be made available for public inspection, including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service. (Gov. Code, § 1029, subd. (f).)

9) Requires CDCR and the Department of the Youth Authority to complete a background investigation, using as guidelines standards defined by POST, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer, and specifies, to reduce potential duplication of effort by individual institutions, that investigations shall be accomplished by each department on a centralized or regional basis to the extent administratively feasible. (Gov. Code, § 1029.1.)

10) Requires every law enforcement agency (LEA) to require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).)

11) Requires an LEA to submit to the DOJ fingerprint images and related information for a peace officer or prospective officer who is subject to a state and national criminal history background check, as specified, and requires the DOJ to provide a state- or federal-level response, as specified. (Gov. Code, § 1030, subd. (b).)

12) Establishes minimum standards for peace officers, including that they: 1) are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or have attained other specified educational

levels; 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers, and specifies that these provisions shall be interpreted and applied consistent with federal law and regulations (Gov. Code, § 1031, subds. (a)-(h).)

13) Requires, for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required in the above paragraph, or in the case of an applicant for a position other than a sworn peace officer within an LEA, an employer shall disclose employment information relating to a current or former employee, upon request of an LEA, if all of the following conditions are met:

    a) The request is made in writing.

    b) The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.

    c) The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing LEA. (Gov. Code, § 1031.1, subd. (a).)

14) Defines employment information, as described above, to include written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other LEA applicant, except information prohibited from disclosure by any other state or federal law or regulation. (Gov. Code, § 1031.1, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Since the start of President's Trump second term in January of 2025, our communities and neighborhoods have lived in fear due to aggressive, unchecked military-style immigration raids. These raids have proven to be increasingly deadly, as agents are beating, shooting, and, in some instances, killing innocent civilians. Renee Good, Alex Pretti, Keith Porter Jr. and so many more have lost their lives due to federal aggression.

    "The agents who are committing these atrocities have shown their true colors by working for a federal administration that does not care about the law, due process, or basic human rights. AB 1896 will protect California against these individuals by making sure that anyone who has engaged in immigration enforcement activity from January 20, 2025, to January 20, 2029, will be disqualified from being employed by a state, county, or local public agency. Anyone who participates in the terrorizing, kidnapping, shooting, or killing of innocent people has shown they are not interested in serving the public interest but are instead agents of harm, hate, and substantive violence. By disqualifying them from public employment, California will continue to ensure its people are served by those with their best interest at heart."

2) **Background: Federal Immigration Enforcement Efforts.** President Trump vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.[1] On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[2] Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that "sanctuary" jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.[3]

   On July 4, 2025, President Trump signed the One Big Beautiful (OBB) Act, a massive domestic policy bill that, among other provisions, allocates more than $170 billion for immigration enforcement through 2029.[4]

   Immigration arrests have significantly increased since President Trump's second term began.[5] ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump's second term; however, beginning in the summer, removals significantly ramped up.[6] Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.[7] From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.[8] In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of

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[1] Politico, *Trump got $170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785
[2] The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/
[3] *Ibid.*
[4] Explainer, *One Big Beautiful Bill Act: Immigration Provisions* (July 7, 2025), available at: https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/
[5] Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html
[6] Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: https://www.sacbee.com/news/california/article314213552.html
[7] *Ibid.*
[8] Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says

state officials.[9] In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.[10]

Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.[11] Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.[12] Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.[13] The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.[14]

The increase in federal immigration enforcement under the Trump Administration has also been associated with aggressive federal recruitment efforts, including efforts to recruit California peace officers to join federal immigration agencies.[15] ICE has taken steps to significantly expand hiring, such as giving out $50,000 signing bonuses, offering student loan forgiveness, lowering the age limit for recruits from 21 to 18, and waiving the 37-year-old hiring cap, among others.[16] This has raised concerns that this may lead some California peace officers to leave their roles to pursue employment in federal immigration enforcement.

3) **The California Values Act:** The California Values Act, which became effective on January 1, 2018, limits the involvement of state and local LEAs in federal immigration enforcement. It prohibits LEAs from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. Prohibited cooperative activities include: 1) inquiring into an individual's immigration status; 2) detaining a person based on an ICE hold request; 3) providing information regarding a person's release date, except for persons convicted of specified crimes; 4) providing personal information about an individual; 5) participating in arrests based on civil immigration warrants; 6) participating in border patrol activities; 7) performing the functions of an immigration agent; 8) placing peace officers under federal agency supervision for purposes of immigration enforcement; 9) using ICE agents as interpreters for law enforcement matters, as specified; 10) transferring an individual to immigration authorities, as specified, unless authorized by a judicial warrant or the person has been convicted of specified crimes; 11) providing office space exclusively for immigration authorities; and 12) contracting with the federal government for use of LEA facilities to detain non-citizens for civil immigration custody purposes. (Gov. Code, § 7284.6, subd. (a).)

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[9] Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437.)

[10] Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, Cal Matters (Jan. 29, 2026), available at: https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/

[11] David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez

[12] Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody

[13] *Ibid.*

[14] *Ibid.*

[15] Sharp, et.al., *ICE offers big bucks – but California police officers prove tough to poach*, Los Angeles Times (Sept. 22, 2025), available at: https://www.latimes.com/california/story/2025-09-22/ice-poaching-cops

[16] Ray and Sanchez, *ICE expansion has outpaced accountability. What are the remedies?* Brookings (Jan. 26, 2026), available at: https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/

The Values Act contains several exceptions that permit LEAs to cooperate with immigration authorities to the extent such cooperation would not violate federal, state, or local law. (Gov. Code, § 7282.5.) Additionally, LEAs have discretion to transfer an individual to immigration authorities or provide ICE with information about an in-custody individual's release date for individuals arrested or convicted for certain crimes. (Gov. Code, § 7282.5, subds. (a)(1) & (2), (b).) Phrased differently, California state and local LEAs are permitted to engage in certain types of immigration enforcement. As a result, this bill exempts individuals who engage in this type of permissible immigration enforcement at California LEAs.

4) **Peace Officer Qualifications:** To become a peace officer, a person must meet certain minimum standards: 1) they are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or other specified educational achievements; and 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect he exercise of peace officer powers. (Gov. Code, § 1031, subds. (a)-(f).) For purposes of conducting thorough background investigations for peace officer applicants, employers are required to disclose employment information about an employee, upon request of an LEA, if the request is made in writing, is accompanied by a notarized authorization by an applicant releasing the employer of liability, and the request and authorization are presented to the employer by an authorized representative of the employing LEA. (Gov. Code, § 1031.1, subd. (a).) Employment information that must be disclosed includes written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other LEA applicant, except as specified. (Gov. Code, § 1031.1, subd. (c).) For example, if a former ICE officer applied to become a peace officer, and a background investigation, including a review of prior employment information such as disciplinary records, demonstrated a propensity for racial bias, that officer may fail to meet California's minimum standards to become a peace officer.

In addition to these minimum standards, certain factors, such as a felony conviction and certain misconduct, disqualify a person from becoming a peace officer. More specifically, any of the following disqualifies a person from holding office or being employed as a peace officer: 1) a felony conviction or an offense in another jurisdiction which would be a felony if committed in this state; 2) military discharge for committing an offense which would be a felony if committed in this state; 3) conviction for a felony even if the court reduces the offense to a misdemeanor or the offense becomes a misdemeanor by operation of law; 4) a person charged with a felony who is adjudged to be mentally incompetent; 5) being found not guilty by reason of insanity for any felony; 7) adjudication as a mentally ordered sex offender; 8) adjudication as being addicted to narcotics and commitment to a state institution; 9) conviction of, or adjudication through an administrative, military, or civil judicial process requiring at least clean and convincing evidence that a person committed specified forgery, tampering, witness intimidation, and other offenses against public justice, as specified; 10) POST revocation of peace officer certification, as specified; 11) revocation of certification and being listed in the National Decertification Index for any person previously employed in law enforcement in any state or by the federal government or committing serious misconduct

that would have resulted in decertification by POST if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a) (1)-(11).)

There are certain exemptions to the above disqualification requirements. A guilty plea to a felony pursuant to a deferred entry of judgement program is insufficient, in and of itself, to disqualify a person from becoming a peace officer, unless a guilty plea is entered. (Gov. Code, § 1029, subd. (b)(1).) Further, a person who is found guilty of an alternate-felony misdemeanor or drug possession offense, and who completes a specified probation program, is not disqualified from becoming a peace officer if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).) Further, a person convicted of a specified felony who receives a full and unconditional pardon and demonstrates the ability to assist in programs of rehabilitation may be employed as a parole officer. (Gov. Code, § 1029, subd. (c).) A chief of police, sheriff, or mayor, among others, may also employ or deputize any person as a peace officer in specified times of disaster. (Gov. Code, § 1029, subd. (d).)

5) **Disqualification of Federal and Out-of-State Law Enforcement Officers.** Currently, a federal law enforcement officer or law enforcement officer of another state can be disqualified from becoming a peace officer in California because of misconduct committed in their prior law enforcement positions. Existing law disqualifies "[a]ny person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state." (Gov. Code, § 1029, subd. (a)(11).) Serious misconduct includes, among other things, dishonesty related to the reporting, investigation or prosecution of a crime, abuse of power, physical abuse, including excessive or unreasonable force, sexual assault, and demonstrating bias on the basis of race, national origin, gender identity or expression, housing status, sexual orientation, mental or physical disability, or any other protected status. (Pen. Code, § 13510.8, subd. (b).) Thus, a person previously employed in law enforcement by the federal government or another state, who engages in serious misconduct such as racial bias, can already be disqualified from becoming a peace officer in California. This provision applies far more broadly than this bill, in that it is not limited to agencies that engage in immigration enforcement, and is not limited to a particular period of time.

That is, peace officer applicants must already be vetted for moral character, and there is already an avenue to disqualify persons who have committed misconduct who were previously employed in law enforcement in any state or by the federal government. That said, it may be difficult to enforce this basis for disqualification if the previous law enforcement employer does not make efforts to hold their officers accountable for misconduct or maintain records of such misconduct.

6) **Effect of this Bill:** This bill disqualifies any person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer. Similarly, it establishes a new minimum standard for each class of public officers or employees declared by law to be peace officers, which requires that such

persons be free of previous employment with an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029. This creates a new disqualifying category that is strictly tied to a person's prior employment with an employer that engages in immigration enforcement during a specified period of time. This bill would not apply to individuals who engaged in immigration enforcement at state and local LEAs, such as a local law enforcement agency, a California law enforcement agency, and CDCR. The intent of this exemption appears to be to avoid disqualifying California law enforcement officers who only engage in immigration enforcement to the extent permitted by the California Values Act and other provisions of law that permit such agencies to assist with federal immigration enforcement efforts.

This disqualification requirement applies to "any person previously employed by an entity that engaged in immigration enforcement" during a specified period of time. Immigration enforcement means any efforts to investigate or enforce federal civil immigration law, including investigating or enforcing any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the U.S. This is largely the same definition utilized in the California Values Act, except it does not include efforts to "assist" in the investigation or enforcement of federal immigration law. (Gov. Code, § 7284.4, subd. (f).) This bill does not require that an employee themself engage in immigration enforcement; disqualification only requires that their employing entity engage in immigration enforcement. This can be expected to broadly disqualify individuals employed by federal agencies that engage in immigration enforcement, such as the ICE and CBP, as well as any other DHS component agencies that engage in immigration enforcement, such as the U.S. Coast Guard.[17]

It is unclear if this bill is intended to disqualify only those persons actually employed by a prohibited entity during the disqualifying time period. As currently drafted, this bill could be interpreted to disqualify a person previously employed by an entity that engaged in immigration enforcement during the disqualifying time period, even if that employee was not themself employed during the disqualifying time period. The language disqualifies "any person previously employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029" from becoming a peace officer. The disqualifying time period of January 20, 2025, to January 20, 2029, could be interpreted to govern whether the entity engaged in immigration enforcement at that time, not whether the person was employed by the entity during this time. This could be interpreted to disqualify every person employed by an entity that engaged in immigration enforcement during the disqualifying time period, even if that employment occurred long before or after the type of immigration enforcement that has taken place in President Trump's second term.

This may also disqualify employees of law enforcement agencies in other states. The only law enforcement entities exempt from this bill are California LEAs. As previously noted, California LEAs do engage in certain degrees of immigration enforcement. While California LEAs that engage in immigration enforcement to the extent permitted by California law are exempt from this bill, this bill may disqualify persons employed by LEAs in other states that cooperate with federal immigration enforcement efforts. This would be the case even if those

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[17] United States Coast Guard, *Maritime Law Enforcement* (accessed April 12, 2026), available at: https://www.mycg.uscg.mil/About-Us/Our-Organization/Missions/Maritime_Law_Enforcement/

out-of-state law enforcement agencies only engage in the same limited type of immigration enforcement that California LEAs may conduct. For example, a police officer currently employed by a Texas police department, where that department cooperates with federal immigration enforcement in the same manner as California LEAs, who subsequently moves to California, may be disqualified by this bill.

This bill also disqualifies an employee who did not engage in any misconduct or who did not serve in a law enforcement capacity. For example, this bill applies equally to an ICE agent who repeatedly utilizes excessive force during immigration arrests as to a U.S. Coast Guard employee whose responsibilities are purely administrative and do not involve any law enforcement field work. It would similarly disqualify a U.S. Coast Guard employee actively looking to change jobs or an ICE supervisor attempting to hold rank-and-file immigration agents accountable for their misconduct. The employer-dependent nature of this disqualification, irrespective of whether the person engaged in criminal behavior or misconduct, is somewhat inconsistent with the existing basis for peace officer disqualification, which generally requires a felony conviction, felony conduct, a disqualifying mental state, or specified misconduct. (Gov. Code, § 1029, subd. (a) (1)-(11).) To avoid disqualifying individuals who have engaged in no wrongdoing, the author may wish to narrow the bill to law enforcement officers who engage in misconduct.

The disqualifying time period also raises some issues. This bill would disqualify a person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer. This time period covers the entirety of President Trump's second term. This includes periods of employment prior to the potential January 1, 2027, effective date of this bill. Establishing such a narrow disqualifying time constraint, irrespective of a given employee's conduct, may contribute to disparate treatment of potential peace officer applicants. For example, this bill would not disqualify a person who used excessive force at an entity that engaged in immigration enforcement prior to the disqualifying time period, but could disqualify a newly-hired peace officer hired this month by an out-of-state police department that cooperates with federal immigration enforcement efforts. The author may wish to remove these narrowly defined time periods and apply the bill prospectively.

This bill contains similar provisions that disqualify a person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from public employment more generally, subject to the same exemptions. Because this bill was also referred to the Committee on Public Employment and Retirement, this analysis discusses only the provisions of the bill pertaining to public safety.

7) **Constitutional Concerns:** This bill raises several legal questions. First, this bill disqualifies a person employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, while specifically excluding employees of state and local LEAs that engage in limited immigration enforcement; therefore, it may be subject to a legal challenge under the Supremacy Clause.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be

bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (U.S. Const., art. VI, cl. 2.)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that "the activities of the Federal Government are free from regulation by any state." (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted).) This makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from "interfering with or controlling the operations of the Federal Government." (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, "'A state or local law discriminates against the federal government if it treats someone else better than it treats the government.'" (*Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original).) However, generally applicable state laws can apply to federal entities. (See *Johnson v. Maryland*, 254 U.S. 51, 56 (1920); *N.D*, *supra,* 495 U.S. at pp. 435-438; *United States v. Washington*, *supra,* 596 U.S. at p. 839.)

A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California*, *supra*, F.3d at pp. 878-879.) "This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*Arizona v. United States*, 567 U.S. 387, 399 (2012).) For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had "no doubt that SB 54 makes the jobs of federal immigration authorities more difficult." (*Id.* at p. 886.) But the court concluded that "this frustration does not constitute obstacle preemption," because federal law "does not require any particular action on the part of California or its political subdivisions." (*Id.* at p. 889.) "Even if SB 54 obstructs federal immigration enforcement," the court stated, "the United States' position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule." (*Id.* at p. 888.) "California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts." (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States' intergovernmental immunity for similar reasons. (*Ibid.*)

Here, this bill exempts California state and local LEAs that engage in immigration enforcement, while applying to federal and out-of-state entities that engage in immigration enforcement, which could lead to a lawsuit alleging discrimination against the federal government in violation of intergovernmental immunity. The targeted approach of this bill, and its creation of disqualification based on employment during President Trump's second term, could lead a court to find this bill is targeted at the federal immigration enforcement efforts.

On the other hand, it could be argued that this bill is intended to generally disqualify individuals based on their association with severe immigration enforcement conduct, and the exemption for California LEAs only exists because such agencies engage in lesser forms of

immigration enforcement, such as transferring individuals to immigration authorities or providing ICE with information about an in-custody individual's release date for individuals convicted for certain crimes. (Gov. Code, § 7282.5, subds. (a) (1) & (2), (b).)

However, confining the scope of the disqualification to the term of a particular U.S. President may undermine an argument that this law is non-discriminatory and generally applicable. While this bill pertains to eligibility to become a California peace officer and may not control or interfere with federal operations, under intergovernmental immunity, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original). An ICE officer who subsequently seeks and is disqualified from peace officer employment in California could bring a discrimination-based Supremacy Clause challenge against this bill. A claim that this restriction on the future employment prospects of ICE agents rises to the level of directly regulating the federal government or constitutes obstacle preemption is possible, albeit less likely, given that this bill is unlikely to directly impact current federal immigration enforcement operations.

This bill may additionally raise constitutional concerns relating to procedural due process. The disqualifying time periods by this bill apply to periods of employment before this bill would become effective. Specifically, it disqualifies a person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer. As previously noted, this bill also does not clearly require that the person was themself employed during the disqualifying time period, and therefore could be interpreted to apply to individuals employed by public entities long before this disqualifying time period, as long as their employing entity engaged in immigration enforcement between 2025 and 2029. This may disqualify individuals currently serving as peace officers, without sufficient procedural due process.

For example, a person employed by ICE in February of last year, but who has since moved to California and secured employment as a peace officer, could be subject to disqualification and possible termination of their employment contract. Procedural due process generally requires state actors to provide specific procedural protections before they deprive a person of any protected life, liberty, or property interest. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481.) The Due Process Clause of the Fourteenth Amendment protects a public employee's right to a property interest in employment. (*Bd. of Regents v. Roth* (1972) 408 U.S. 564, 576-577.) A statutory framework that gives individuals the status of permanent employee gives that employee a property interest in the continuation of their employment, which is protected by due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, pp. 206-208).) In California, public employees generally have a property interest in continued employment, a property interest that cannot be deprived without due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215–216; *Linney v. Turpen* (1996) 42 Cal.App.4th 763, 770; *Townsel v. San Diego Metropolitan Transit Development Bd.* (1998) 65 Cal.App.4th 940, 947; *Titus v. Civil Service Com.* (1982) 130 Cal.App.3d 357, 362.) Termination of employment is an action that can trigger due process requirements. (*Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194.) To the extent this bill disqualifies and terminates the employment of currently employed California peace officers based on their prior employment at a federal agency or a law enforcement agency of another state, this bill may be vulnerable to a procedural due process claim.

Finally, disqualifying peace officer applicants based on disqualifying employers, during a narrow time frame, and regardless of the conduct of those employees, could make this bill vulnerable to an Equal Protection claim. The Equal Protection Clause of the Fourteenth Amendment provides that "[n]o state shall… deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const., 14th Amend., § 1.) The California Constitution contains a substantially similar provision. (Cal. Const., art. I, § 7.) This establishes the general requirement that similarly situated people should be treated similarly. "[a] classification neither involving fundamental rights nor proceeding along suspect lines . . . cannot run afoul of the Equal Protection Clause if there is a rational relationship between the disparity of treatment and some legitimate governmental purpose." (*Armour v. City of Indianapolis* (2012) 566 U.S. 673, 680.) This is known as the rational basis test, which is the lowest level of scrutiny that a law subject to an equal protection challenge must meet. Under rational basis, "[a] classification is constitutionally infirm only if 'so unrelated to the achievement of any combination of legitimate purposes that we can only conclude that the legislature's actions were irrational.'" (*Conservatorship of Edde* (2009) 173 Cal.App.4th 883, 891.)

As previously noted, this bill establishes a certain degree of disparate treatment among potential peace officer applicants. For example, this bill would not apply to a person who previously used excessive force or engaged in racial profiling at an entity that engaged in immigration enforcement outside of the disqualifying time period, but could disqualify a non-law enforcement employee who was hired last month. Such differential treatment of peace officer applicants, irrespective of their conduct, makes this bill vulnerable to an Equal Protection claim. While the purpose of this bill is well-intentioned, the rational basis of disqualifying a peace officer applicant purely based on their employer, during a narrow period of time, and regardless of whether that applicant committed any wrongdoing, could be questioned in an Equal Protection claim by a disqualified peace officer applicant.

8) **Argument in Support**: According to the *Coalition for Humane Immigrant Rights,* "Since the start of President Trump's second term, immigration enforcement agencies such as the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) have been ordered to carry out aggressive, unchecked, and deadly military-style raids.

"To support these efforts, the administration has passed H.R. 1 (One Big Beautiful Bill Act) allocating over $170 billion for immigration enforcement, with $75 billion going directly to ICE – and allowing them to offer $50,000 signing bonuses and build ranks of under-qualified agents. With ICE field offices giving quotas to detain at least 75 undocumented people per day, masked ICE and CBP agents are forcibly abducting people off the streets with no notice, no due process, and with no regard for human rights or the law.

"As the year has progressed, these raids have only intensified, with agents injuring, shooting and even killing those they are detaining and innocent protesters like Renee Good and Alex Pretti. These intentionally reckless actions demonstrate a lack of care for human rights and life. Immigration enforcement agents, by virtue of their employment, have consistently shown they are unwilling to stand up to unlawful orders, and therefore do not align with the core values of this state's law enforcement or public employee missions.

"AB 1896 will disqualify anyone who has engaged in immigration enforcement activity from January 1, 2025, to January 20, 2029, from being employed as a state, county, or local public agency employee, including as a peace officer, with exceptions for allowed activities under SB 54, the California Values Act (2017).

"Anyone who engages in the terrorizing, kidnapping, shooting, or killing of innocent people has shown they are not interested in serving the public interest but are instead agents of harm, hate, and substantive violence. By disqualifying them from public employment, California will continue to ensure its people are served by those with their best interest at heart."

9) **Argument in Opposition**: According to the *Peace Officers Research Association of California*, "AB 1896 would disqualify individuals from serving as peace officers or holding public employment based solely on prior employment with an entity engaged in immigration enforcement between January 20, 2025, and January 20, 2029. This disqualification is not based on misconduct, training deficiencies, or lack of qualifications, but rather on prior lawful employment.

"California already maintains rigorous, merit-based standards for peace officer hiring, including requirements related to good moral character, background investigations, and training. AB 1896 departs from these established standards by imposing a categorical disqualification without regard to an individual's conduct, qualifications, or fitness for service.

"At a time when law enforcement agencies across California are facing significant recruitment and retention challenges, this bill unnecessarily restricts the pool of qualified candidates. This impact is not theoretical and will directly affect staffing levels and service delivery in communities across the state. Policies that exclude individuals based on prior lawful employment do not enhance public safety and instead risk limiting agencies' ability to effectively serve their communities.

"AB 1896 also sets a concerning precedent by introducing a disqualifier unrelated to job performance or professional standards, rather than relying on objective, merit-based criteria to evaluate candidates."

10) **Related Legislation**:

a) AB 1627 (Ávila Farías) would disqualify a person previously employed by ICE or specified out-of-state corrections departments, during specified time periods, from being employed as a peace officer. AB 1627 is being heard in this Committee today.

b) SB 938 (Menjivar) would disqualify a person from being a peace officer if they were previously employed by an entity that assists in immigration enforcement, as defined, after January 20, 2025, except as specified. SB 938 is being heard in the Senate Public Safety Committee today.

c) SB 1332 (Gonzalez) would make a person ineligible for appointment to, or employment in, any civil service or exempt position with the state if the person has been employed by ICE during the period beginning January 20, 2025, and ending January 20, 2029, among other changes. SB 1332 is pending a hearing in the Senate Committee on Labor, Public

Employment, and Retirement.

11) **Prior Legislation**:

a) AB 17 (Cooper), of the 2021-2022 Legislative Session, would have disqualified a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by POST. AB 17 did not receive a hearing in this Committee.

b) AB 60 (Salas), of the 2021-2022 Legislative Session, would have required a peace officer's certificate to be suspended, revoked, or canceled when the person is ineligible to be a peace officer or when the person has been subject to a sustained termination for serious misconduct, as defined, on or after January 1, 2022. AB 60 did not receive a hearing in this Committee.

c) SB 2 (Bradford), Chapter 409, Statutes of 2021, granted new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct" and made changes to the Bane Civil Rights Act to limit immunity as specified.

d) AB 1022 (Holden), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person from being a peace officer for, as a peace officer, using excessive force that results in great bodily injury or death, or for a peace officer's failure to intercede in another officer's excessive use of force, as specified. AB 1022 was held in the Senate Appropriations Committee.

e) SB 731 (Bradford), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person who has been convicted of certain crimes against public justice, including falsification of records, bribery, or perjury, from obtaining employment as a peace officer. AB 731 was never heard on the Assembly Floor.

f) SB 221 (Romero), Chapter 297, Statutes of 2003, among other things, expanded the grounds for disqualification of a person from being a peace officer for the conviction of a felony to include any person who, after January 1, 2004, who has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.

g) AB 882 (Cedillo), of the 2001-2002 Legislative Session, would have required the disqualification of a peace officer after the commission of specified crimes. AB 882 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
California State Council of Service Employees International Union
Coalition for Humane Immigrant Rights
Courage California
Initiate Justice
Inland Coalition for Immigrant Justice
Justice2jobs Coalition
LA Defensa
Los Angeles County Democratic Party
Viet Voices

Opposition

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Newport Beach
Claremont Police Officers Association
Corona 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
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Upland; City of

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

Date of Hearing: April 21, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1897 (Haney) – As Amended March 18, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides that an incarcerated person who disagrees with a Board of Parole Hearings' (BPH) determination that the person qualifies as an offender with a mental health disorder may file a petition for a hearing on the matter in the superior court of the county of commitment to state prison, rather than in the county in which the person is incarcerated or being treated.

EXISTING LAW:

1) Provides that, as a condition of parole, an incarcerated person who meets the following criteria shall be provided necessary treatment by Department of State Hospitals (DSH) as follows:

    a) The incarcerated person has a severe mental health disorder that is not in remission or that cannot be kept in remission without treatment.

    b) The severe mental health disorder was one of the causes of, or was an aggravating factor in, the commission of a crime for which the incarcerated person was sentenced to prison.

    c) The incarcerated person has been in treatment for the severe mental health disorder for 90 days or more within the year prior to the prisoner's parole or release.

    d) Prior to release on parole, the person in charge of treating the incarcerated person and a practicing psychiatrist or psychologist from DSH have evaluated the incarcerated person at a facility of the California Department of Corrections and Rehabilitation (CDCR), and a chief psychiatrist of CDCR has certified to BPH the following:

        i) The incarcerated person has a severe mental health disorder;

        ii) The disorder is not in remission and cannot be kept in remission without treatment;

        iii) The severe mental health disorder was one of the causes of, or was an aggravating factor in, the incarcerated person's criminal behavior;

        iv) The incarcerated person has been in treatment of the severe mental health disorder for 90 days or more within the year prior to the prisoner's parole release day; and,

v) By reason of the incarcerated person's severe mental health disorder, the incarcerated person represents a substantial danger of physical harm to others. (Pen. Code, § 2962, subds. (a)-(d).)

2) Provides that, if the professionals doing the evaluation do not concur that (A) the incarcerated person has a severe mental health disorder, (B) that the disorder is not in remission or cannot be kept in remission without treatment, or (C) that the severe mental health disorder was a cause of, or aggravated, the incarcerated person's criminal behavior, and a chief psychiatrist has certified the incarcerated person to the BPH pursuant to this paragraph, BPH shall order a further examination by two independent professionals, as provided. (Pen. Code, § 2962, subd. (d)(2).)

3) Provides that, if at least one of the independent professionals who evaluate the prisoner concurs with the chief psychiatrist's certification of the issues, the person may be involuntarily committed. (Pen. Code, § 2962, subd. (d)(3).)

4) States that the crimes which qualify an individual for involuntary commitment if the individual's severe mental health disorder was one of the causes of, was an aggravating factor in its commission, meets both of the following criteria:

   a) The defendant received a determinate sentence, as specified, for the crime; and,

   b) The crime for, among others, voluntary manslaughter; mayhem; kidnapping, a specified; robbery with a deadly or dangerous weapon, as specified; carjacking with a deadly or dangerous weapon, as specified; rape and other sex crimes, as specified; arson, as specified; a felony in which the defendant used a firearm, as specified; attempted murder; a crime in which the prisoner used force or violence, or caused serious bodily injury, as specified; and a crime in which the perpetrator expressly or impliedly threatened another with the use of force or violence likely to produce substantial physical harm in a manner that a reasonable person would believe and expect that the force or violence would be used. (Pen. Code, § 2962, subd. (e)(1) & (2).)

5) Provides that the existence or nature of the crime for which the person has been convicted may be shown with documentary evidence. The details underlying the commission of the offense that led to the conviction, including the use of force or violence, causing serious bodily injury, or the threat to use force or violence likely to produce substantial physical harm, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by DSH. (Pen. Code, § 2962, subd. (f).)

6) Provides that "substantial danger of physical harm" does not require proof of a recent overt act. (Pen. Code, § 2962, subd. (g).)

7) Defines "severe mental health disorder" to mean an illness, disease, or condition that substantially impairs the person's thought, perception of reality, emotional process, or judgment; or that grossly impairs behavior; or that demonstrates evidence of an acute brain syndrome for which prompt remission, in the absence of treatment, is unlikely. (Pen. Code, § 2962, subd. (a)(2).)

8) Provides that the term "severe mental health disorder" does not include a personality or adjustment disorder, epilepsy, intellectual disability or other developmental disabilities, or addiction to or abuse of intoxicating substances. (Pen. Code, § 2962, subd. (a)(2).)

9) Defines "remission" to mean a finding that the overt signs and symptoms of the severe mental health disorder are controlled either by psychotropic medication or psychosocial support. (Pen. Code, § 2962, subd. (a)(3).)

10) Provides that a person "cannot be kept in remission without treatment" if during the year prior to the question being before BPH or a trial court, the person has been in remission and has been physically violent, except in self-defense, or has made a serious threat of substantial physical harm upon the person of another so as to cause the target of the threat to reasonably fear for their safety or the safety of their immediate family, or the person has intentionally caused property damage, or has not voluntarily followed the treatment plan. (Pen. Code, § 2962, subd. (a)(3).)

11) Provides that, in determining if a person has voluntarily followed the treatment plan, the standard is whether the person has acted as a reasonable person would in following the treatment plan. (Pen. Code, § 2962, subd. (a)(3).)

12) Allows BPH, upon a showing of good cause, to order an incarcerated person to remain in custody for up to 45 days past the scheduled release date for a full OMHD evaluation. (Pen. Code, § 2963.)

13) Allows the prisoner to challenge the OMHD determination both administratively (a hearing before the board) and judicially (a superior court jury trial). (Pen. Code, § 2966.)

14) Requires OMHD treatment to be inpatient treatment unless there is reasonable cause to believe that the parolee can be safely and effectively treated on an outpatient basis. (Pen. Code, § 2964, subd. (a).)

15) Specifies that if the person's severe mental disorder is put into remission during the parole period and can be kept that way, the director of the hospital shall notify BPH and shall discontinue treatment. (Pen. Code, § 2968.)

16) Allows the district attorney to file a petition with the superior court seeking a one-year extension of the OMHD commitment. (Pen. Code, § 2970.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California's Mentally Disordered Offender laws are designed to ensure that individuals with severe mental illness who pose a danger to others receive appropriate treatment while protecting public safety. However, recent cases have exposed gaps in the law that allow dangerous individuals to be released due to inconsistent interpretations of the statutory standard used to determine risk. AB 1897 addresses this issue by clarifying the danger standard and requiring use of a structured risk assessment tool to support more consistent and evidence-based decisions. By improving the

reliability of these determinations while preserving due process protections, this bill strengthens California's ability to protect communities and ensure the fair administration of our criminal justice system."

2) **Impetus for this Bill:** The impetus for AB 1782 is the case of Bill Gene Hobbs, a story that has received extensive media coverage since his release from state prison last year.[1] Hobbs has a history of involvement with the criminal justice system for repeatedly harassing women.[2] He has spent time in jail for misdemeanor convictions for stalking and sexual battery, and recently he was released from state prison after serving time for felony false imprisonment.[3] After his release, Hobbs was sent to a state hospital for treatment as an OMHD, but five months later he was released when a local judge determined that he no longer satisfied criteria for commitment.[4] Hobbs soon began to harass women on the streets of San Francisco, where he was quickly rearrested on a parole violation.[5]

   Since his return to San Francisco, media outlets have asked why Hobbs was released from DSH after only a short commitment and whether more could be done to prevent his release without more monitoring.[6]

3) **Overview of the Commitment Process for an OMHD**: Existing law provides that, as a condition of parole, an incarcerated person who meets specified criteria can be involuntarily committed to DSH for treatment. (Pen. Code, § 2962 et seq.) The OMHD scheme is designed to confine an incarcerated person who is about to be released on parole if they suffer from a severe mental health disorder that contributed to the commission of their crime. Rather than release them to the community, CDCR paroles the incarcerated person to the supervision of DSH, and the person remains under DSH supervision throughout the parole period. (Pen. Code, § 2962). Treatment can continue for one year upon termination of parole (Pen. Code § 2970), and treatment can be extended for an additional year after expiration of the original, or previous, one-year commitment (Pen. Code § 2972). *(People v. Cobb* (2010) 48 Cal.4th 243, 251.)

   Commitment as an OMHD requires a showing that the incarcerated person has a severe mental health disorder that is not in remission or that cannot be kept in remission without treatment. (Pen. Code, § 2962, subd. (a)(1).) Existing law defines "severe mental health disorder" as an illness, disease, or condition that substantially impairs the person's thought,

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[1] See, e.g., Vainshtein, et al., *Convicted groper back in SF after prison – and again approaching women*, S.F. Chronicle (Oct. 20, 2025) <https://www.sfchronicle.com/sf/article/bill-gene-hobbs-released-san-francisco-21110868.php> [as of Mar. 11, 2026]; Kukura, *Serial Harasser Bill Gene Hobbs Apparently Out of State Prison, Back to Harassing Women on SF Streets*, SFist (Oct. 21, 2025) <https://sfist.com/2025/10/21/serial-harasser-bill-gene-hobbs-apparently-out-of-state-prison-back-to-harassing-women-on-sf-streets/> [as of Mar. 11, 2026]; Wang, *Convicted harasser back in jail after reportedly approaching women in San Franciso*, ABC7 News (Oct. 24, 2025) <https://abc7news.com/post/convicted-harasser-prison-seen-approaching-women-san-francisco-report-says/18054316/> [as of March 11, 2026]; Editorial Board, *Why was Bill Gene Hobbs back on S.F. streets? His case shows the state of California's justice system*, S.F. Chronicle (Nov. 3, 2025) <https://www.sfchronicle.com/opinion/editorials/article/california-san-francisco-bill-gene-hobbs-21122904.php> [as of Mar. 11, 2026].

[2] Vainshtein, *supra*.

[3] Wang, *supra*.

[4] Editorial Board, *supra*; see also Wang, *supra*.

[5] *Ibid.*

[6] *Ibid.*

perception of reality, emotional process, or judgment; or that grossly impairs behavior; or that demonstrates evidence of an acute brain syndrome for which prompt remission, in the absence of treatment, is unlikely. (Pen. Code, § 2962, subd. (a)(2).) The severe mental health disorder must have been one of the causes of, or have been an aggravating factor in, the commission of a crime for which the person was sentenced. (Pen. Code, § 2962, subd. (b).) The incarcerated person must also have been in treatment for the disorder for 90 days or more within the year prior to parole or release. (Pen. Code, § 2962, subd. (c).)

The initial determination that an incarcerated person qualifies as an OMHD is made administratively. Prior to release on parole, the person in charge of treating the incarcerated person and a practicing psychiatrist or psychologist from DSH must have evaluated the person at a CDCR facility, and a chief psychiatrist of CDCR must have certified to BPH that the incarcerated person has a severe mental health disorder; that the disorder is not in remission and cannot be kept in remission without treatment; that the disorder was one of the causes of, or was an aggravating factor in, the incarcerated person's criminal behavior; that the incarcerated person has been in treatment for the severe mental health disorder for 90 days or more within the year prior to the incarcerated person's parole release date; and that, by reason of their severe mental health disorder, the incarcerated person represents a substantial danger of physical harm to others. (Pen. Code, § 2962, subd. (d).)

If the professionals evaluating the incarcerated person do not agree that the person has a severe mental health disorder, that the disorder is not in remission or cannot be kept in remission without treatment, or that the severe mental health disorder was a cause of, or aggravated, the prisoner's criminal behavior, and a chief psychiatrist has certified the incarcerated person BPH, then BPH must order an examination of the incarcerated person by two independent professionals. (Pen. Code, § 2962, subd. (d)(2).) If at least one of the independent professionals who evaluates the incarcerated person concurs with the chief psychiatrist's certification of the person as an OMHD, the person can be involuntarily committed. (Pen. Code, § 2962, subd. (d)(3).)

The incarcerated person may request a hearing before BPH to require proof that that they qualify as an OMHD. (Pen. Code, § 2966, subd. (a).) If BPH determines that the person qualifies, the inmate may file, in the superior court of the county in which he or she is incarcerated or is being treated, a petition for a jury trial. (Pen. Code, § 2966, subd. (b).) The jury must unanimously agree beyond a reasonable doubt that the inmate is an OMHD. (*Ibid.*) If the jury, or the court if a jury trial is waived, reverses the determination of BPH, the court is required to stay the execution of the decision for five working days to allow for an orderly release of the incarcerated person. (*Ibid.*)

4) **Effect of this Bill**: Under existing law, an incarcerated person who disagrees with BPH's determination that they qualify as an OMHD, and thus can be involuntarily committed, may file in the superior court of the county in which they are incarcerated or being treated a petition for a hearing on whether they meet the OMHD criteria. This bill would change the location at which that petition for hearing can be filed to the superior court in of the county of the persons commitment to state prison.

5) **Argument in Support**: Not applicable.

6) **Argument in Opposition**: Not applicable.

7) **Related Legislation**:

a) AB 1792 (DeMaio) would reduce the number of factors to which the chief psychiatrist of the California Department of Correction and Rehabilitation (CDCR) to the Board of Parole Hearings (BPH) prior to the involuntary commitment of an OMHD. AB 1782 failed passage in this committee.

b) AB 1825 (Krell) Specifies factors that a chief psychiatrist of CDCR shall consider when determining whether an incarcerated person with a severe mental health disorder poses a substantial danger of physical harm to others. AB 1825 is pending a hearing in the Assembly Health Committee.

8) **Prior Legislation**:

a) AB 2475 (Haney), Chapter 963, Statutes of 2024, required a court to stay the execution of a decision determining an incarcerated person is not an OMHD for up to 30 days, instead of the current five working days, in order to allow for the person's orderly release.

b) SB 591 (Galgiani), Chapter 649, Statutes 2019, stated that a practicing psychiatrist or DSH or CDCR psychologist be afforded prompt and unimpeded access to an inmate temporarily housed at a county jail, when the psychiatrist or psychologist is conducting an evaluation of the inmate as a MDO; and made changes to the process to determine whether an inmate is a MDO.

c) SB 350 (Galgiani), of the 2017-2018 Legislative Session, would have required the disclosure of medical, dental, and mental health information between a county correctional facility, a county medical facility, a state correctional facility, a state hospital, or a state-assigned mental health provider when an inmate is transferred from or between state and county facilities, as specified. SB 350 was held in the Senate Appropriations Committee.

d) SB 1443 (Galgiani), of the 2015-2016 Legislative Session, would have permitted the sharing of medical, mental health and dental information between correctional facilities, as specified. SB 1443 was held in the Senate Appropriations Committee.

e) SB 1295 (Nielsen), Chapter 430, Statutes of 2016, authorized the use of documentary evidence for purposes of satisfying the criteria used to evaluate whether a prisoner released on parole is required to be treated by the State Department of State Hospitals as a OMHD.

REGISTERED SUPPORT / OPPOSITION:

Support

San Francisco District Attorney Brooke Jenkins (Sponsor)
Arcadia Police Officers' Association
Board of Supervisors for the City and County of San Francisco
Brea Police Association
Burbank Police Officers' 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
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
All of US or None (HQ)
California Attorneys for Criminal Justice
California Civil Liberties Advocacy
California Peer Watch
California Public Defenders Association
Californians United for a Responsible Budget
Disability Rights California
Felony Murder Elimination Project
Legal Services for Prisoners With Children
San Francisco Public Defender
Saving Lives in Custody California
Smart Justice California, a Project of Beyond Impact
Uncommon Law
Western Center on Law & Poverty, INC.

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

Amended Mock-up for 2025-2026 AB-1897 (Haney (A))

Mock-up based on Version Number 98 - Amended Assembly 3/18/26
Submitted by: Staff Name, Office Name

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

~~**SECTION 1.** Section 2962 of the Penal Code is amended to read:~~

~~**2962.** As a condition of parole, a prisoner who meets the following criteria shall be provided necessary treatment by the State Department of State Hospitals as follows:~~

~~(a) (1) The prisoner has a severe mental health disorder that is not in remission or that cannot be kept in remission without treatment.~~

~~(2) The term "severe mental health disorder" means an illness, disease, or condition that substantially impairs the person's thought, perception of reality, emotional process, or judgment; or that grossly impairs behavior; or that demonstrates evidence of an acute brain syndrome for which prompt remission, in the absence of treatment, is unlikely. The term "severe mental health disorder," as used in this section, does not include a personality or adjustment disorder, epilepsy, intellectual disability or other developmental disabilities, or addiction to or abuse of intoxicating substances.~~

~~(3) The term "remission" means a finding that the overt signs and symptoms of the severe mental health disorder are controlled either by psychotropic medication or psychosocial support. A person "cannot be kept in remission without treatment" if during the year prior to the question being before the Board of Parole Hearings or a trial court, the person has been in remission and has been physically violent, except in self-defense, or has made a serious threat of substantial physical harm upon the person of another so as to cause the target of the threat to reasonably fear for their safety or the safety of their immediate family, or the person has intentionally caused property damage, or has not voluntarily followed the treatment plan. In determining if a person has voluntarily followed the treatment plan, the standard is whether the person has acted as a reasonable person would in following the treatment plan.~~

~~(b) The severe mental health disorder was one of the causes of, or was an aggravating factor in, the commission of a crime for which the prisoner was sentenced to prison.~~

~~(c) The prisoner has been in treatment for the severe mental health disorder for 90 days or more within the year prior to the prisoner's parole or release.~~

~~(d) (1) Prior to release on parole, the person in charge of treating the prisoner and a practicing psychiatrist or psychologist from the State Department of State Hospitals have evaluated the prisoner at a facility of the Department of Corrections and Rehabilitation, and a chief psychiatrist of the Department of Corrections and Rehabilitation has certified to the Board of Parole Hearings that the prisoner has a severe mental health disorder, that the disorder is not in remission or cannot be kept in remission without treatment, that the severe mental health disorder was one of the causes or was an aggravating factor in the prisoner's criminal behavior, that the prisoner has been in treatment for the severe mental health disorder for 90 days or more within the year prior to the prisoner's parole release day, and that by reason of the prisoner's severe mental health disorder, the prisoner represents a substantial danger to the health and safety of others. The prisoner shall undergo the Historical Clinical Risk Management-20, Version 3 assessment as published by the Mental Health, Law, and Policy Institute at Simon Fraser University in Canada, in addition to any other test or assessment the evaluating professionals deem appropriate.~~

~~(A) For prisoners being treated by the State Department of State Hospitals pursuant to Section 2684, the certification shall be by a chief psychiatrist of the Department of Corrections and Rehabilitation, and the evaluation shall be conducted at a state hospital by the person at the state hospital in charge of treating the prisoner and a practicing psychiatrist or psychologist from the Department of Corrections and Rehabilitation.~~

~~(B) For the evaluation of Department of Corrections and Rehabilitation prisoners who are temporarily housed at a county correctional facility, a county medical facility, or a state-assigned mental health provider, a practicing psychiatrist or psychologist from the State Department of State Hospitals, the Department of Corrections and Rehabilitation, or the Board of Parole Hearings shall be afforded prompt and unimpeded access to the prisoner and their records for the period of confinement at that facility upon submission of current and valid proof of state employment and a departmental letter or memorandum arranging the appointment.~~

~~(2) If the professionals doing the evaluation pursuant to paragraph (1) do not concur that (A) the prisoner has a severe mental health disorder, (B) that the disorder is not in remission or cannot be kept in remission without treatment, or (C) that the severe mental health disorder was a cause of, or aggravated, the prisoner's criminal behavior, and a chief psychiatrist has certified the prisoner to the Board of Parole Hearings pursuant to this paragraph, the Board of Parole Hearings shall order a further examination by two independent professionals, as provided for in Section 2978.~~

~~(3) If at least one of the independent professionals who evaluate the prisoner pursuant to paragraph (2) concurs with the chief psychiatrist's certification of the issues described in paragraph (2), this subdivision shall be applicable to the prisoner. The professionals appointed pursuant to Section 2978 shall inform the prisoner that the purpose of their examination is not treatment, but to determine if the prisoner meets certain criteria to be involuntarily treated as an offender with a mental health disorder. It is not required that the prisoner appreciate or understand that information.~~

~~(e) The crime referred to in subdivision (b) meets both of the following criteria:~~

~~(1) The defendant received a determinate sentence pursuant to Section 1170 for the crime.~~

~~(2) The crime is one of the following:~~

~~(A) Voluntary manslaughter.~~

~~(B) Mayhem.~~

~~(C) Kidnapping in violation of Section 207.~~

~~(D) A robbery wherein it was charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that robbery.~~

~~(E) Carjacking, as defined in subdivision (a) of Section 215, if it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of the carjacking.~~

~~(F) Rape, as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of former Section 262.~~

~~(G) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

~~(H) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

~~(I) Lewd acts on a child under 14 years of age in violation of Section 288.~~

~~(J) Continuous sexual abuse in violation of Section 288.5.~~

~~(K) The offense described in subdivision (a) of Section 289 if the act was accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

~~(L) Arson in violation of subdivision (a) of Section 451, or arson in violation of any other provision of Section 451 or in violation of Section 455 if the act posed a substantial danger of physical harm to others.~~

~~(M) A felony in which the defendant used a firearm which use was charged and proved as provided in Section 12022.5, 12022.53, or 12022.55.~~

~~(N) A violation of Section 18745.~~

~~(O) Attempted murder.~~

~~(P) A crime not enumerated in subparagraphs (A) to (O), inclusive, in which the prisoner used force or violence, or caused serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243.~~

~~(Q) A crime in which the perpetrator expressly or impliedly threatened another with the use of force or violence likely to produce substantial physical harm in a manner that a reasonable person would believe and expect that the force or violence would be used. For purposes of this subparagraph, substantial physical harm does not require proof that the threatened act was likely to cause great or serious bodily injury.~~

~~(f) For purposes of meeting the criteria set forth in this section, the existence or nature of the crime, as defined in paragraph (2) of subdivision (e), for which the prisoner has been convicted may be shown with documentary evidence. The details underlying the commission of the offense that led to the conviction, including the use of force or violence, causing serious bodily injury, or the threat to use force or violence likely to produce substantial physical harm, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of State Hospitals.~~

~~(g) As used in this chapter, "substantial danger of physical harm" does not require proof of a recent overt act.~~

SECTION 1. Section 2966 of the Penal Code is amended to read:

2966. (a) A prisoner may request a hearing before the Board of Parole Hearings, and the board shall conduct a hearing if so requested, for the purpose of proving that the prisoner meets the criteria in Section 2962. At the hearing, the burden of proof shall be on the person or agency who certified the prisoner under subdivision (d) of Section 2962. If the prisoner or any person appearing on the prisoner's behalf at the hearing requests it, the board shall appoint two independent professionals as provided for in Section 2978. The prisoner shall be informed at the hearing of the right to request a trial pursuant to subdivision (b). The Board of Parole Hearings shall provide a prisoner who requests trial a petition form and instructions for filing the petition.

(b) A prisoner who disagrees with the determination of the Board of Parole Hearings that the prisoner meets the criteria of Section 2962 may file in the superior court of the county **of commitment to state prison** ~~in which the prisoner is incarcerated or is being treated~~ a petition for a hearing on whether the prisoner, as of the date of the Board of Parole Hearings hearing, met the criteria of Section 2962. The court shall conduct a hearing on the petition within 60 calendar days after the petition is filed, unless either time is waived by the petitioner or the petitioner's counsel or good cause is shown. Evidence offered for the purpose of proving the prisoner's behavior or mental status subsequent to the Board of Parole Hearings hearing shall not be considered. The order of the Board of Parole Hearings shall be in effect until the completion of the court proceedings. The court shall advise the petitioner of the right to be represented by an attorney and of the right to a jury trial. The attorney for the petitioner shall be given a copy of the petition and

any supporting documents. The hearing shall be a civil hearing. In order to reduce costs, the rules of criminal discovery, as well as civil discovery, shall be applicable. The standard of proof shall be beyond a reasonable doubt, and if the trial is by jury, the jury shall be unanimous in its verdict. The trial shall be by jury unless waived by both the person and the district attorney. The court may, upon stipulation of both parties, receive in evidence the affidavit or declaration of any psychiatrist, psychologist, or other professional person who was involved in the certification and hearing process, or any professional person involved in the evaluation or treatment of the petitioner during the certification process. The court may allow the affidavit or declaration to be read, and the contents thereof considered in the rendering of a decision or verdict in any proceeding held pursuant to this subdivision, or subdivision (c), or subdivision (a) of Section 2972. If the court or jury reverses the determination of the Board of Parole Hearings, the court shall stay the execution of the decision for up to 30 days to allow for an orderly release of the prisoner. The court may require the parties to return to the court during those 30 days to ensure that the entities involved in the release of the prisoner have coordinated an exit plan for the prisoner. If the court or jury reverses the determination of the Board of Parole Hearings, the Department of Corrections and Rehabilitation, upon a determination that the individual is eligible for release pursuant to Section 3451, shall notify the probation department of the county of supervision of the pending release within five working days of the court order and work with the county of supervision to coordinate the orderly and safe release of the prisoner.

(c) If the Board of Parole Hearings continues a parolee's mental health treatment under Section 2962 when it continues the parolee's parole under Section 3001, the procedures of this section shall only be applicable for the purpose of determining if the parolee has a severe mental health disorder, whether the parolee's severe mental health disorder is not in remission or cannot be kept in remission without treatment, and whether by reason of the parolee's severe mental health disorder, the parolee represents a substantial danger **of physical harm to others** ~~to the health and safety of others~~.

~~**SEC. 3.** Section 2970 of the Penal Code is amended to read:~~

~~**2970.** (a) Not later than 180 days prior to the termination of parole, or release from prison if the prisoner refused to agree to treatment as a condition of parole as required by Section 2962, unless good cause is shown for the reduction of that 180-day period, if the parolee's or prisoner's severe mental health disorder is not in remission or cannot be kept in remission without treatment, the medical director of the state hospital that is treating the parolee, or the community program director in charge of the parolee's outpatient program, or the Secretary of the Department of Corrections and Rehabilitation, shall submit to the district attorney of the county in which the parolee is receiving outpatient treatment, or for those in prison or in a state mental hospital, the district attorney of the county of commitment to prison, a written evaluation on remission. If requested by the district attorney, the written evaluation shall be accompanied by supporting affidavits.~~

~~(b) The district attorney may then file a petition with the superior court for continued involuntary treatment for one year. The petition shall be accompanied by affidavits specifying that treatment, while the prisoner was released from prison on parole, has been continuously provided by the State Department of State Hospitals either in a state hospital or in an outpatient program. The petition~~

shall also specify that the prisoner has a severe mental health disorder, that the severe mental health disorder is not in remission or cannot be kept in remission if the person's treatment is not continued, and that, by reason of the person's severe mental health disorder, the prisoner represents a substantial danger to the health and safety of others.

SEC. 4. Section 2972 of the Penal Code is amended to read:

2972. (a) (1) The court shall conduct a hearing on the petition under Section 2970 for continued treatment. The court shall advise the person of the right to be represented by an attorney and of the right to a jury trial. The attorney for the person shall be given a copy of the petition, and any supporting documents. The hearing shall be a civil hearing, however, in order to reduce costs, the rules of criminal discovery, as well as civil discovery, shall be applicable.

(2) The standard of proof under this section shall be proof beyond a reasonable doubt, and if the trial is by jury, the jury shall be unanimous in its verdict. The trial shall be by jury unless waived by both the person and the district attorney. The trial shall commence no later than 30 calendar days prior to the time the person would otherwise have been released, unless the time is waived by the person or unless good cause is shown.

(b) The people shall be represented by the district attorney. If the person is indigent, the county public defender shall be appointed.

(c) If the court or jury finds that the patient has a severe mental health disorder, that the patient's severe mental health disorder is not in remission or cannot be kept in remission without treatment, and that by reason of the patient's severe mental health disorder, the patient represents a substantial danger to the health and safety of others, the court shall order the patient recommitted to the facility in which the patient was confined at the time the petition was filed, or recommitted to the outpatient program in which the patient was being treated at the time the petition was filed, or committed to the State Department of State Hospitals if the person was in prison. The commitment shall be for a period of one year from the date of termination of parole or a previous commitment or the scheduled date of release from prison as specified in Section 2970. Time spent on outpatient status, except when placed in a locked facility at the direction of the outpatient supervisor, shall not count as actual custody and shall not be credited toward the person's maximum term of commitment or toward the person's term of extended commitment.

(d) A person shall be released on outpatient status if the committing court finds that there is reasonable cause to believe that the committed person can be safely and effectively treated on an outpatient basis. Except as provided in this subdivision, the provisions of Title 15 (commencing with Section 1600) of Part 2 apply to persons placed on outpatient status pursuant to this paragraph. The standard for revocation under Section 1609 is that the person cannot be safely and effectively treated on an outpatient basis.

(e) Prior to the termination of a commitment under this section, a petition for recommitment may be filed to determine whether the patient's severe mental health disorder is not in remission or cannot be kept in remission without treatment, and whether by reason of the patient's severe mental

~~health disorder, the patient represents a substantial danger to the health and safety of others. The recommitment proceeding shall be conducted in accordance with the provisions of this section.~~

~~(f) A commitment under this article places an affirmative obligation on the treatment facility to provide treatment for the underlying causes of the person's mental health disorder.~~

~~(g) Except as provided in this subdivision, the person committed shall be considered to be an involuntary mental health patient and shall be entitled to those rights set forth in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code. Commencing January 1, 1986, the State Department of Mental Health, or its successor, the State Department of State Hospitals, may adopt regulations to modify those rights as is necessary in order to provide for the reasonable security of the inpatient facility in which the patient is being held. This subdivision and the regulations adopted pursuant thereto shall become operative on January 1, 1987, except that regulations may be adopted prior to that date.~~

Date of Hearing: April 21, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1930 (Zbur) – As Amended March 19, 2026

SUMMARY: Limits when a person or entity may provide information regarding another's legally protected health care activities in response to various types of inquiries. Specifically, **this bill**:

1) Prohibits a person or entity that is located, headquartered, incorporated, or otherwise conducting business in California and receives, is served with, or is subject to a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity from complying with the request unless all of the following conditions are met:

   a) The inquiry, investigation, subpoena, or summons contains or is accompanied by an affidavit under penalty of perjury attesting any of the following:

      i. It is not related to, and that any information obtained shall not be used in, any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences upon a person or entity for engaging in any legally protected health care activity.

      ii. It is related to an investigation or proceeding regarding activity that is unlawful under California civil or criminal law, and it identifies the California law under which the activity is unlawful.

      iii. It is related to an investigation or proceeding regarding activity that is grounds for professional discipline in California, and it identifies the grounds for professional discipline.

   b) The person or entity receiving or subject to the inquiry, investigation, subpoena, or summons regarding legally protected health care activity has done both of the following:

      i. Provided notice to the Department of Justice (DOJ) within seven days of receiving the inquiry, investigation, subpoena, or summons indicating whether the person or entity intends to comply with or provide information in response to the inquiry, investigation, subpoena, or summons. The notice shall include a copy of the inquiry, investigation, subpoena, or summons, and any related materials.

      ii. Made reasonable attempts to notify the individual or individuals who provided, sought, received, facilitated, or otherwise engaged in the legally protected health care activity to which the inquiry, investigation, subpoena, or summons pertains at least 30 days prior to providing any responsive information, unless otherwise ordered by a court of competent jurisdiction.

c) A minimum of 30 days has passed since the person or entity notified the Attorney General of the inquiry, investigation, subpoena, or summons.

2) Authorizes the DOJ to commence a civil action against a person or entity that submits a false affidavit pursuant to this bill's provisions.

3) Provides that the submission of a false affidavit pursuant to this bill's provisions is punishable by a civil penalty up $15,000.

4) Authorizes the DOJ to commence an action to enforce the provisions of this bill, including but not limited, to an application or motion for an order enjoining ongoing or subsequent violations of this bill. Specifies that the Attorney General cannot bring such an action unless the DOJ has reason to believe the defendant intends to comply or has complied with an inquiry, investigation, subpoena, or summons regarding legally protected health care activity.

5) Requires a court of this state to assess a statutory penalty of $10,000 for the first violation and $15,000 for each subsequent violation against any person or entity found to have intentionally, knowingly, willingly, or recklessly complied with an inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity in violation of the bill's provisions.

6) Specifies that these statutory penalties can be assessed in addition to any other legal or equitable remedies at law.

7) Requires an action brought by the DOJ pursuant to this bill's provisions to be commenced within six years of the date on which the Attorney General received the notice of the inquiry, investigation, subpoena, or summons at issue.

8) Requires a court to award court costs and attorneys' fees to the DOJ in any civil action in which the court imposes any penalty authorized by this section.

EXISTING LAW:

1) Defines "legally protected health care activity" as any of the following:

a) The exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California or the provision by a health care service plan contract or a policy, or a certificate of health insurance, that provides for such services.

b) An act or omission undertaken to aid or encourage, or attempt to aid or encourage, a person in the exercise and enjoyment or attempted exercise and enjoyment of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California.

c) The provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services by a person duly licensed under the laws of California or the coverage of, and reimbursement for, those services or care by a health care service plan or a health insurer, if the service or care is lawful under the laws of

California, regardless of the patient's location. (Pen. Code, § 1549.15, subd. (b)(1)(A)-(C).)

2) Provides that "gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, interventions to suppress the development of endogenous secondary sex characteristics; interventions to align the patient's appearance or physical body with the patient's gender identity; and intervention to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition. (Pen. Code, § 1549.15, subd. (a).)

3) States that "reproductive health care services" means and includes all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception. (Pen. Code, § 1549.15, subd. (c).)

4) Defines "anti-reproductive-rights crime" to mean a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. (Pen. Code, § 13776, subd. (a).

5) Requires the DOJ to direct local law enforcement agencies to report annually to the DOJ specified information related to anti-reproductive-rights crimes. (Pen. Code, § 13777, subd. (a)(2).)

6) Requires the DOJ to carry out certain functions relating to anti-reproductive-rights crimes in consultation with the Governor, the Commission on Peace Officer Standards and Training (POST), and other subject matter experts. (Pen. Code, § 13777, subd. (b).)

7) Requires POST to develop an interactive training course on anti-reproductive-rights crimes and make the telecourse available to all California law enforcement agencies though an online portal or platform. (Pen. Code, §13778, subd. (a).)

8) Mandates every law enforcement agency in this state to develop, adopt, and implement written policies and standards for officers' responses to anti-reproductive-rights calls by January 1, 2023. (Pen. Code, § 13778.1.)

9) Prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion in this state, or obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (a).)

10) Prohibits a state or local public agency, or any employee thereof acting in their official capacity, from cooperating with or providing information to any individual or agency or

department from another state or, to the extent permitted by federal law, to a federal law enforcement agency regarding an abortion that is lawful under the laws of this state and that is performed in this state. (Pen. Code, § 13778.2, subd. (b).)

11) Provides that a law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state, is against the public policy of this state. (Pen. Code, § 13778.2, subd. (c)(1).)

12) Prohibits a state court, judicial officer, or court employee or clerk, or authorized attorney from issuing a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (c)(2).)

13) Provides that the investigation of any criminal activity in this state that may involve the performance of an abortion is not prohibited, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's abortion law. (Pen. Code, § 13778.2, subd. (d).)

14) Prohibits a person from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. (Gov. Code, § 6218.01, subd. (a)(1).)

15) Provides that the above is punishable by a fine of up to $10,000 per violation, imprisonment of either up to one year in a county jail or by imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)

16) Provides that a violation of the above that leads to the bodily injury of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, is a felony punishable by a fine of up to $50,000, imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)

17) Provides that the state may not deny or interfere with a person's right to choose or obtain an abortion prior to viability of the fetus or when the abortion is necessary to protect the life or health of the person. (Health & Safe. Code, § 123462, subd. (c); 123466.)

18) Prohibits under the Confidentiality of Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civ. Code § 56, *et seq.*)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Across the country, we are seeing increasing efforts to bully and intimidate patients and providers who deliver or need reproductive health care and gender-affirming care. Out-of-state subpoenas have raised serious concerns about privacy, and threaten not only the safety of patients, but also the safety of providers and their ability to continue practicing. In the case of Children's Hospital LA, a subpoena contributed to the closure of the hospital's Center for Trans Youth Health and Development and Gender-Affirming Care Program, devastating families and drastically reducing access to health care for transgender patients across the region.

   "AB 1930 will help the Attorney General defend health care access and enforce California's protected health activities laws for all who provide and receive care in California. Specifically, this bill will protect transgender patients and all patients receiving gender-affirming care, patients who receive reproductive health care services, and their health care providers by requiring business entities in California to notify the Attorney General before they respond to a subpoena or inquiry regarding legally protected health care activity. This bill will also authorize the Attorney General to intervene. Together, this will allow the Attorney General to know when protected healthcare is under attack and protect all those who seek and provide this kind of care in California."

2) **Attacks on Gender-Affirming Care and Reproductive Rights**: In the past few years, numerous states have introduced legislation targeting transgender individuals in an attempt to prohibit or limit their ability to obtain gender-affirming care and reproductive care. More recently, on the first day of President Trump's second term, he issued an executive order titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" which states that "the United States recognizes two sexes, male and female."[1]

   In 2025, the federal DOJ announced that it had sent more than 20 subpoenas to doctors and clinics providing gender-affirming health care to minors.[2] Along with other states, California's DOJ has worked to prevent the federal government and out-of-state officials from obtaining these kinds of records.[3] However, DOJ's ability to successfully prevent

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[1] Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025), available at <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal.

[2] U.S. Department of Justice, Department of Justice Subpoenas Doctors and Clinics Involved in Performing Transgender Medical Procedures on Children, (Jul. 9, 2025) available at: https://www.justice.gov/opa/pr/department-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical.

[3] See California Department of Justice, Attorney General Bonta Joins Multistate Opposition to U.S. DOJ's Attempt to Subpoena Gender-Affirming Care Records, (Oct. 22, 2025) available at: https://oag.ca.gov/news/press-releases/attorney-general-bonta-joins-multistate-opposition-us-doj%E2%80%99s-attempt-subpoena.

disclosure is directly tied to it having the authority to intervene in disputes regarding the provision of this information, and having notice of an inquiry in the first instance.

Since then, the President has issued an executive order banning transgender girls and women from participating in women's sports, and another one banning the use of federal funding for youth gender-affirming care, including funding for research on gender-affirming care.[4] Although some of these orders are currently being challenged in court, the outcome of those cases is uncertain. In response to these executive orders, the Trump Administration has taken several actions, including rescinding all existing federal policies protecting transgender people from sex and disability discrimination; revoking the ability to obtain passports and federal documents reflecting their gender identity; denying transition-related healthcare to federal employees; and directing federal prisons to deny medical treatment and house transgender people according to sex assigned at birth.[5]

Some California healthcare providers are beginning to scale back care for transgender youth, following efforts by the Trump administration to restrict access to such care. Stanford is the second provider in this state that has begun restricting gender-affirming health care because of the recent actions of the Trump administration. Stanford recently issued the following statement on the matter:

> After careful review of the latest actions and directives from the federal government and following consultations with clinical leadership, including our multidisciplinary LGBTQ+ program and its providers, Stanford Medicine paused providing gender-related surgical procedures as part of our comprehensive range of medical services for LGBTQ+ patients under the age of 19, effective June 2, 2025.[6]

In 2022, the U.S. Supreme Court published its opinion in *Dobbs v. Jackson Women's Health* ((2022) 597 U.S. 215), overturning 50 years of precedent and revoking, for the first time, a constitutional right. Prior to *Dobbs*, the Supreme Court had continuously upheld the holding of *Roe v. Wade*, that found the implied constitutional right to privacy extended to a person's decision whether to terminate a pregnancy, while allowing some state regulation of abortion access as permissible. (*Roe v. Wade* (1973) 410 U.S. 113.) In the wake of *Dobbs*, numerous states now have laws prohibiting or severely limiting abortion and have enacted laws attempting to punish those who seek safe and reliable reproductive healthcare in states where it is still legal to seek abortion care. According to the Guttmacher Institute, 16 states have effectively banned abortion and another 10 have become very restrictive or restrictive.

In 1969, the California Supreme Court held that the state constitution's implied right to privacy extends to an individual's decision about whether or not to have an abortion. (*People*

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[4] See Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025), available at <http://www.federalregister.gov/documents/2025/02/11/2025-02513/keeping-men-out-of-womens-sports; Exec. Order No. 14187, 90 Fed. Reg. 8771 (Jan. 28, 2025), available at <https://www.federalregister.gov/documents/2025/02/03/2025-02194/protecting-children-from-chemical-and-surgical-mutilation.

[5] Jennifer Levi, GLAD Law, *From the Front Lines: The Fight for Transgender Rights Is a Fight for Democracy*, (Feb. 10, 2025), available at <https://www.glad.org/the-fight-for-transgender-rights-is-a-fight-for-democracy/.

[6] See <https://www.ktvu.com/news/stanford-no-longer-providing-gender-affirming-surgeries-children, June 26, 2025.

v. Belous (1969) 71 Cal.2d 954.) This was the first time an individual's right to abortion was upheld in a court. In 1972 the California voters passed a constitutional amendment that explicitly provided for the right to privacy in the state constitution. (Prop. 11, Nov. 7, 1972 gen. elec.)

The Reproductive Privacy Act includes findings and declarations that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion. (Health & Saf. Code, § 123462.)

In 2019, Governor Newsom issued a proclamation reaffirming California's commitment to making reproductive freedom a fundamental right in response to the numerous attacks on reproductive rights across the nation. In September 2021, more than 40 organizations came together to form the California Future Abortion Council (CA FAB) to identify barriers to accessing abortion services and to recommend policy proposals to support equitable and affordable access for not only Californians but all who seek care in the state.

In response to the *Dobbs* decision, California enacted a comprehensive package of legislation expanding, protecting, and strengthening access to reproductive health care, including abortions, for all Californians and people seeking such care in our state. One such law, SB 345 (Skinner, Ch. 260, Stats. 2023) provided safeguards for professional licenses of California healthcare providers from out-of-state statutes attempting to punish these professionals for providing care legal in the state.

Additionally, the voters overwhelmingly approved Proposition 1 (Nov. 8, 2022 gen. elec.), and enacted an express constitutional right in the state constitution that prohibits the state from interfering with an individual's reproductive freedom in their most intimate decisions.

3) **Full Faith and Credit Clause:** The Full Faith and Credit Clause of the United States Constitution states:

> Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (U.S. Const. art. IV, sec. 1.)

Because this bill prohibits government actors from cooperating with another state for the purpose of enforcing another state's laws on what we characterize as "legally protected healthcare activity," it potentially implicates the Full Faith and Credit Clause.

Generally, the laws of the state regulate conduct that occurs within that state. However, situations may arise where more than one state's laws may apply such as collection of income taxes or child support obligations from another state. The purpose of the Full Faith and Credit Clause:

> "[I]s to alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation throughout which a remedy upon a just obligation might be demanded as of right, irrespective of the state of its origin." (*Baker v. General Motors Co.* (1998) 522 U.S. 222, 232 *citing Milwaukee County v. M. E. White Co.* (1935) 296 U.S. 268, 277.)

The Full Faith and Credit Clause may be implicated when there is a conflict between the laws of the different states. At least one court has held that any effort by a state to apply its criminal laws beyond state borders to criminalize activity that is otherwise lawful in the other state. (*Bigelow v. Virginia* (1975) 421 U.S. 809.) *Bigelow* involved a Virginia newspaper editor who was convicted in Virginia for printing an advertisement for an abortion referral service in New York. The Supreme Court overturned the conviction stating:

> "The Virginia Legislature could not have regulated the advertiser's activity in New York, and obviously could not have proscribed the activity in that State. Neither could Virginia prevent its residents from traveling to New York to obtain those services, or as the state conceded, prosecute them for going there. Virginia possessed no authority to regulate the services provided in New York . . ." (*Id.* at p. 822-824.)

However, other cases do not follow a strict prohibition on the application of one state's laws on another state. The Supreme Court has also held that even when criminal conduct takes place outside of the state, extraterritorial jurisdiction may be proper when the conduct was intended to produce or did produce harmful effects within the state. (*Strassheim v. Daily* (1911) 221 U.S. 280.)

The Supreme Court has also made a distinction between the strength of the Full Faith and Credit Clause's applications to judgments versus state law.

> "The Full Faith and Credit Clause does not compel "a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate. Regarding judgments, however, the full faith and credit obligation is exacting. A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land." (*Baker v. General Motors Co., supra,* 522 U.S. at 232-233.)

This concept is often referred to as the "public policy exception" meaning statutes in one state is given effect only if they do not contravene the public policy of the other state. If this bill were challenged based on the Full Faith and Credit Clause, California would argue that enforcing the anti-reproductive criminal statutes of other states is contrary to the public policy of the State which is supported by case law.

4) **Argument in Support**: According to *Equality California*, a co-sponsor, "California has long served as a safe haven for individuals seeking comprehensive health care, including reproductive health care and gender-affirming care. However, recent actions by the federal government and coordinated efforts in other states threaten access to these legally protected health care services. Without strong safeguards, subpoenas, investigations, and other legal demands may be used to circumvent California law and undermine the rights of patients and their providers.

"In 2025, the U.S. Department of Justice issued a subpoena to Children's Hospital Los Angeles seeking information that could identify more than 3,000 transgender youth receiving gender- affirming care. The subpoena demanded documents that would identify patients by name, as well as medical records containing highly sensitive personal information. This request raised serious concerns about patient privacy and ultimately contributed to the closure of one of the state's largest gender-affirming care programs, significantly reducing access to care for transgender patients in Southern California.

"California law protects the right to access reproductive health care and gender-affirming care and includes safeguards for patients, their families, and health professionals against retaliation by hostile out-of-state actors. AB 1930 strengthens California's existing protections by establishing clear safeguards when a business entity receives a subpoena or inquiry seeking information related to legally protected health care activity.

"If a California entity plans to respond to such a request, AB 1930 would require them to: (1) notify the Attorney General within seven days of receiving the inquiry; (2) make reasonable attempts to notify any individuals to whom the inquiry pertains within 30 days; and (3) delay responding until at least 30 days after notifying the Attorney General. Additionally, AB 1930 explicitly authorizes the Attorney General to intervene and enforce the provisions of the bill, including through civil action and civil penalties.

"By establishing these critical safeguards, AB 1930 helps ensure that patients and providers in California are not exposed to harassment or legal threats from out-of-state actors seeking to undermine access to lawful health care."

5) **Argument in Opposition**: According to the *California Family Council*, "AB 1930 would prohibit California individuals and entities from complying with out-of-state or federal legal requests, including subpoenas, court orders, and regulatory process, related to abortion and gender transition interventions for minors, unless strict conditions are met. It empowers the Attorney General to penalize those who cooperate with such requests. While framed as a patient privacy measure, AB 1930 erects unprecedented legal barriers that obstruct accountability, conflict with federal law, and shield providers from legitimate oversight when children are harmed.

"The Bill Conflicts with Federal Supremacy. AB 1930 imposes civil penalties on parties who comply with lawful federal legal process. This creates a direct conflict with federal authority and implicates the Supremacy Clause of the U.S. Constitution (Article VI, Clause 2). States cannot nullify federal investigative and judicial process by statute. Courts have consistently held that state laws obstructing the enforcement of federal legal obligations are preempted. Article IV, Section 1 of the U.S. Constitution requires each state to give full faith and credit to the public acts, records, and judicial proceedings of every other state. By penalizing

compliance with lawful sister-state subpoenas and court orders, AB 1930 places California in direct conflict with this constitutional mandate and with 28 U.S.C. § 1738, which implements it. No state may unilaterally immunize its residents from the judicial authority of other states. Shields Providers from Accountability for Harm to Minors. Among the "legally protected health care activities" covered by this bill are sterilizing, hormone therapies, and sex change surgeries performed on minors. A landmark peer-reviewed report released by the U.S. Department of Health and Human Services found that evidence for the benefits of these interventions in pediatric patients is of "very low certainty," while documented harms, including infertility, cardiovascular risk, and long-term psychological harm, are significant1. By insulating California providers from out-of-state and federal legal process, AB 1930 functionally eliminates a key avenue of accountability when these interventions cause serious injury to children.

"Multiple European nations, including Sweden, Finland, Denmark, Norway, and the United Kingdom, have recently restricted or halted pediatric gender transition interventions after systematic reviews found insufficient evidence of benefit and meaningful evidence of harm2. Rather than following this international trajectory toward greater caution, AB 1930 would entrench California as a destination jurisdiction where providers face no external scrutiny. The Legislature should not be erecting legal walls to protect a medical practice that leading health systems worldwide are now questioning.

"The Bill Undermines Parental Authority. Parents in other states who believe their minor child was harmed by a California provider, or whose child traveled to California for these interventions without parental consent, may have no practical legal recourse if AB 1930 becomes law. The bill's barriers to subpoenas and information sharing would prevent parents and courts from obtaining records necessary to pursue claims on behalf of injured children. Parental authority to protect children from medical harm is a fundamental right recognized under federal constitutional doctrine, and AB 1930 erodes that authority.

"The Bill Raises Serious First Amendment Concerns. Penalizing individuals and entities for responding truthfully to lawful legal process compels silence and raises significant First Amendment free speech concerns. Statutes that punish cooperation with judicial or governmental proceedings, particularly where they reach federally-initiated processes, face heightened constitutional scrutiny."

6) **Related Legislation**:

a) AB 1854 (Krell) requires, among other things, any person or entity headquartered, located, or incorporated in California and who receives, is served with, or is subject to a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons, as specified, for information regarding legally protected health care activity not comply with or provide information in response to that inquiry. AB 1854 is pending in the Assembly Appropriations Committee.

b) AB 2164 (Bauer-Kahan) applies California Shield Laws related to protected healthcare activity to any person who has previously undertaken one or more protected healthcare activities, as specified, in another state to aid or encourage any other person in the exercise and enjoyment of their rights to reproductive health care services or gender affirming health care services that would have been protected by this state if they had

been undertaken in this state, if the activity was permissible under the laws of the state where the person providing aid was located. AB 2164 is pending hearing in the Assembly Appropriations Committee.

7) **Prior Legislation**:

a) SB 497 (Weiner), Chapter 764, Statutes of 2025 enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

b) AB 82 (Ward), Chapter 679, Statutes of 2025, expanded safe haven protections against adverse action for aiding and assisting the access of legally protected health care activities in California, prohibits the reporting of testosterone and mifepristone to California's Prescription Drug Monitoring Program (PDMP), and required bail to be set at zero dollars for an individual who has been arrested in connection with a proceeding in another state regarding the individual performing, supporting, or aiding in the performance of "a legally protected health care activity."

c) SB 107 (Wiener), Chapter 810, Statutes of 2022, enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

d) AB 2091 (Bonta), Chapter 628, statutes of 2022, prohibited providers, health care service plans, contractors, employers from releasing medical information related to abortion services or information related to a person allowing a minor to receive gender-affirming health care and gender-affirming mental health care in response to a subpoena/investigation-related request seeking to impose liability under another state's law for an abortion lawful in CA or for allowing minor to receive gender-affirming health care and gender-affirming mental health care, among other provisions.

e) AB 1666 (Bauer-Kahan), Chapter 42, Statutes of 2022, prohibited California courts from applying another state's laws authorizing civil action for receiving, seeking, providing, and/or aiding abortion in deciding the cases before them or from enforcing civil judgments under those laws, and designating those laws as contrary to California public policy, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

California Legislative Lgbtq Caucus (Sponsor)
Office of the Attorney General Rob Bonta (Sponsor)
Equality California (Co-Sponsor)
Access Reproductive Justice
Casita Feliz Latine Lgbtq+ Center
Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio
Courage California
El/la Para Translatinas
Gender Affirming Professionals
Lgbtq+ Inclusivity, Visibility, and Empowerment (LIVE)
Los Angeles Lgbt Center
Oakland Privacy
Pflag Clayton-concord
Reproductive Freedom for All California
San Francisco Aids Foundation
Somos Familia Valle
The San Diego Lgbt Community Center
The Translatin@ Coalition

Opposition

California Chamber of Commerce
California Hospital Association
California Family Council
Cause: Californians United for Sex-based Evidence in Policy and Law
Concerned Women for America
Democrats for an Informed Approach to Gender
Lgb (lesbian, Gay, and Bisexual) Alliance Foundation
Our Duty
Women are Real
Women's Liberation Front

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

Date of Hearing: April 21, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2014 (Elhawary) – As Amended April 15, 2026

SUMMARY: Authorizes a writ of habeas corpus to be prosecuted where the conviction was based on evidence or argument that likely triggered gender-based stereotypes at trial in a manner that created a reasonable probability that the outcome would have been different if such evidence was not admitted or argument offered. Specifically, **this bill**:

1) States "evidence or argument likely to trigger gender-based stereotypes" includes, but is not limited to, the following:

   a) Information concerning a defendant's sexual activity, sexual orientation, sexual partners, reproductive choices, gender presentation, clothing, or romantic relationships, when offered in a matter that may invoke gender-based stereotypes.

   b) Sexually suggestive images or photos.

   c) Evidence related to appearance, dress, or gender expression offered to imply conformity or nonconformity with gender norms.

   d) References to parenting expectations, including a defendant's purported failure to conform to traditional gender roles.

   e) Appeals to a "woman's nature," emotional disposition, or similar generalized gender-based assumptions.

2) Makes findings and declarations.

EXISTING LAW:

1) Allows a court to exclude evidence if its probative value is substantially outweighed by the probability that its admission will:

   a) Necessitate undue consumption of time; or

   b) Create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury. (Evid. Code, § 352.)

2) Provides that for specified sex crimes, in which the defendant is alleged to have compelled the participation of the victim by force, violence, duress, menace, or threat of great bodily harm, the district attorney may move to exclude from evidence the current address and telephone number of any victim at the hearing. The court may order that evidence of the

victim's current address and telephone number be excluded from any hearings conducted pursuant to the criminal proceeding if the court finds that the probative value of the evidence is outweighed by the creation of substantial danger to the victim. (Evid. Code, § 352.1.)

3) Mandates that for specified sex offenses, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of the complaining witness, the following procedures be followed:

   a) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevance of evidence of the sexual conduct of the complaining witness that is proposed to be presented and of its relevance in attacking the credibility of the complaining witness.

   b) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated. The affidavit shall be filed under seal and only unsealed by the court to determine if the offer of proof is sufficient to order a hearing, as specified. After that determination, the affidavit shall be resealed by the court.

   c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at the hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant.

   d) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant, and is not inadmissible, as specified, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

   e) An affidavit resealed by the court shall remain sealed, unless the defendant raises an issue on appeal or collateral review relating to the offer of proof contained in the sealed document. If the defendant raises that issue on appeal, the court shall allow the Attorney General and appellate counsel for the defendant access to the sealed affidavit. If the issue is raised on collateral review, the court shall allow the district attorney and defendant's counsel access to the sealed affidavit. The use of the information contained in the affidavit shall be limited solely to the pending proceeding. (Evid. Code, § 782, subd. (a)(1-5).)

4) Defines "complaining witness" as:

   f) The alleged victim of the crime charged the prosecution of which is subject to this law.

   g) An alleged victim offering testimony of a sex offense, as specified. (Evid. Code, § 782, subd. (b)(1)(A-B).)

5) Defines "evidence of sexual conduct" as portions of a social media account about the complaining witness, including any text, image, video, or picture, which depict sexual content, sexual history, nudity or partial nudity, intimate sexual activity, communications about sex, sexual fantasies, and other information that appeals to a prurient interest, unless it

is related to the alleged offense. (Evid. Code, § 782, subd. (b)(2).)

6) States the rape shield hearing procedure is required in prosecutions for rape, aiding and abetting rape, sodomy, oral copulation, child molestation, continuous sexual abuse of children, and sexual penetration except if the alleged crime occurs in a state prison or county jail. (Evid. Code, § 782, subd. (c)(1).)

7) Requires the rape shield hearing process when presenting uncharged misconduct evidence and an alleged victim testifies as a victim of a crime listed in Section sexual battery, rape, unlawful sexual intercourse, aggravated sexual abuse of a child, incest, sodomy, oral copulation, child molestation, continuous sexual abuse of a child, sexual penetration, masturbation in public, or annoying or molesting a child, except if the crime is alleged to have occurred in a local detention facility or state prison. (Evid. Code, § 782, subd. (c)(2).)

8) States evidence of a person's character or a trait of his or her character (whether in the form of an opinion, evidence of reputation, or evidence of specific instances of his or her conduct) is inadmissible when offered to prove his or her conduct on a specified occasion, except as specified. (Evid. Code, § 1101, subd. (a).)

9) Provides that the inadmissibility of character evidence does prohibit the admission of evidence that a person committed a crime, civil wrong, or other act when relevant to prove some fact (such as motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, or whether a defendant in a prosecution for an unlawful sexual act or attempted unlawful sexual act did not reasonably and in good faith believe that the victim consented) other than his or her disposition to commit such an act. (Evid. Code, § 1101, subd. (b).)

10) Provides that a person unlawfully imprisoned or restrained of their liberty may prosecute a writ of habeas corpus to inquire into the cause of the imprisonment or restraint. (Pen. Code, § 1473, subd. (a).)

11) States that a writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:

    a) False evidence that is material on the issue of guilt or punishment was introduced against a person at a hearing or trial relating to the person's incarceration;

    b) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, as specified;

    c) New evidence exists that is presented without substantial delay, is admissible, and is sufficiently material and credible that it more likely than not would have changed the outcome of the case. "New evidence" means evidence that has not previously been presented and heard at trial and has been discovered after trial; and,

    d) A significant dispute has emerged or further developed in the petitioner's favor regarding expert medical, scientific, or forensic testimony that was introduced at trial or a hearing and that expert testimony more likely than not affected the outcome of the

case, as specified. (Pen. Code, § 1473, subd. (b)(1).)

12) Provides that the writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentence was sought, obtained, or imposed on the basis of race, ethnicity, or national origin, as specified. (Pen. Code, § 1473, subd. (e).)

13) States that a petition raising a claim based on evidence that a criminal conviction or sentence was sought, obtained, or imposed on the basis of race, ethnicity, or national origin, or on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition. (Pen. Code, § 1473, subd. (e).)

14) Provides that, if the district attorney in the county of conviction or the Attorney General concedes or stipulates to a factual or legal basis for habeas relief, there shall be a presumption in favor of granting relief. This presumption may be overcome only if the record before the court contradicts the concession or stipulation or it would lead to the court issuing an order contrary to law. (Pen. Code, § 1473, subd. (g).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Women and LGBTQ+ people often deal with hate, unfair stereotypes, and assumptions about their lives. Those stereotypes should have no place in our courtrooms. Criminal trials should focus on the facts of a case, not a defendant's sexual history, explicit images, or assumptions about their parenting that reinforce harmful bias.

   "When gender-biased evidence is introduced in court, it distracts from the truth and can lead to skewed outcomes, including wrongful convictions that cause lasting harm to individuals and families. AB 2014 helps ensure that court proceedings remain focused on facts and fairness rather than prejudice. By reducing bias in the courtroom, this bill helps prevent unnecessary trauma, strengthens trust in our justice system, and avoids wasting taxpayer resources on wrongful prosecutions and appeals."

2) **Habeas Petitions:** Habeas corpus, also known as "the Great Writ," is a process guaranteed by both the federal and state constitutions to obtain prompt judicial relief from unlawful restraint. The functions of the writ is set forth in Penal Code section 1473, subdivision (a): "Every person unlawfully imprisoned or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus, to inquire into the cause of such imprisonment or restraint." Penal Code section 1473, subdivision (d) specifies that "nothing in this section shall be construed as limiting the grounds for which a writ of habeas corpus may be prosecuted."

   A writ of habeas corpus may be prosecuted for, but not limited to, the following reasons: false evidence that is substantially material or probative on the issue of guilt or punishment was introduced against a person at any hearing or trial relating to his incarceration; or false physical evidence believed by a person to be factual, material or probative on the issue of

guilt, which was known by the person at the time of entering a plea of guilty and which was a material factor directly related to the plea of guilty by the person. (Pen. Code, § 1473, subd. (b)(1) & (2).) Any allegation that the prosecution knew or should have known of the false nature of the evidence is immaterial to the prosecution of a writ of habeas corpus based on false evidence. (Pen. Code, § 1473, subd. (c).)

A habeas corpus claim of false testimony requires proof that false evidence was introduced against petitioner at his or her trial and that such evidence was material or probative on the issue of his or her guilt. (*In re Bell* (2007) 42 Cal.4th 630, 637.) False evidence introduced at trial against a defendant is substantially material or probative if there is a reasonable probability that, had the false evidence not been introduced, the result would have been different. (*In re Roberts* (2003) 29 Cal.4th 726, 741-742.) A reasonable probability that the result would have been different if false evidence had not been introduced against defendant is a chance great enough, under the totality of circumstances, to undermine the court's confidence in the outcome. (*Id.* at p. 742.)

A writ of habeas corpus may also be prosecuted based on newly discovered evidence. The new evidence must be "credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial." (Pen. Code, §1473, subd. (b)(3).)

The Legislature has also codified the right to prosecute a petition for writ of habeas corpus when evidence of intimate partner battering was not presented at trial. (Pen. Code, § 1473.5.) Again, the evidence must be of such substance that had it been presented there is a "reasonable probability, sufficient to undermine confidence in the judgment of conviction or sentence, that the result of the proceedings would have been different." (Pen. Code, § 1473.5, subd. (a).)

This bill authorizes a habeas petition when the conviction is based on evidence or argument that was likely to trigger gender-based stereotyping. The author points to a quotation in *People v. Collins* (2025) 17 Cal. 5th 293, as evidence of the use of gender-based stereotyping. In *Collins*, the defendant was convicted on an aiding and abetting theory of implied malice second degree murder.

The Court overturned the conviction finding sufficient evidence that, based on failure to protect defendant's infant child from fatal abuse by the other parent, the defendant knew of the abuse as it happened and defendant's knowledge of past abusive behavior could not support a reasonable inference that defendant knew, to a substantial degree of certainty, of the other parent's intent to commit life-endangering abuse and failed to act in conscious disregard for life, which was the requisite *mens rea* for aiding and abetting implied malice murder. (See *Collins*, *supra*, 17 Cal.5th at 317.)

In a side comment, Justice Evans cautioned law enforcement and prosecutors not to rely on outdated gender tropes in interrogations or argument. However, in this case, it was not evidence in the trial, but rather statements the detectives made in questioning defendant. Justice Evans stated:

> Lastly, we emphasize it is improper to infer a parent's knowledge that another person intends to commit a life-

> endangering act against their child based on gendered expectations of parenthood. Here, police questioned Collins about her 'mother intuition.' They asked about her 'gut' as a mother and remarked how she was 'built' with a maternal instinct to protect her child and know what was happening to Abel without direct observation. Assumptions about what Collins should have done based on outmoded, gendered notions of a mother's—as compared to a father's—role in caring for a child are not proper in determining a mother's liability for murder based on a failure to protect. (*Collins*, supra, 17 Cal.5th at 318.)

This bill seeks to address convictions based on gender-based stereotyping by providing a habeas remedy. While the Racial Justice Act provides remedies for convictions based on race, ethnicity, and national origin, there is nothing similar for convictions based on gender discrimination.

3) **Argument in Support**: According to *Equality California*, a co-sponsor, "Current law requires judges to weigh the probative value of evidence against its potential for undue prejudice. However, it does not explicitly require courts to consider whether certain evidence may reinforce harmful gender-based stereotypes. As a result, in some criminal trials, evidence and arguments rooted in stereotypes and tropes about sexuality, motherhood, appearance, gender expression, or how a person is "supposed" to behave based on their gender can influence juries and undermine the integrity of verdicts.

   "The California Committee on Revision of the Penal Code recently documented how gender bias can shape trial outcomes, particularly in cases involving women and LGBTQ+ defendants.[1] Evidence such as a defendant's sexual history, romantic relationships, reproductive choices, clothing, or failure to conform to traditional gender roles has been used in ways that appeal to bias rather than illuminate relevant facts. Research and case law further demonstrate that these dynamics can contribute to wrongful or overturned convictions.

   "AB 2014 addresses this gap by requiring courts to apply heightened scrutiny to evidence or arguments that may rely on gender-based stereotypes. The bill ensures judges consider the risk of gender bias alongside the evidence's probative value, allows courts to consider relevant research or testimony, and requires these determinations to be made outside the presence of the jury. It also allows individuals to petition for habeas corpus relief when they show that gender-biased evidence or argument affected their trial and that there is a reasonable probability that the outcome would have been different if such evidence were not admitted. By implementing a key recommendation of the Committee on Revision of the Penal Code, AB 2014 will promote fairness and strengthen confidence in our criminal legal system."

4) **Argument in Opposition**: According to the *California District Attorneys Association*, "AB 2014 will likely disproportionately restrict prosecutorial arguments while not equally

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[1] California Committee on Revision of the Penal Code. (2025). 2025 annual report and recommendations. California Law Revision Commission. https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2025.pdf

constraining defense strategies, potentially creating imbalance in adversarial proceedings. While combating bias is an important goal, AB 2014 may overcorrect by creating vague standards, increasing litigation, restricting relevant evidence, and undermining constitutional principles favoring admissibility of probative evidence."

5) **Related Legislation**: AB 1595 (Schultz) authorizes a petitioner for habeas corpus relief, in order to overcome a procedural bar to relief based on untimeliness or successiveness, to identify changes in law or new evidence that create a reasonable probability of a different result sufficient to undermine confidence in the outcome of the case. AB 1595 is pending in the Assembly Appropriations Committee.

6) **Prior Legislation**:

   a) AB 3088 (Friedman), of the 2023-24 Legislative Session, would have required a habeas corpus petition to be considered on the merits and not dismissed on grounds that it is untimely or successive if, the allegations in the petition taken as true, establish by a preponderance of evidence that at least one juror would not have convicted the petitioner in light of the new evidence. AB 3088 was held in the Senate Committee on Appropriations suspense file.

   b) SB 97 (Wiener), Chapter 381, Statutes of 2023, authorizes a broader basis for the prosecution of a writ of habeas corpus when new evidence is discovered after plea or trial, creates a presumption in favor of granting relief if the prosecution stipulates to a factual or legal basis for the relief, and provides for continuity of counsel on retrial.

   c) SB 467 (Wiener), Chapter 982, Statutes of 2022, permits a person to bring a habeas writ where a significant dispute has developed regarding expert medical, scientific, or forensic testimony that would have more likely than not changed the outcome of their trial, and expands the definition of false evidence for the purpose of a habeas writ.

   d) SB 1134 (Leno), Chapter 785, Statutes of 2016, codified a standard for habeas corpus petitions filed on the basis of new evidence.

   e) SB 1058 (Leno), Chapter 623, Statutes of 2014, allows a writ of habeas corpus to be prosecuted when evidence given at trial has subsequently been repudiated by the expert that testified or undermined by later scientific research or technological advances.

REGISTERED SUPPORT / OPPOSITION:

Support

Equality California (Co-Sponsor)
All of US or None (HQ)
All of US or None Orange County
Bienestar Human Services
California Association of Black Lawyers
California Coalition for Women Prisoners

California Legislative Lgbtq Caucus
California Lgbtq Health and Human Services Network
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio
Crip Justice/ Riverside Cat-911
Cure California
Drug Policy Alliance
El/la Para Translatinas
Ella Baker Center for Human Rights
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Felony Murder Elimination Project
Gender Affirming Professionals
Glide
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Pflag San Diego County
Pflag San Francisco
Pflag Santa Clarita
San Diego Pride
San Quentin Skunkworks
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Survived & Punished
The San Diego Lgbt Community Center
The Translatin@ Coalition
The W. Haywood Burns Institute
Vera Institute of Justice

Oppose

California District Attorneys Association
Riverside County District Attorney

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

Date of Hearing: April 21, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2055 (Jeff Gonzalez) – As Amended March 16, 2026

SUMMARY: Changes registration and operation specifications of vessels and expands the scope of certain vessel-related penalties. Specifically, **this bill**:

1) Authorizes a peace officer to prepare a written notice to appear when the office has reasonable cause to believe that a person involved in a traffic accident has violated boating law and that the violation was a factor in the occurrence of the vessel accident.

2) Provides that a peace officer has reasonable cause to issue a written notice to appear if, as a result of the officer's investigation, the officer has evidence, either testimonial or real, or a combination of testimonial and real, that would be sufficient to issue a written notice to appear if the officer had personally witnessed the events investigated.

3) Requires the notice to appear to contain the name and address of the person, the registration number of the person's vessel, if any, the name and address, when available, of the registered owner or lessee of the vessel, the offense charged, and the time and place when and where the person may appear in court or before a person authorized to receive and deposit bail.

4) Provides that the time specified above shall be at least 10 days after the notice to appear is delivered.

5) Makes the failure of a vessel to display a ski flag to indicate a swimmer in the vicinity of the vessel an infraction punishable by a fine not exceeding $15.

6) Defines a "for-hire vessel" as any vessel propelled by machinery carrying one or more passengers for hire.

7) Requires every vessel using the water or on the waters of California to be registered with the state, to the extent permissible under federal law.

8) Prohibits a court from staying, suspending, or entertaining dismissal of the proceedings of a case in which a person is charged with operating a vessel under the influence of alcohol or drugs, for attendance or participation in any education, training, or treatment programs.

EXISTING LAW:

1) Requires that every person operating a vessel, including a personal watercraft, operate the vessel in a reasonable and prudent manner so as not to endanger life, limb, or property (Harb. and Nav. Code, § 655).

2) Requires a vessel towing a water skier must display, or cause to be displayed, a ski flag to indicate specified conditions, including a downed skier, a skier in the water preparing to ski, a ski line extended from the vessel, or a ski in the water in the vicinity of the vessel. Failure to display the ski flag under these conditions is an infraction (Harb. and Nav. Code, § 658.7 subd. (a).)

3) Defines a "for-hire vessel" as any vessel propelled by machinery carrying more than three passengers for hire, except: a sea plane on water; and, a watercraft specifically designed to operate on a permanently fixed course. (Harb. and Nav. Code, § 760)

4) Defines an "undocumented vessel" as any vessel that is not required to have, and does not have, a valid marine document issued by the United States Coast guard or any federal agency (Harb. and Nav. Code, § 651 subd. (ad).)

5) Authorizes a peace officer to a person for violating the Vehicle Code when the peace officer has reasonable cause to believe that the person involved in a traffic accident has violated a provision of the Vehicle Code not declared to be a felony or a local ordinance and the violation was a factor in the occurrence of the traffic accident. (Veh. Code, § 40600)

6) Requires every undocumented vessel using the waters or on the waters of the state to be registered with the Department of Motor Vehicles (DMV) (Veh. Code, § 9850).

7) Exempts undocumented vessels from DMV registration if the vessel is registered by the federal government or a federally approved registration system of another state (Veh. Code, § 9873).

8) Prohibits a court from staying, suspending, or entertaining dismissal of the proceedings of a case in which a person is charged with operating a vehicle under the influence of alcohol or drugs, for attendance or participation in any education, training, or treatment programs (Veh. Code, § 23640).

FISCAL EFFECT: None known

COMMENTS:

1) **Author's statement:** According to the author: "AB 2055 is an important vessel safety measure that seeks to update existing laws on vessel operation, harmonize related provisions of state and federal law, and conform California laws on vehicle and vessel operation. It is vital that statutes are constantly reviewed so that evolving practices can be reflected. It's also important to resolve differences between state and federal law that cause confusion. The Harbors and Navigation Code addresses issues that mirror those handled in the Vehicle Code but not always in the same fashion. The common thread for the provision in this bill is the safe and legal operation of vessels."

2) **Boating under the Influence:** When a person is charged with a DUI, the law prohibits the court from suspending or staying the proceeding for the purpose of allowing an accused person participates in an education or treatment program during the suspension nor shall the court dismiss the case because a person is participating in an education or treatment program. This bill would apply those provisions to DUI while boating.

3) **Notice to appear:** Vehicle Code Section 40600, allows a peace officer to cite a person for violating the Vehicle Code when the peace officer has reasonable cause to believe that the person involved in a traffic accident has violated a provision of the Vehicle Code not declared to be a felony or a local ordinance and the violation was a factor in the occurrence of the traffic accident. There is no analogous provision for boaters involved in vessel accidents. This bill would provide the same authority for peace officers to prepare a written notice to appear for a person operating a vessel.

4) **Ski flag law**. The Harbors and Navigations Code requires boat operators to display an orange or red ski flag under specific conditions to alert nearby vessels that a skier is in the water, signaling them to proceed with caution This bill extends that requirement to apply to when a swimmer is in the water, since often a boater may stop to swim, not just to water ski.

5) **For-hire vessels.** The Harbors and Navigation Code defines a "for-hire vessel" as any vessel propelled by machinery carrying more than three passengers for hire. This bill updates the definition to meet federal standards established by the U.S. Coast Guard (USCG), which require that a licensed captain operate any vessel carrying even one passenger for hire.

6) **Vessel registration**. In California, vessels are registered in one of two ways: through the USCG and referred to as a documented vessel or through the State of California and referred to as an undocumented vessel. This bill updates provisions relating to vessel registration to make it clear that every vessel shall be registered pursuant to the law.

7) **Argument in Support:** According to the *California State Sheriffs' Association,* the sponsors of this bill, "On behalf of the California State Sheriffs' Association (CSSA), we are pleased to sponsor Assembly Bill 2055, which would address gaps in enforcement authority, modernize outdated provisions, and strengthen public safety on California waterways. This bill would enact five provisions [...] AB 2055 harmonizes the Harbors and Navigation Code and the Vehicle Code to provide for similar limitations on pretrial diversion and sentencing conformity [...] AB 2055 provides this authority to allow a citation, including in circumstances when the violation is not committed in the officer's presence [...] AB 2055 adopts the Coast Guard standards specifying that a vessel only needs to carry one or more passengers to be considered a for-hire vessel [...] AB 2055 amends the Ski Flag Law to require the display of a ski flag when there is one or more swimmers in the vicinity of the vessel [...] California should adopt a model similar to Washington State that requires all USCG-documented vessels to also be registered with the state. These vessels are not state-titled but must display a state registration tab, pay minimal registration fees, and are entered into the state system—allowing law enforcement to query them through CLETS."

8) **Argument in Opposition**: None submitted

9) **Related Legislation**: None

10) **Prior Legislation**: None

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association (Sponsor)
San Bernardino County Sheriff's Department

Opposition

None submitted

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

California State Assembly

PUBLIC SAFETY

1020 N Ste, Room 111
(916) 319-3744
FAX: (916) 319-3745

Tuesday, April 21, 2026
8:30 a.m. -- State Capitol, Room 126

Analysis Packet Part II

(AB 2126 Elhawary – AB 2344 Haney)

Date of Hearing: April 21, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2126 (Elhawary) – As Amended April 16, 2026

SUMMARY: Requires the California Department of Social Services (CDSS) to provide an exemption from disqualification to former or current foster youth applying for specified roles in facilities governed by the Community Care Facilities Act if their non-excluded offenses were committed before they reached 21 years of age and redefines peer support specialist. Specifically, **this bill**:

1) Requires CDSS or other approving entity after reviewing the criminal record to grant an exemption from disqualification to a foster family agency, to a short-term residential therapeutic program provider applicant, community treatment facility provider applicant, and a group home provider applicant to the background check requirements who was convicted of an offense that is not one of listed offenses if the individual is a current or former foster youth and the crimes were convicted before they reached 21 years of age when the current or former foster youth who will be employed in a peer support capacity and does not apply to youth employed in a caregiving capacity.

2) Provides that a youth who is employed in a caregiving capacity shall go through a background check process.

3) Prohibits any additional requirement for evidentiary showing for individuals who meet the criteria.

4) Defines "current and former foster youth" as a person whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the youth's 13th birthday.

5) Defines "peer support capacity" as working with foster youth to help them identify and express their needs, advocate, for their rights, engage actively in their care plans for the purpose of developing life skills, building resilience and fostering self-advocacy.

EXISTING LAW:

1) Establishes the Community Care Facilities Act, which allows for the licensure and oversight of out-of-home placements for abused and neglected children by CDSS. (Health and Safety Code [HSC] § 1500 *et seq.*)

2) Establishes the Community Care Licensing Division within CDSS and requires CDSS to license group care facilities, private foster family agencies, and foster family homes in order to place children who are in the child welfare system. Further requires, prior to licensure, a foster home provider to undergo a specified criminal background check. (HSC §§ 1502; 1522)

3) Requires CDSS to obtain a full criminal record, if any, for certain individuals, including adults responsible for administration or direct supervision of staff; any person, other than client, residing in the facility; any person who provides client assistance in dressing, grooming or bathing; and any staff person, volunteer, or employee who has contact with the clients, among others, for purposes of criminal record clearance. (HSC § 1569.17 sub. b)

4) Specifies that the following are not exemptible crimes for purposes of completing a criminal record clearance to work in a community care facility:

   a) Assault with intent to commit specified felonies, including mayhem, rape, sodomy, oral copulation, rape/sexual penetration in concert, lewd acts on a child, and sexual penetration;

   b) Sexual battery, which describes several forms of nonconsensual sexual touching, including while the victim is restrained, medically incapacitated, or under fraudulent "professional purpose" pretenses;

   c) Rape or sexual penetration in concert, meaning committed while acting in concert with another person by force or violence and against the victim's will;

   d) Felony child endangerment/child abuse likely to produce great bodily harm or death;

   e) The predecessor version of the same higher-level child abuse/endangerment offense;

   f) Assault on a child under 8 years of age by force likely to produce great bodily injury resulting in death; the section also covers causing coma due to brain injury or permanent paralysis;

   g) Willful infliction on a child of cruel or inhuman corporal punishment or injury resulting in a traumatic condition;

   h) Lewd or lascivious acts with a child;

   i) Sexual penetration which lists offenses that trigger sex offender registration under the Sex Offender Registration Act and includes offenses such as rape, sexual-assault-type assaults, sexual battery, child pornography offenses, and others;

   j) Elder or dependent adult abuse, including abuse or neglect likely to cause great bodily harm or death and related elder/dependent-adult abuse offenses;

   k) "Violent felonies" including: murder or voluntary manslaughter, mayhem, specified rape, specified sodomy, specified oral copulation, lewd acts, any felony punishable by death or life imprisonment, certain firearm felonies, robbery, specified arson, sexual penetration, attempted murder, kidnapping, assaults, continuous sexual abuse of a child, carjacking, rape/sexual penetration in concert, gang-related extortion and witness intimidation, certain occupied first-degree burglaries, and firearm-use violations;

   l) Sexual exploitation by certain licensed or purported healing-arts professionals, such as a physician, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor; including sexual intercourse, sodomy, oral copulation,

or sexual contact with a patient/client, or with a former patient/client if the relationship was ended mainly to engage in those acts;

m) Torture;

n) Carjacking;

o) Poisoning food, drink, medicine, pharmaceutical products, or a water supply with a poison or harmful substance where the person knows or should know it may be taken by a human and cause injury;

p) Drawing or exhibiting a loaded firearm in a rude, angry, or threatening manner, or unlawfully using a loaded firearm in a fight or quarrel, on the grounds of a day care center or a facility/program for minors while open for use;

q) Arson causing great bodily injury. (HSC § 1522 (g))

5) Grants CDSS the authority to grant an exemption from disqualification for to a foster care provider applicant, resource family applicant, tribally approved home applicant, or any person subject to the background check requirements of this section pursuant to foster care provider applicant, RFA, tribally approved home, or respite care provider standards, who has been convicted of an offense not listed in 4) above, if the individual's state and federal criminal history information received from the Department of Justice (DOJ) independently supports a reasonable belief that the applicant or the person convicted of the crime, if other than the applicant, is of present good character necessary to justify the granting of an exemption. (HSC § 1522 (g)(2)(D))

6) Establishes the Peer Support Specialist Certification Program (W&I Code §§ 1045.10-14045.21)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:** "Support from those with lived experiences in foster care can often improve outcomes as families navigate complex systems. However, hiring barriers and administrative burdens consistently lead to the loss of these qualified peer workers. AB 2126, through its background check exemption for current or former foster youth whose offenses occurred before the age of 21, allows agencies to hire peer partners more quickly and enables individuals with lived experience to contribute to community care facilities. In doing so, AB 2126 expands opportunity for those from foster care backgrounds and helps California hire qualified workers within its residential care system."

2) **Child Welfare Services (CWS) System.** The CWS system aims to protect children who are at risk of, or are victims of, child abuse, neglect, or exploitation through an integrated service delivery system that provides prevention/intensive services to families to ensure enough child safety, permanency, and well-being to allow families to stay together in their own homes. CDSS serves as the state agency responsible for oversight, supervision, fiscal and regulatory guidance, and training, as well as developing policies, procedures, and programs in accordance with federal and state law.

3) **Background Check Process**. In order to be a resource family or be employed in a licensed facility, individuals must complete a background check to determine their suitability. As part of the background check process, CDSS is responsible for obtaining state and federal criminal history information on any individual applying for a license, certification, registration, or approval. CDSS is responsible for processing and approving individuals to work in and around these children. For the children's residential program, there are two forms separated by placement. One for RFA, and the other for foster placements which include group homes, STRTPs, temporary housing placements, and temporary shelter care facilities.

   During the background check process if the person has a criminal history. CDSS examines the criminal history. The person was convicted of a non-exemptible conviction within the past 10 years, the application is denied. The list of non-exemptible offenses which include violent felonies, registerable sex offenses, and a number of other offenses relating to crimes against children or elder or dependent adults.

   If the crimes are eligible for exemption under current law, CDSS will send an exemption notification letter to the applicant or licensee and to the individual. Individuals awaiting an exemption may not be present in a facility until an exemption is granted. CDSS then makes a determination by reviewing the case and other required documentation, which could result in approval, conditional approval, or denial. When considering an exemption for individuals who have committed crimes that are exemptible, CDSS is required to consider a number of factors, including, but not limited to: the nature of the crime, including whether it involved violence; the period of time since the crime was committed and number of offenses; the circumstances surrounding the crime; activities since conviction, such as employment or participation in therapy or education; pardons granted; character references; a certificate of rehabilitation from a superior court; and, evidence of honesty and truthfulness. CDSS is also required to consider the individual's age at the time the crime was committed.

4) **Exemption for non-exemptible offenses:** This bill provides that CDSS after reviewing the criminal record shall grant an exemption to the specified entities if: the crime was not on the non-exemptible list; the individual was a current or former foster youth; and the crimes were committed before the individual reached 21 years of age and who will be employed in a peer support capacity. No additional evidentiary showing is required for these individuals to get an exemption. The requirement that an exemption be granted does not apply if the individual is employed in a caregiving capacity. The providers for which this exemption would apply are: foster family agency provider; short-term residential therapeutic program provider applicant; community treatment facility provider applicant; and, a group home provider applicant.

5) **Peer Supports**: It is widely recognized that individuals with lived experience in the CWS system offer support that is unique and beneficial to foster youth. Because they can draw from their own experiences and because they are not seen as part of the system, peer mentors are uniquely positioned to empathize with those they work to support and are able to build trusting relationships in a way that child welfare professionals cannot. According to the Administration for Children and Families, "having a peer mentor helps young people know

they are not alone in their experiences and that can be very transformative."[1] In mental health and substance use disorder treatments, peer support programs are considered an evidence-based practice. The United States Substance Use and Mental Health Services Administration determined that peer support is a crucial complement to the traditional service array, citing evidence that peer support models recovery and offers hope, increases self-esteem, confidence, and sense of control.[2] However, the CWS system does not have research to apply, but it is a growing practice across the country.

This bill defines "peer support capacity" as working with foster youth to help them identify and express their needs, advocate for their right, engage actively in their care plans for the purpose of developing life skills, building resilience, and fostering self-advocacy.

6) **Foster youth**: This bill defines "current and former foster youth" as a person whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the youth's 13th birthday.

7) **Argument in Support**: The *County Welfare Directors Association of California* support this bill stating, "California is facing an urgent youth mental health crisis, with rising rates of depression, anxiety, trauma-related disorders, and suicidal ideation among young people across the state. The crisis is especially acute for youth involved in the child welfare system, who experience higher rates of trauma and greater barriers to consistent, culturally responsive care. Youth in foster care, especially youth of color, are also disproportionately impacted by the school-prison pipeline, with their emotional distress and trauma more often met with discipline and surveillance, rather than care and greater support. At the same time, the state faces significant workforce shortages across child-serving systems, making it imperative that we remove unnecessary barriers that prevent qualified individuals from working within our systems of care.

"Peer partners play a critical role in supporting children and families involved in the child welfare, behavioral health, and juvenile justice systems. Their lived experience allows them to build trust, improve engagement, and help youth navigate complex systems. However, current background check requirements create significant delays for qualified peer applicants who have nonviolent offenses that occurred before age 21 - offenses that are often tied to trauma and instability experienced during adolescence.

"Under existing law, peer applicants must demonstrate "substantial and convincing evidence" of rehabilitation through an exemption-from-disqualification review process that can take up to fourteen months. Many cannot afford to wait that long for employment, and agencies lose highly qualified candidates who are ready and able to serve. The existing exemption process recognizes that youth-age offenses should not permanently bar individuals from meaningful employment, especially when their lived experience is a powerful asset in helping others. This bill would streamline the exemption process to ensure more qualified young people are not waiting for months for the state to affirm their capacity to heal and help others heal."

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[1] https://acf.gov/sites/default/files/documents/cb/Recommendations-Improving-Permanency-Well-Being.pdf
[2]https://onlinelibrary.wiley.com/doi/10.1016/j.wpsyc.2012.05.009

8) **Related Legislation**: None

9) **Prior Legislation**: None

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color
Aspiranet
Association of Community Human Service Agencies
Cal Voices
California Alliance of Caregivers
California Association of Alcohol and Drug Program Executives, INC.
California Youth Empowerment Network
Casa Pacifica Centers for Children and Families
Children's Institute
County Welfare Directors Association of California
Hamburger Home Dba Aviva Family and Children's Services
Helpline Youth Counseling, INC.
Lincoln Families
Mental Health America of California
Pacific Clinics
Rancho San Antonio Boys Home INC.
Redwood Community Services
The Children's Partnership
Vista Del Mar Child and Family Services
Wolf Strategies
1 Private Individual

Opposition

None submitted

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 21, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2151 (Pacheco) – As Amended April 6, 2026

PULLED BY THE AUTHOR

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2230 (Ávila Farías) – As Amended April 7, 2026

As Proposed to be Amended in Committee

SUMMARY: Expands the crime of a uniformed peace officer, private guard, or security personnel being stationed in the immediate vicinity of a polling place without written authorization to include an officer or agent of a federal law enforcement agency, as specified. Specifically, **this bill**:

1) Expands the prohibition against a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, being stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official, to include any uniformed "law enforcement officer" or person wearing a uniform of a "law enforcement officer."

2) Defines "law enforcement officer" to mean either of the following:

   a) A peace officer as defined.

   b) An officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency.

3) Provides that, notwithstanding the definition of "immediate facility" that generally applies to voter intimidation crimes, "immediate vicinity," for purposes of the above offense, includes a building in which a polling place is situated, and 100 feet from any entrance or exit to the building, a parking facility for the building, and the ingress or egress for a vehicle to the parking facility.

4) Prohibits, except as required by state or federal law or as required to administer a state or federally supported early care and learning program, employees of a licensed child daycare facility from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without being presented with a valid judicial warrant or judicial subpoena, or a court order.

5) Requires an employee of a licensed child daycare facility, to the extent practicable, to request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a licensed child daycare facility.

6) Specifies that this shall not be construed to limit a licensed child daycare facility's or employee's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.

7) Includes a severability clause.

EXISTING STATE LAW:

1) Makes it a felony to interfere with the officers holding an election or conducting a canvass, as to prevent the election or canvass from being fairly held and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, punishable by imprisonment for 16 months or two or three years. (Elec. Code, § 18502, subd. (a).)

2) Makes it a felony to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election as specified, punishable as a felony by 16 months or two or three years. (Elec. Code, § 18540, subd. (a).)

3) Makes it a felony for any person to hire or arrange for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, as specified, punishable by 16 months or two or three years. (Elec. Code, § 18540, subd. (b).)

4) Prohibits a person from, with the intent of dissuading another person from voting, within a 100-foot limit of the entrance to a building containing a polling place, as specified, from engaging in certain conduct, such as soliciting a vote, speaking to a voter about marking the voter's ballot, or placing a sign relating to the voter's qualifications, and punishes this offense as an alternate-felony misdemeanor (wobbler) punishable by imprisonment for up to 12 months in county jail or by 16 months, or two or three years in state prison, and as a felony if a person conspires to commit this offense. (Elec. Code, § 18541, subd. (a) & (d).)

5) Prohibits a person, with the intent of dissuading another person from voting, from, within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot, soliciting a vote, speaking to a voter about marking the voter's ballot, or disseminating visible or audible electioneering information, and punishes this offense as wobbler, punishable by up to one year in county jail or by 16 months, or two or three years in state prison, and as a felony if a person conspires to violate this offense. (Elec. Code, § 18541, subd. (c) & (d).)

6) Prohibits a person from knowingly challenging a person's right to vote without probable cause or on fraudulent or spurious grounds, or from engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or from fraudulently advising any person that they are not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, and punishes this offense as a wobbler by up to one year in county jail, or by 16 months, or two or three years in state prison, and as a felony if a person conspires to violate this offense. (Elec. Code, § 18543.)

7) Punishes any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official by a fine of up to $10,000, as a wobbler by imprisonment for up to one year in county jail or 16 months, or two or three years, or by both that fine and imprisonment. (Elec. Code, § 18544, subd. (a).)

8) Specified that the offense described in the immediately preceding paragraph does not apply to any of the following:

   a) An unarmed uniformed guard or security personnel who is at the polling place to cast their vote.

   b) A peace officer who is conducting official business in the course of their public employment or who is at the polling place to cast their vote.

   c) A private guard or security personnel hired or arranged for by a city or county elections official.

   d) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located, if the guard or security personnel is not hired or arranged solely for the day on which an election is held. (Elec. Code, § 18544, subd. (b).)

9) Punishes any person who hires or arranges for any other person in possession of a firearm or any uniformed law enforcement officer, private guard, or security personnel or any person who is wearing a uniform of a law enforcement officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place or a county elections office without written authorization of the appropriate elections official or written authorization by a federal court order, as a wobbler by imprisonment in a county jail for up to one year, up to a $10,000 fine, or by both that fine and imprisonment, or by imprisonment for sixteen months, or two or three years and by a fine up to $10,000. (Elec. Code, § 18545, subd. (a).)

10) Defines "law enforcement officer," for purposes of the above crime, to mean a peace officer, as defined, or an officer or agent of a federal law enforcement agency, or any person acting on behalf of a federal law enforcement agency. (Elec. Code, § 18545, subd. (c).)

11) Defines "immediate vicinity," for purposes of the above crimes related to intimidation of voters, to mean "the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots." (Elec. Code, § 18546, subd. (b).)

12) Prohibits, except as otherwise required by federal law, a public and private employer, or person acting on behalf of the employer, from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a judicial warrant, and specifies civil penalties, enforceable by the Labor Commissioner or the Attorney General (AG), for an employer who violates this prohibition. (Gov. Code, § 7285.1.)

13) Provides that the above prohibition does not preclude an employer from taking the agent to a nonpublic area, where employees are not present, to verify whether the agent has a warrant, provided that no consent to search the nonpublic areas is given in the process. (Gov. Code, § 7285.1, subd. (c).)

14) Prohibits, except as otherwise required by federal law, a public or private employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant, except for access to I-9 employment eligibility verification forms or other documents for which a Notice of Inspection has been provided to the employer, and establishes specified civil penalties for a violation of this prohibition. (Gov. Code, § 7285.2.)

15) Establishes protections for licensed child daycare facilities against immigration enforcement actions, as follows:

    a) Prohibits, except as required by state or federal law or as required to administer a state or federally supported educational program, licensed child daycare facilities from collecting information or documents regarding the citizenship or immigration status of children or their family members, as specified. (Health & Saf. Code, § 1597.640, subd. (a).)

    b) Requires a licensee or administrator of a licensed child daycare facility, as applicable, to report to the State Department of Social Services and Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency, for the purpose of immigration enforcement. (Health & Saf. Code, § 1597.640, subd. (b)(1)(A).)

    c) Requires the Attorney General, by April 1, 2026, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child daycare facilities and license-exempt California state preschool program facilities to the fullest extent possible consistent with federal and state law, and ensuring that those facilities remain safe and accessible to all California residents, regardless of immigration status. The Attorney General shall, at a minimum, consider all of the following issues when developing the model policies:

        i) Procedures related to requests for access to facility grounds for purposes related to immigration enforcement.

        ii) Procedures for facility employees to notify the licensee or administrator of the facility, as applicable, if an individual requests or gains access to facility grounds for purposes related to immigration enforcement.

        iii) Procedures for responding to requests for personal information about children or their family members for purposes of immigration enforcement. (Health & Saf. Code, § 1597.640, subd. (f)(1).)

    d) Provides that, notwithstanding the rulemaking provisions of the Administrative Procedure Act, the Department of Justice may implement, interpret, or make specific this section without taking any regulatory action. (Health & Saf. Code, § 1597.640, subd. (f)(2).)

e) Requires the State Department of Social Services to inform licensed child daycare facilities, and the State Department of Education to inform license-exempt California state preschool program facilities, of the model policies published by the Attorney General. (Health & Saf. Code, § 1597.640, subd. (g).)

EXISTING FEDERAL LAW

1) Prohibits a person, whether acting under color of law or otherwise, from intimidating, threatening, or coercing any person, or attempting to intimidate, threaten, or coerce any person for voting or attempting to vote, as specified. (52 U.S.C. § 10307, subd. (b).)

2) Prohibits a person employed in any administrative position by the United States, or any department of agency thereof, in connection with any activity which is financed by loans or grants made by the United States, from using their official authority for the purposes of interfering with or affecting the election of any candidate to specified elective offices, and punishes this offense by imprisonment for up to one year. (18 U.S.C. § 595.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "ICE has terrorized California residents, U.S. citizens and non-citizens alike, through untargeted arrests and brutality based on nothing more than a person's racial appearance, language spoken, occupation, and exercise of First Amendment-protected expression.

"Political provocateurs, including advisors to the President of the United States, have suggested that ICE agents will be ordered to surround vote centers and polling locations to intimidate immigrants and others from exercising their constitutional right to vote. We've also seen children held hostage and used as bait to lure family members from their homes.

"Exercising your constitutionally guaranteed right to vote should not be discouraged by a rogue federal organization whose task is to sow fear, intimidation and violence in California communities. Families do not deserve to face fear, uncertainty, and potential disruptions to their children's education and lives. Childcare facilities should remain safe locations where all children, regardless of immigration status, can learn and thrive without fear of enforcement actions.

"AB 2230 will ensure that childcare facilities and voting centers are free from violence and intimidation by prohibiting ICE agents from surrounding or entering these spaces."

2) **Background:**

a) Rescission of the DHS Sensitive Locations Memo

DHS previously had standing guidance prohibiting immigration authorities from conducting enforcement actions in certain "sensitive locations," including schools, hospitals, and churches, unless exigent circumstances existed, prior approval was obtained, or other law

enforcement actions had led officers to a sensitive location, as specified.[1] In 2021, the Biden Administration issued a memo expanding these sensitive places to include, as pertains to this bill, social service establishments, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need.[2] In justifying the directive, the memo stated the "need to consider the fact that an enforcement action taken near – and not necessarily in—the protected area can have the same restraining impact on an individual's access to the protected area itself. … The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities."[3]

On January 21, 2025, acting DHS Secretary Benjamin Huffman rescinded the Biden directive stating that it "thwart[ed] law enforcement in or near so-called 'sensitive' areas."[4] On January 31, 2025, DHS issued a new directive stating they were "not issuing rules regarding where immigration laws are permitted to be enforced. Instead… the ICE Director charges Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area."[5] In March, ICE reverted to the 2021 policy, but only in relation to places of worship. (*Ibid.*)

b) *Increased Federal Immigration Enforcement*

President Trump vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.[6] On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[7] Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5)

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[1] U.S. Immigration and Customs Enforcement, *Memorandum: Enforcement Actions at or Focused on Sensitive Locations* (Oct. 24, 2011), available at: https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf
[2] *Id.* at p. 45.
[3] *Ibid.*
[4] U.S. Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole,* January 21, 2025 available at: https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.
[5] U.S. Department of Homeland Security, *ICE Directive Common Sense Enforcement Actions in or Near Protected Areas,* January 31, 2025 available at: https://www.ice.gov/about-ice/ero/protected-areas.
[6] Politico, *Trump got $170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785
[7] The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/

expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that "sanctuary" jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.[8]

On July 4, 2025, President Trump signed the One Big Beautiful (OBB) Act, a massive domestic policy bill that, among other provisions, allocates more than $170 billion for immigration enforcement through 2029.[9]

Immigration arrests have significantly increased since President Trump's second term began.[10] ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump's second term; however, beginning in the summer, removals significantly ramped up.[11] Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.[12] From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.[13] In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.[14] In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.[15]

Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.[16] Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.[17] Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.[18] The rapid

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[8] *Ibid.*
[9] Explainer, *One Big Beautiful Bill Act: Immigration Provisions* (July 7, 2025), available at: https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/
[10] Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html
[11] Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: https://www.sacbee.com/news/california/article314213552.html
[12] *Ibid.*
[13] Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says
[14] Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437.)
[15] Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, Cal Matters (Jan. 29, 2026), available at: https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/
[16] David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez
[17] Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody
[18] *Ibid.*

increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.[19]

Ahead of this year's midterm elections, there have been reports that federal immigration agents could be placed at polling sites this fall.[20] In response to these reports, DHS has stated that ICE agents will not be patrolling polling places during the midterms.[21] Those reports, however, have raised concerns over voter intimidation and voter turnout. The California Attorney General's office similarly reports that

3) **Effect of this bill:** This bill makes changes to California's law relating to polling places, as well as licensed child daycare facilities. Regarding polling places, existing law prohibits any person in possession of a firearm, any uniformed peace officer, private guard, or security personnel, or any person who is wearing a uniform of such persons, from being stationed in the immediate vicinity of a polling place without the written authorization of a specified elections official. This offense is a wobbler punishable by imprisonment for up to one year in county jail, 16 months, or two or three years. (Elec. Code, § 18544, subd. (a).) This offense does not apply to a peace officer, unarmed guard or security personnel who is casting their vote, a peace officer conducting official business in the course of their public employment, a private guard or security personnel hired or arranged by a city or county elections official, or a guard or security personnel hired or arranged by the owner or manager of the facility or property if they are not hired solely for the day of the election. (Elec. Code, § 18544, subd. (b).) This statute is substantially similar to a separate statute, which punishes any person who *hires or arranges* for any of the above persons to be stationed in the immediate vicinity of the polling place without written authorization. (Elec. Code, § 18545, subd. (a) & (c).) This statute is similarly punishable as a wobbler. Last year, SB 851 (Cervantes), Chapter 238, Statutes of 2025, expanded this prohibition against hiring or arranging for specified prohibited persons to be stationed at a polling place to apply to federal law enforcement officers. It additionally modified the provision requiring written authorization from an elections official to also allow for written authorization by a federal court order. (Elec. Code, § 18545, subd. (a).)

   This bill similarly expands the prohibition against specified personnel being posted in the immediate vicinity of a polling place to apply to federal officers. Like SB 851 (Cervantes), Chapter 238, Statutes of 2025, it expands this offense to include a uniformed "law enforcement officer," or a person wearing a uniform of a "law enforcement officer," which it defines to include a peace officer, as defined, as well as an officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency. Notably, SB 851 also created a new avenue for otherwise prohibited personnel to receive authorization to be stationed at a polling place - written authorization by a federal court order. To promote consistency between the crime of specified personnel being stationed in the immediate vicinity of a polling place and the crime of hiring or arranging for such a person to be stationed, the author may wish to consider whether to add a similar provision permitting authorization by federal court order to this bill.

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[19] *Ibid.*
[20] Gabe Cohen, *ICE agents have been deployed to airports. Are the polls next?* (March 25, 2026), available at: https://www.cnn.com/2026/03/25/politics/ice-agents-polling-places-bannon
[21] Miles Parks, *ICE won't be at polling places this year, a Trump DHS official promises* (Feb. 25, 2026), available at: https://www.npr.org/2026/02/25/nx-s1-5726768/ice-agents-midterm-elections

Additionally, this bill defines "immediate vicinity" to include a building in which a polling place is situated, and 100 feet from any entrance or exit to the building, a parking facility for the building, and the ingress or egress for a vehicle to the parking facility. Currently, several crimes related to intimidation of voters, including the crimes of soliciting a vote, speaking to a voter about marking the voter's ballot, disseminating visible or audible electioneering information, stationing of certain persons in a polling place without written authorization, and the hiring or arranging of such persons to be stationed, all use the same definition of "immediate vicinity" ("the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots"). (Elec. Code, § 18546, subd. (b). *See also* Elec. Code, § 18541, subd. (c); 18544; 18545.) This bill would establish a broader definition of "immediate vicinity" for the specific crime of specified persons being stationed in the immediate vicinity of a polling place without written authorization. To promote equal application and consistency in the law, the author may wish to reconcile these conflicting definitions.

Regarding childcare facilities, this bill prohibits, except as required by state or federal law or as required to administer a state or federally supported early care and learning program, employees of a licensed child daycare facility from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without being presented with a valid judicial warrant or judicial subpoena, or a court order. It additionally requires an employee of a licensed child daycare facility, to the extent practicable, to request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a licensed child daycare facility. It further states that this shall not be construed to limit a licensed child daycare facility or an employee's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.

As discussed more below, existing law already prohibits employers from providing voluntary consent to an immigration enforcement agent to enter a nonpublic area of a place of labor. Specifically, current law prohibits, except as otherwise required by federal law, a public and private employer, or person acting on behalf of the employer, from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a judicial warrant. (Gov. Code, § 7285.1.) This prohibition does not preclude an employer from taking the agent to a nonpublic area, where employees are not present, to verify whether the agent has a warrant, provided that no consent to search the nonpublic areas is given in the process. (Gov. Code, § 7285.1, subd. (c).) Given that this provision applies generally to employers and persons acting on behalf of employers, establishing a similar access restriction, specific to employees of licensed child daycare facilities, may be somewhat duplicative of existing law.

4) **Constitutional Concern:** In 2017, the California Legislature took significant steps to limit state and local cooperation with federal immigration enforcement officers. Particularly, the Legislature enacted SB 54 (De Leon), Chapter 495, Statutes of 2017, also known as the California Values Act, which limited the use of state and local resources for the purposes of immigration enforcement. More relevant to this bill, the Legislature also enacted AB 450 (Chiu), Chapter 492, Statutes of 2017, which prohibited an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant. Particularly, AB 450 prohibited, except as

otherwise required by federal law, a public or private employer or person acting on their behalf from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a judicial warrant. (Gov. Code, § 7285.1, subds. (b)-(c).) It also outlined civil penalties of $2,000-$5,000 for the first violation, and $5,000-$10,000 for each subsequent violation, enforceable by the Labor Commissioner or AG, for an employer who violates this prohibition. (*Ibid.*)

This bill is somewhat similar to AB 450 in that it prohibits, except as required by state or federal law, employees of a licensed child daycare facility from allowing an officer of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without a valid judicial warrant or judicial subpoena, or a court order.

A prior U.S. District Court case has suggested that this type of bill could be vulnerable to a legal challenge. In 2018, the Trump administration challenged SB 54 and AB 450 in District Court. Specifically, the Trump Administration challenged AB 450's constitutionality as applied to private employers only, arguing that the bill was preempted by federal law and violated the doctrine of intergovernmental immunity. (*United States v. California* (E.D. Cal. 2018) 314 F.Supp.3d 1077, 1096.) The doctrine of intergovernmental immunity, derived from the Supremacy Clause of the Constitution, makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435.) The district court did not reach a conclusion on the issue of preemption, but it did find that the Trump Administration was likely to succeed on the issue of intergovernmental immunity. (*United States v. California*, *supra,* 314 F.Supp.3d. at p. 1096.) In particular, the court held that "a law which imposes monetary penalties on an employer solely because that employer voluntarily consents to federal immigration enforcement's entry into nonpublic areas of their place of business or access to their employment records impermissibly discriminates against those who choose to deal with the Federal Government." (*Ibid.*)

The District Court proceeded to find that the provisions of AB 450 that prohibited employers from providing voluntary consent to an immigration agent to enter a nonpublic area of a place of labor and from re-verifying the employment eligibility of current employees when not required by federal law impermissibly infringed on the sovereignty of the U.S. However, the District Court found that SB 54, as well as the employee notice provision of AB 450 (requiring employers to provide notice to their employees of any impending I-9, or other employment record, inspection within 72 hours of receiving notice of that inspection) were not preempted by federal law. (*United States v. California*, *supra,* 314 F.Supp.3d. at p. 1086.)

The Trump Administration appealed this ruling. On appeal, the Ninth Circuit found that the district court properly concluded that AB 450's employee-notice provisions did not violate the doctrine of intergovernmental immunity and were not preempted by federal law. (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 881-882.) The District Court's finding that the Trump Administration's intergovernmental immunity claim pertaining to imposing monetary penalties on an employer who consents to immigration agents entering into non-public areas of a business was likely to succeed on the merits was not a matter on appeal. Further, the Ninth Circuit upheld SB 54, citing that because federal immigration law is silent on the role of state or local governments in immigration enforcement, and SB 54 was focused on *state and local* agencies, the law was not preempted. (*United States v. California*, *supra*, 921 F.3d, at p. 887.) In particular, they stated, "SB 54 does not directly conflict with any

obligations that the INA or other federal statutes impose on state or local governments, because federal law does not actually mandate any state action[.]" (*Ibid.*) The administration appealed the Ninth Circuit ruling but the Supreme Court denied the request, leaving the decision untouched.

AB 2230 is somewhat similar to AB 450's provision that prohibits an employee of a licensed child daycare facility from voluntarily consenting to federal immigration enforcement's entry into nonpublic areas of their place of business. It's possible this could make this bill vulnerable to the same type of intergovernmental immunity challenge that the District Court stated was likely to succeed on the merits in *United States v. California* (E.D. Cal. 2018) 314 F.Supp.3d 1077, 1096.) However, this bill is distinguishable for several reasons, most notably, the district court in *U.S. v. California* specifically discussed the imposition of civil penalties for a violation of AB 450 as a factor in why that law violated the Supremacy Clause. Here, this bill does not include any such penalties. Additionally, this bill contains several qualifiers to avoid conflicts with existing federal or state law. Most notably, the bill's obligations apply "[e]xcept as required by state or federal law or as required to administer a state or federally supported early care and learning program." Therefore, to the extent state or federal law requires an employee of a child daycare facility to provide immigration agents with access to the non-public areas of the facility without a valid judicial warrant, this bill's requirements will not apply. Further, the requirement that the employee must request valid identification from the officer seeking to enter a nonpublic area of the facility only applies "to the extent practicable," suggesting this bill may be more akin to guidance, rather than a mandate. Thus, while it is difficult to predict the outcome of a potential legal challenge to this bill, it is reasonable to believe this provision would survive constitutional scrutiny.

5) **Argument in Support**: None submitted.

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

7) **Related Legislation**:

   a) SB 884 (Umberg), among other things, would prohibit a federal, state, or local law enforcement officers from arresting any person within 200 feet of a polling location on Election Day, except for crimes related to disrupting the operation of the polling location. SB 884 is pending a hearing in the Senate Committee on Elections and Constitutional Amendments.

8) **Prior Legislation**:

   a) AB 495 (Celeste Rodriguez), Chapter 664, Statutes of 2025, among other things, required the Attorney General, by April 1, 2026, in consultation with appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child day care facilities and license-exempt state preschool program facilities and requires all California state preschool programs to adopt the model policies, or equivalent policies, as soon as possible, but no later than July 1, 2026.

   b) SB 851 (Cervantes), Chapter 238, Statutes of 2025, expended the crime of hiring or arranging for any person in possession of a firearm or any uniformed officer to be stationed in the immediate vicinity of, or posted at a polling place without authorization

of the appropriate elections official, so that it includes an officer or agent of a federal law enforcement agency and exempts a person is being stationed at a polling place or county elections official's office pursuant to a federal court order.

c) AB 2642 (Berman), Chapter 533, Statutes of 2024, prohibited a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person for engaging in specified election-related activities, and authorizes an aggrieved person, an officer holding an election or conducting a canvass, or the Attorney General (AG) to file a civil action to enforce those prohibitions.

d) SB 485 (Becker), Chapter 611, Statutes of 2023, established additional specificity for penal provisions within the Elections Code as it pertains to a person who interferes with the officers holding an election, officers conducting a canvass, or with voters lawfully exercising their rights of voting at an election.

e) SB 1131 (Newman), Chapter 554, Statutes of 2022, among other things, required a county elections official, upon application of a qualified worker, to make confidential that qualified worker's residence address, telephone number, and email address appearing on the affidavit of registration, as provided.

f) SB 35 (Umberg), Chapter 318, Statutes of 2021, among other things, prohibited a person from engaging in electioneering and prescribed political activities within the immediate vicinity of a voter in line to cast a ballot or drop off a VBM ballot, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

None submitted.

Opposition

None submitted.

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

Amended Mock-up for 2025-2026 AB-2230 (Ávila Farías (A))

Mock-up based on Version Number 97 - Amended Assembly 4/7/26
Submitted by: Staff Name, Office Name

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Since 2025, United States Immigration and Customs Enforcement officers have terrorized California residents, United States citizens, and noncitizens alike through untargeted arrests and brutality based on nothing more than subjects' racial appearances, languages spoken, means of earning a living, and expression protected under the First Amendment to the United States Constitution.

(b) California is home to more than 10,000,000 immigrants, most of whom are naturalized United States citizens and are eligible to vote in all elections.

(c) Law enforcement activities, including immigration enforcement, in schools and childcare facilities have traumatized children and dissuaded hundreds of thousands of Hispanic and Asian children from attending school or utilizing childcare facilities.

(d) Political provocateurs, including advisors to the President of the United States, have suggested that United States Immigration and Customs Enforcement officers surround voting centers and polling locations in order to intimidate immigrants and others from exercising their constitutional right to vote.

(e) Ensuring that childcare facilities are safe and free from violence, and that all eligible voters have the opportunity to participate in elections free from intimidation and violence, are matters of statewide concern.

SEC. 2. Section 18544 of the Elections Code is amended to read:

18544. (a) Any person in possession of a firearm, any uniformed ~~**peace**~~ law enforcement officer, private guard, or security personnel, or any person who is wearing a uniform of a law enforcement officer, ~~**or displaying a uniform or other clothing or insignia that reasonably conveys an association with any local, state, or federal law enforcement agency,**~~ guard, or

security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official, is ~~guilty of a felony,~~ punishable by a fine not exceeding ten thousand dollars ($10,000)~~, and~~ by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for **16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment.** ~~two, three, or five years.~~

(b) This section does not apply to any of the following:

(1) An unarmed uniformed guard or security personnel who is at the polling place to cast a vote.

(2) A peace officer **who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.** ~~doing any of the following:~~

~~(A) Responding to a presently occurring violent crime.~~

~~(B) Responding to an immediate threat to the life or health of others at the polling place.~~

~~(C) Casting a vote.~~

(3) A private guard or security personnel hired or arranged for by a city or county elections official.

(4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

~~(c) An elections official shall not authorize any agency or officer responsible for immigration enforcement or federal law enforcement to be stationed or posted in the immediate vicinity of a polling place. An authorization issued by an elections official in violation of this section is null and void, and the existence of an unlawful authorization is not a defense to a criminal charge brought pursuant to this section.~~

(c~~d~~) Notwithstanding Section 18546, for purposes of this section "immediate vicinity" includes a building in which a polling place is situated, and 100 feet from any entrance or exit to the building, a parking facility for the building, and the ingress or egress for a vehicle to the parking facility.

(d) For purposes of this section, "law enforcement officer" means either of the following:
(1) A peace officer as defined in Section 830 of the Penal Code.
(2) An officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency.

SEC. 3. Section 1596.7997 is added to the Health and Safety Code, to read:

1596.7997. (a) ~~**(1) Except as required by state or federal law, immigration enforcement personnel shall not be stationed within 100 feet of the entrance of a licensed child daycare facility, except if the immigration enforcement personnel is doing tasks related to the immigration enforcement personnel's own children.**~~

~~**(2)**~~ Except as required by state or federal law or as required to administer a state or federally supported early care and learning program, employees of a licensed child daycare facility shall not allow an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without being presented with a valid judicial warrant or judicial subpoena, or a court order. Any employee of a licensed child daycare facility shall, to the extent practicable, request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a licensed child daycare facility. This subdivision shall not be construed to limit a licensed child daycare facility's or employee's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.

~~**(b) An immigration enforcement personnel who violates subdivision (a) is guilty of a felony, punishable by a fine not exceeding ten thousand dollars ($10,000) and by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or five years.**~~

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 5. 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 the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: April 21, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2232 (Patterson) – As Introduced February 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires the Board of Parole Hearings (BPH) to publish an annual report on the advance parole consideration hearing process. Specifically, **this bill**:

1) Requires Board of Parole Hearings, in coordination with the Department of Corrections and Rehabilitation, shall collect and publish annual data regarding requests to advance parole consideration hearing dates pursuant to subdivision (d) of Section 3041.5 and administrative review processes of those requests.

2) The board shall submit the report to the Legislature by March 1, 2027 and annually thereafter. The board shall make the report publicly available on its internet website no later than March 1, 2027 of each year following the submission of the report to the Legislature.

3) The report shall include, but not be limited to, all of the following:

    a) Volume and outcomes, including:

        i) Total number of requests to advance parole consideration hearing dates filed.

        ii) Total number of requests to advance parole consideration hearing dates granted, denied, and pending.

        iii) Percentage of requests to advance parole consideration hearing dates granted.

        iv) Number of hearings advanced through administrative review by the board, as specified, versus number of hearings advanced through requests, as specified.

    b) Timing and impact, including:

        i) Average duration of an incarcerated person's denial period for advance of a parole consideration hearing date.

        ii) Average time during an incarcerated person's denial period that a request to advance a parole consideration hearing date is granted, expressed in months or years into an incarcerated person's denial period.

        iii) Frequency of repeat advancement requests.

c) General criteria and factors relied upon in granting or denying advancement, including all of the following:

i) Evidence of rehabilitation.

ii) Institutional behavior.

iii) Nature of psychological evaluations.

iv) Nature and severity of the offense.

d) Rehabilitation metrics, including:

i) Types of rehabilitative programming considered, including cognitive behavioral interventions.

ii) Completion rates of programming recommended by the board.

iii) Correlation, if any, between program completion and advancement decisions.

iv) The amount of time the incarcerated person waited to be admitted into these programs.

e) Victim considerations, including:

i) Whether victim notification was provided.

ii) Whether victim input was received and considered.

iii) General categories of victim concerns raised.

iv) Measures taken to ensure compliance with victim rights pursuant to Section 28 of Article I of the California Constitution (Marsy's Law), including consideration of victim safety and consideration of emotional psychological impact.

f) Outcomes of hearings that are advanced, including:

i) Grant rates for advanced hearings versus regularly scheduled hearings.

ii) Time to release following advancement of the hearing.

iii) Any available recidivism or return-to-custody data.

4) For each request to advance a parole consideration hearing date pursuant to subdivision (d) of Section 3041.5, the board shall maintain a written summary of the decision, including the basis for approval or denial and the primary factors considered.

5) The summaries shall be made available to all of the following:

a) The incarcerated person or their counsel.

b) The victim or next of kin, upon request.

c) The district attorney's office.

6) This section shall remain in effect until January 1, 2032, and is repealed as of that date.

EXISTING LAW:

1) Requires BPH to schedule the next hearing, after considering the views and interests of the victim, as follows:

a) Fifteen years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than 10 additional years.

b) Ten years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than seven additional years.

c) Three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the inmate, but does not require a more lengthy period of incarceration for the inmate than seven additional years. (Pen. Code, § 3041.5, subd. (b)(3)(A)-(C).)

2) Authorizes BPH, in its discretion, after considering the views and interests of the victim, to advance a parole hearing to an earlier date when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (b)(4).)

3) Authorizes an inmate to request an advance hearing date by submitting a written request to BPH, with notice, upon request, and a copy to the victim, setting forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate. (Pen. Code, § 3041.5, subd. (d)(1).)

4) Authorizes BPH, after considering the views and interests of the victim, to decide to grant or deny a request for an advance hearing date. (Pen. Code, § 3041.5, subd. (d)(2).)

5) Provides that BPH's decision is subject to review by a court or magistrate only for a manifest abuse of discretion by BPH. (Pen. Code, § 3041.5, subd. (d)(2).)

6) Authorizes BPH to summarily deny a request that does not comply with specific requirements or that does not set forth a change in circumstances or new information

sufficient to justify granting an advance hearing date. (Pen. Code, § 3041.5, subd. (d)(2).)

7) Provides that an incarcerated person may make only one written request for an advance hearing date every three years. (Pen. Code, § 3041.5, subd. (d)(3).)

8) Provides that, following either a summary denial of a request for an advance hearing, or the decision of BPH after a hearing to deny parole, the incarcerated person may not submit another request for a hearing until a three-year period of time has elapsed from the summary denial or decision of the board. (Pen. Code, § 3041.5, subd. (d)(3).)

9) Provides that at all hearings for the purpose of reviewing an inmate's parole suitability, or the setting, postponing, or rescinding of parole, with the exception of en banc review of tie votes, the following apply:

   a) At least 10 days before any BPH hearing, the incarcerated person is permitted to review the file which will be examined by the board and the opportunity to enter a written response to any material contained in the file.

   b) The incarcerated person shall be permitted to be present, to ask and answer questions, and to speak on his or her own behalf. Neither the incarcerated person nor their attorney is entitled to ask questions of any person appearing at the hearing, as specified.

   c) Unless legal counsel is required by some other law, a person designated by the Department of Corrections and Rehabilitation (CDCR) shall be present to ensure that all facts relevant to the decision be presented, including, if necessary, contradictory assertions as to matters of fact that have not been resolved by departmental or other procedures.

   d) The inmate and specified persons are permitted to request and receive a stenographic record of all proceedings.

   e) If the hearing is for the purpose of postponing or rescinding parole, the inmate shall have specified rights.

   f) BPH shall set a date to reconsider whether an inmate should be released on parole that ensures a meaningful consideration of whether the inmate is suitable for release on parole. (Pen. Code, § 3041.5, subd. (a).)

10) Requires BPH, within 10 days of granting parole, to send the incarcerated person a written statement setting forth the reasons for granting parole, the conditions of release, and the consequences of failure to meet those conditions. (Pen. Code, § 3041.5, subd. (b)(1).)

11) Requires BPH, within 20 days of denying parole, to send the incarcerated person a written statement setting forth the reasons for denying parole, and suggest activities in which to participate that will benefit the person while incarcerated. (Pen. Code, § 3041.5, subd. (b)(2).)

12) Requires BPH, within 10 days of any board action resulting in the rescinding of parole, to send the incarcerated person a written statement setting forth the reasons for that action, and

to schedule the inmate's next hearing. (Pen. Code, § 3041.5, subd. (b)(5).)

13) Requires BPH to conduct a parole hearing as a de novo hearing. Findings made and conclusions reached in a prior parole hearing shall be considered in but shall not be deemed to be binding upon subsequent parole hearings for an inmate, but shall be subject to reconsideration based upon changed facts and circumstances. (Pen. Code, § 3041.5, subd. (c).)

14) Requires BPH, when conducting a hearing, to admit the prior recorded or memorialized testimony or statement of a victim or witness, upon request of the victim or if the victim or witness has died or become unavailable. (Pen. Code, § 3041.5, subd. (c).)

15) Provides that at each hearing the board shall determine the appropriate action to be taken based on the criteria set forth in paragraph (1) of subdivision (b) of Section 3041. (Pen. Code, § 3041.5, subd. (c).)

16) Requires BPH, 11 months after a parole consideration hearing results in a denial period of three years, to initiate an administrative review to determine whether to advance the date of the inmate's next parole consideration hearing, as specified, unless the incarcerated person was determinately sentenced inmates and is within 24 months of being released as a result of their Earliest Possible Release Date. (Cal. Code Regs., tit. 15, § 2153.)

17) Requires BPH, within five business days of determining BPH has jurisdiction to review a petition for an advance hearing date, or within five business days of BPH initiating an ad hoc administrative review, to notify registered victims of the BPH's pending review on the merits and provide an opportunity to submit a written statement. (Cal. Code Regs., tit. 15, § 2155, subd. (a).)

18) Provides that a registered victim is any person who is registered as a victim with the BPH's Office of Victim and Survivor Rights and Services on the date BPH staff determined it has jurisdiction of a petition for advance hearing date, the date BPH staff determined none of the circumstances in section 2154(b) apply, or on the date BPH initiated an ad hoc administrative review under section 2152. (Cal. Code Regs., tit. 15, § 2155, subd. (c).)

19) Requires, within 15 business days of the conclusion of the notification process, a commissioner or deputy commissioner, as specified, as a hearing officer, to conduct a review on the merits and determine whether the date of the inmate's next parole consideration hearing should be advanced. (Cal. Code Regs., tit. 15, § 2156, subd. (a).)

20) Provides that, after reviewing and considering all relevant and reliable information and the specified factors, the hearing officer shall advance the date of the incarcerated person's next parole consideration hearing if the hearing officer determines there has been a change in circumstances or new information that establishes a reasonable likelihood that consideration of the public and the victim's safety does not require that the inmate remain incarcerated until the date of his or her next parole consideration hearing. (Cal. Code Regs., tit. 15, § 2156, subd. (e).)

21) Provides that, in the absence of the above a determination, the date of the inmate's next parole consideration hearing shall not be advanced. (Cal. Code Regs., tit. 15, § 2156,

subd.(e).)

22) Requires the hearing officer shall issue a written decision that includes a statement of reasons supporting the decision. (Cal. Code Regs., tit. 15, § 2156, subd. (f).)

23) Requires BPH, within five business days of issuing a decision, to send notice of the decision to any registered victim who received notice, as specified. (Cal. Code Regs., tit. 15, § 2156, subd. (e).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Victims deserve stability and predictability in the parole process. Under current law, parole hearings can be repeatedly advanced after a denial, forcing victims and their families to relive traumatic events sooner than expected. AB 2232 reinforces the timelines approved by voters, prevents repeated attempts to circumvent parole denials, and strengthens confidence in the parole system for victims, families, and the public."

2) **The Board of Parole Hearings:** The Board of Parole Hearings was created in 2005. Prior to 2005, the Board of Prison Terms handled the adult population eligible to receive parole. The Board of Prison Terms was charged with parole hearings and revocation hearings for adults. Based on the recommendations of a task force assembled by then Governor Schwarzenegger, the Board of Prison Terms was dissolved to form the Board of Parole Hearings charged with similar responsibilities and governed by the same statutory language. Among its many powers, the Board of Parole Hearings has the authority to determine parole suitability and set a date for parole release when an individual is found suitable for release. (Pen. Code, § 5075, et seq.)

3) **Effect of this Bill**: BPH is required to hold a hearing on a person's suitability for parole one year before the person's minimum eligible parole date to determine if the person should be released from prison. (Pen. Code, § 3041, subd. (a)(2).) Existing law requires BPH to grant parole unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of the current or past convicted offense or offenses, is such that consideration of public safety requires a more lengthy period of incarceration for this individual. (Pen. Code, § 3041, subd. (b)(1).) BPH can consider all relevant, reliable information available. (15 Cal. Code Regs., tit. 15, § 2281, subd. (b).) Factors showing unsuitability include, among others, whether the person abused their victim during the offense or the offense was exceptionally cruel or callous; and, whether the person has an unstable social history, committed a sadistic sexual offense, demonstrates a lack of remorse, or has engaged in serious misconduct while incarcerated. (15 Cal. Code Regs., tit. 15, § 2281, subd. (c).) However, regardless of the length of time served, a person must be found unsuitable for and denied parole if BPH determines that the person poses an unreasonable risk of danger to society if released from prison. (Cal. Code Regs., tit. 15, § 2281, subd. (a).)

   If BPH denies parole, then it must schedule the next parole hearing, after considering the views and interests of the victim, 15 years after the hearing at which parole was denied, unless BPH finds by clear and convincing evidence that the criteria relevant to the decision

denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than 10 additional years; 10 years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than seven additional years; or three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the inmate, but does not require a more lengthy period of incarceration for the inmate than seven additional years. (Pen. Code, § 3041.5, subd. (b)(3)(A)-(C).)

If a parole consideration hearing results in a denial period of three years, BPH must initiate an administrative review 11 months later to determine whether to advance the date of the inmate's next parole consideration hearing, as specified, unless the incarcerated person was determinately sentenced and is within 24 months of being released as a result of their Earliest Possible Release Date. (Cal. Code Regs., tit. 15, § 2153.)

Notwithstanding a denial of parole, BPH has the discretion, after considering the views and interests of the victim, to advance a parole hearing to an earlier date when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (b)(4).) Even if BPH does not exercise this discretion, an incarcerated person may request an advance hearing date by submitting a written request to BPH, with notice, upon request, and a copy to the victim, setting forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate. (Pen. Code, § 3041.5, subd. (d)(1). After considering the views and interests of the victim, BPH decides whether to grant or deny a request for an advance hearing date, a decision that is subject to review by a court or magistrate only for a manifest abuse of discretion. (Pen. Code, § 3041.5, subd. (d)(2).) BPH may summarily deny a request that does not comply with specific requirements or that does not set forth a change in circumstances or new information sufficient to justify granting an advance hearing date. (Pen. Code, § 3041.5, subd. (d)(2).) An incarcerated person may make only one written request for an advance hearing date every three years. (Pen. Code, § 3041.5, subd. (d)(3).)

Provides that, to file a written petition to advance the date of the inmate's next parole consideration hearing, the incarcerated person or their attorney of record must send BPH a completed Petition to Advance Hearing Date Form or a written request that includes the following the incarcerated person's name; their CDCR number; the institution at which the incarcerated person is housed; a statement of the change in circumstances or new information since the date of the incarcerated person's most recent hearing resulting in a denial or stipulation of unsuitability; how the change in circumstances or new information establishes a reasonable likelihood that consideration of the public safety does not require that the inmate remain incarcerated until the date of his or her next parole consideration hearing; and the incarcerated person's signature and date of signature. (Cal. Code Regs., tit. 15, § 2150, subd. (b).) BPH, within 10 business days of receiving an advance hearing petition, must review the petition to determine whether the board has jurisdiction to advance the date of the inmate's next parole consideration hearing. (Cal. Code Regs., tit. 15, § 2151, subd. (a). BPH has jurisdiction to advance the date of the incarcerated person's next parole consideration hearing

if all of the following are true: the incarcerated person's last parole consideration hearing resulted in a denial of parole or a stipulation of unsuitability, and the incarcerated person has not submitted a petition to advance a parole consideration hearing date that was reviewed on the merits within the past three years. (Cal. Code Regs., tit. 15, § 2151, subd. (b)(1) & (2).)

This bill would require BPH to publish an annual report on the advance parole consideration hearing process. The billl would require BPH to report, among other things, on the number of requests for advance parole consideration hearings and the of those requests, and whether the advance hearing process was initiated by BPH or by an incarcerated person's petition. It would also have to include information on the criteria BPH relied on when making a determination on whether to advance a parole consideration hearing, and what rehabilitation metrics were used to evaluate the incarcerated person's suitability for parole. Further, it would have to provide information related to victim notification and whether the victim submitted input on the suitability of the incarcerated person. The outcomes of the advanced parole considerations hearing must also be reported.

4) **Advanced Parole Consideration Hearings and the Victims' Bill of Rights Act of 2008: Marcy's Law:** Proposition 9, also known as the Victims' Bill of Rights Act of 2008: Marcy's Law, was passed by the voters on November 4, 2008. Prior to Marcy's Law, the parole board could defer a subsequent parole hearing following a denial of parole for one year unless it found that it was not reasonable to expect the incarcerated person to be suitable for parole within that time, in which case it could be extended up to five years if the person had been convicted of murder or up to two years for other offenses.[1] Marcy's Law, among other things, changed the length of the deferral period following a denial of parole. As the California Supreme Court explains:

> As amended in 2008 by Marsy's Law, section 3041.5 establishes longer deferral periods following the denial of parole than did the statute in 1983. The deferral periods range from a default period of 15 years to a minimum of three years. More specifically, the next hearing is to occur in 15 years, "unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole release dates … are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than 10 additional years." (Pen. Code, § 3041.5, subd. (b)(3)(A).) If the Board makes such a finding, the next hearing shall be in 10 years unless the Board finds, again by clear and convincing evidence and considering the same criteria and considerations, that a period of more than seven years is not required. (Pen. Code, § 3041.5, subd. (b)(3)(B).) In that event, the next hearing shall be in three, five, or seven years. (Pen. Code, § 3041.5, subd. (b)(3)(C).) The Board is required to "consider[] the views and interests of the victim" before selecting the appropriate deferral period. (Pen. Code, § 3041.5, subd. (b)(3).) (*In re Vicks* (2013) 56 Cal.4th 274, 284.)

However, Marcy's Law did not just extend the deferral period, but also gave the parole board discretion to advance a parole suitability hearing prior to the end of the deferral period "when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration of the prisoner." (Pen. Code, § 3041.5, subd. (b)(4); *In re Vicks*, *supra*, at p.

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[1] https://www.cdcr.ca.gov/bph/parole-suitability-hearings-overview/advancing-an-inmates-next-parole-suitability-hearing-date/

284.)

Further, Marcy's Law gave an incarcerated person the opportunity to request an advance parole suitability hearing "by submitting a written request to the board, with notice, upon request, and a copy to the victim which shall set forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate." (Pen. Code, § 3041.5, subd. (d)(1); *In re Vicks*, *supra*, at pp. 284-285.) The California Supreme Court adds:

> The Board may summarily deny a petition to advance if the petition does not comply with these requirements, or if, in the judgment of the Board, the change in circumstances or new information is insufficient to justify the Board's exercising its discretion under subdivision (b)(4). (Pen. Code, § 3041.5, subd. (d)(2).) Section 3041.5 does not expressly address what other actions the Board may take in response to a written request, but if the petition sets forth a "change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate," the Board has authority under subdivision (b)(4) to hold a parole suitability hearing at an earlier date than was set when parole was previously denied.
>
> Section 3041.5 provides that "[a]n inmate may make only one written request [to advance a hearing] during each three-year period." (Pen. Code, § 3041.5, subd. (d)(3).) The three-year period is calculated from one of two start dates: "Following either [1] a summary denial of [an inmate's] request … or [2] the decision of the board after a hearing described in subdivision (a) to not set a parole date, the inmate shall not be entitled to submit another request for a hearing pursuant to subdivision (a) until a three-year period of time has elapsed from the summary denial or decision of the board." (Pen. Code, § 3041.5, subd. (d)(3).) (*In re Vicks*, *supra*, at p. 285.)

As noted above, this bill would require BPH to report specified data related to the conduct and outcomes of advanced parole consideration hearings.

5) **Committee Amendments**: The bill in print eliminates BPH's authority to advance, and an incarcerated person's ability to request an advance of, a parole suitability hearing when, after considering the views and interests of the victim, there has a been a change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration. The bill as proposed to be amended in committee would gut and amend this bill, instead requiring BPH to publish an annual report on the advance parole consideration hearing process. Among other things, this bill would require a report on the number of requests for advance parole consideration hearings and the of those requests, and whether the advance hearing process was initiated by BPH or by an incarcerated person's petition. It would also have to include information on the criteria BPH relied on when making a determination on whether to advance a parole consideration hearing, and what rehabilitation metrics were used to evaluate the incarcerated person's suitability for parole. Further, it would have to provide information related to victim notification and whether the victim submitted input on the suitability of the incarcerated person. The outcomes of the advanced parole considerations hearing must also be reported.

6) **Argument in Support**: According to the *Placer County District Attorney's Office*, the bill's sponsor, "Under current law, inmates may administratively advance their parole suitability hearings--even after the Board of Parole Hearings has conducted a full evidentiary hearing and issued a denial with a specified deferral period. The current system undermines the decisions of the Board Commissioners, disrupts the intended structure of parole review, and imposes unnecessary and repeated trauma on victims and their families. **Penal Code section 3041.5 (d) expressly conditions the Board's discretion to advance a parole hearing after consideration of the views and interests of the victim, yet this statutory safeguard is not consistently applied within the current administrative review process.**

"Parole hearings are not perfunctory proceedings. They are comprehensive, hours-long evaluations in which the Board carefully weighs the totality of the record, including the severity of the offense, the inmate's insight and accountability, institutional conduct, rehabilitation efforts, a comprehensive psychological and risk analysis, and the enduring impact on victims. These hearings also provide a critical opportunity for victims and their families to prepare statements, relive the facts of the crime, and advocate for their continued safety. When the Board denies parole and sets a deferral period, that decision often reflects a deliberate and informed judgment as to when the matter should be revisited.

"The current administrative advancement mechanism disregards that judgment in many cases. This not only diminishes the meaning of a parole board denial in certain cases, but it also erodes confidence in the system's consistency and clarity – for both the inmate and the victims. While we respect statutory opportunity for advancement, the current administrative review process has removed a standard of discretion that existed during Marsy law negotiations.

"Further, a parole denial is intended to require the individual to reflect and address the specific deficiencies identified by the Board during a defined deferral period. Permitting some inmates to move their hearings forward through administrative means bypasses the intended decision and weakens the rehabilitative goal behind denying the hearing. This legal loophole gives false hope to the inmate by permitting the individuals to bypass the Board's directive rather than comply with it.

"More importantly, it places an extraordinary and unnecessary burden on victims. Our office has witnessed firsthand the profound emotional toll this process exacts. In one case, the Vanderschoot family, whose daughter was murdered by her boyfriend Daniel Bezemer, endured a full parole hearing in 2023, resulting in a five-year denial. They began the difficult process of healing, relying on the certainty that they would not have to revisit the trauma for several years. Just two years later—days before Christmas—they would be required to prepare once again for a parole hearing. Although parole was denied once again because the inmate hadn't done the work requested in the 2023 parole hearing, the harm to the family had already been done.

"The current administrative standards do not promote rehabilitation. They do not serve justice. It is unjust to those involved in the parole hearings, including the parole board commissioners, the prosecution, and the victims and their families.

"AB 2232 addresses this issue by seeking to establish clearer standards and limitations on the administrative advancement of parole hearings following a denial. These changes ensure that

the Board's decision are honored, the parole process remains consistent and credible, and victims are not subjected to unnecessary and repeated trauma."

7) **Argument in Opposition**: According to *Uncommon Law*, "[T]he Administrative Review and Petition to Advance] procedures give the Board discretion to advance a parole candidate's subsequent hearing date if the Board determines, after considering the views and interests of the victim, that new information or changed circumstances demonstrate further incarceration may not be necessary for public safety. Eliminating these two procedures would likely violate state and federal constitutional prohibitions on *ex post facto* laws, and likely expose the government to legal challenges for due process violations. Moreover, AB 2232 would undermine rehabilitation and public safety by preventing the Board from making informed decisions and removing an important incentive for incarcerated people to sustain rehabilitative efforts after parole denials.

"**Background on Marsy's Law and Changes to California's Parole Process**

"In 2008, California voters approved Proposition 9, known as the California Victim's Bill of Rights Act of 2008 or "Marsy's Law," which amended the California Constitution to expand victims' rights and modified Penal Code sections 3041.5 and 3043 governing parole suitability hearings. Prior to Marsy's Law, the default parole denial period was one year, and the maximum parole denial length was five years for murder cases and two years for all other cases. Marsy's Law dramatically increased those denial periods, setting denial lengths of 15, 10, 7, 5, or 3 years, while also shifting the presumption towards the longest denial periods.

"Marsy's Law also established an important safeguard against the risk of prolonged incarceration: the Board's broad discretionary authority to advance hearing dates in light of new information or changed circumstances. Specifically, subdivision (b)(4) of Penal Code section 3041.5 authorized the parole board's discretion to advance a hearing when "a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require additional incarceration," while subdivision (d)(1) of the same section allowed incarcerated people to submit written requests for consideration of an advanced hearing. The Board's Administrative Review and Petition to Advance processes were created to implement these statutory provisions created by Marsy's Law, and are further explained below.

"The Board conducts an Administrative Review of certain people who received a three year denial who have a low or moderate overall risk rating on their most recent comprehensive risk assessment to evaluate whether their next hearing date may be advanced to approximately 18 months from the date of the last parole denial.3 Cases are screened to automatically exclude individuals such as those with high risk scores, serious recent disciplinary violations, or recent crimes, before a deputy commissioner conducts a full review on the merits. Notably, the Board developed this approach to systematically identify people who were most likely to have received one-year denials pre-Marsy's Law to ensure these individuals were not unconstitutionally deprived of an earlier release date.4 After considering the views and interest of the victim(s) and their family members, the Board may advance the next parole hearing date if it finds a change in circumstances or new information showing that public safety does not require the person to serve more time in prison.5

"**Petition to Advance**. The Petition to Advance (PTA) process allows incarcerated to people

to submit a written request for an advanced hearing once every three years after an initial hearing.6 The petition must demonstrate changed circumstances or new information — such as evidence of significant new rehabilitation efforts — showing there is a reasonable likelihood that continued incarceration is no longer necessary for public safety. If the Board determines the standard has been met, it may modify the denial length from the last hearing to the next longest denial length; For example, a five-year denial would be modified to a three-year denial.

"Both the Administrative Review and Petition to Advance procedures simply allow the advancement of the next hearing date—they do not modify or diminish in any way the rigor of the parole suitability consideration at the advanced hearing. In fact, most hearings that are advanced through these processes do not result in a grant of parole.

"Eliminating The Administrative Review and Petition to Advance Processes Raises Serious Concerns of *Ex Post Facto* and Due Process Violations

"The increase in denial lengths created by Marsy's Law raised an important constitutional question regarding whether extending parole denial periods for people whose crimes were committed before Marsy's Law took effect constituted an *ex post facto* increase in punishment, prohibited under both the United States and California constitutions. Courts ultimately upheld the constitutionality of Marsy's Law because of the existence of the Administrative Review and Petition to Advance processes. For example, the California Supreme Court in *In re Vicks* (2013) 56 Cal.4th 274 concluded that Marsy's Law did not violate *ex post facto* principles because the possibility of advanced hearings under subdivisions (b)(4) and (d)(1) of Penal Code section 3041.5 neutralized the significant risk of prolonged incarceration for those whose crimes preceded Marsy's Law.7

"In other words, the Administrative Review and Petition to Advance processes were central to finding that Marsy's Law did not violate constitutional law. Subsequently, the Board formalized the Administrative Review and Petition to Advance processes through the rulemaking process, designing structured procedures that would alleviate constitutional concerns regarding *ex post facto* violations while upholding public safety. AB 2232 removes the very legal safeguards that prevented Marsy's Law from being struck down for violating *ex post facto*

"In addition to rendering Marsy's Law unconstitutional, AB 2232 may itself violate the prohibition on *ex post facto* legislation. By depriving the Board of any ability to advance parole hearings, AB 2232 will prolong incarceration for parole candidates who, under current law, could be found suitable for parole and released prior to their next hearing date. Under current law, a parole candidate who only requires one more year of rehabilitation following a parole denial can be released from prison after approximately 18 months. If AB 2232 passed, however, that exact same person would be forced to spend three years in prison, even if such lengthy incarceration were required by neither public safety nor the interests of the victims. Removing the Board's discretion to advance hearings will likely result in protracted litigation regarding the constitutionality of this legislation.

"Finally, AB 2232 is arbitrary and capricious because it eliminates — overnight — advancement mechanisms that parole candidates have relied on for nearly two decades. Eliminating these advancement mechanisms would likely further expose the government to

potential legal challenges for due process violations.

"The Administrative Review and Petition to Advance Processes Promote Public Safety

"Beyond their constitutional importance, the current Administrative Review and Petition to Advance procedures are vital aspects of the parole consideration process that promote public safety and rehabilitation while incorporating victim input.

"Reviews are rigorous and require review of victim input statements, the incarcerated person's institutional records, documents previously submitted to the Board, and previous parole hearing decisions. These procedures therefore retain the rigorous, discretionary nature of the parole board's evaluation of public safety risk while also allowing consideration of meaningful changes in a person's circumstances. In addition, both procedures involve victim input and notification: registered victims and victims' family members who request notice are notified, given the opportunity to provide written input for consideration in the Board's decision to advance the next parole hearing date, given notice of the Board's decisions in these matters, and may request a copy of a Petition to Advance.8 Finally, these procedures reinforce the rehabilitative goals of California's prison system.

"Research shows that people are more likely to sustain behavior change when they have clear incentives and opportunities to demonstrate progress. The possibility of earning an advanced parole hearing date within clearly structured procedures serves as a powerful incentive for parole candidates to engage in sustained rehabilitation and disciplinary-free behavior following a parole denial. Ultimately, these procedures help to prevent wasteful state spending on incarcerating people for longer lengths than necessary in between parole hearings.

"The Administrative Review and Petition to Advance Processes Promote Informed and Accurate Parole Decisions

"The hearing advancement mechanisms that AB 2232 seeks to eliminate allow the Board to incorporate new information that could not have been evaluated at the time of the original hearing, enabling more accurate and informed parole decisions that uphold public safety. For example, in 2024, a drug testing error in California prisons led to thousands of false positive drug test results for people in substance use treatment programs. Before the testing error was discovered, the Board relied on those drug tests to deny some people parole. After the error came to light, however, the Board used its hearing advancement authority to schedule new parole hearings for candidates who had been wrongfully denied parole based on the erroneous tests. Had the Board *not* been able to advance hearings, the only avenue for fixing the Board's mistakes would have been for individual parole candidates to take the Board to court, causing unnecessary delays, costs, and expenditures of judicial resources."

8) **Related Legislation**:

a) AB 2342 (Hoover) would authorize the Governor, subject to a constitutional amendment approved by the voters, reverse or modify a BPH decision to grant parole to an incarcerated person convicted of a violent felony, as specified, if the inmate is serving an indeterminate term for an offense other than murder or the inmate is serving a determinate term and has not completed that term, but only if the board's decision was

the result of Youth Offender Parole or Elderly Parole Program proceedings. AB 2342 is pending a hearing in this committee.

b) AB 2570 (Lackey) would increase the age at which an incarcerated person becomes eligible for the Elderly Parole Program from 50- to 65-years-old. AB 2570 is pending a hearing in this committee.

c) AB 2727 (Nguyen) would, among other things, provide that habitual sex offenders and one strike sex offenders, as specified, and other persons convicted of specified child sex crime are ineligible for the Elderly Parole Program until they are 65-year-old and have served 25 years of their sentence. AB 2727 is pending a hearing in this committee.

d) SB 356 (Jones) would increase the minimum age limitation for the Elderly Parole Program to inmates who are 60 years of age and who have served a minimum of 25 years. SB 356 is pending hearing in this committee.

e) SB 1278 (Niello) would exclude persons sentenced for a one-strike sex offense, as a habitual sex offender, or for specified sex offenses classified as a "violent" and/or "serious" felony. SB 1278 is pending referral in the Senate Rules Committee.

9) **Prior Legislation**:

a) AB 47 (Nguyen), of the 2025-2026 Legislative Session, would have provided that a person sentenced for a one-strike sex offense or as a habitual sex offender is ineligible for elderly parole until the person is 60 years old or older and has served a minimum of 25 years of continuous incarceration on their current sentence. AB 47 was held in suspense in the Assembly Appropriations Committee.

b) SB 286, of the 2025-2026 Legislative Session, would have exclude from Elderly Parole eligibility individuals convicted of murder or specified felony sex offenses, or sentenced as a habitual sex offender or under the One Strike Sex Offense statute. SB 286 was held in suspense in the Senate Appropriations Committee.

c) AB 1177 (McKinnor), of the 2023-2024 Legislative Session, would have required BPH to send a copy of the stenographic transcript of an incarcerated person's parole hearing to the incarcerated person once the transcript was created, and would have also required BPH to provide a copy of the audio recording of the hearing to the incarcerated person upon request. AB 1177 was held in suspense in the Assembly Appropriations Committee.

d) AB 3234 (Ting), Chapter 334, Statutes of 2020, lowered the minimum age limitation for the Elderly Parole Program to inmates who are 50 years of age and who have served a minimum of 20 years.

e) AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program, to be administered by the Board of Parole Hearings.

f) SB 230 (Hancock), Chapter 470, Statutes of 2015, allowed incarcerated persons serving life sentences who are found suitable for parole to be paroled, as specified, and authorized the Governor to request a review of a BPH decision to grant or deny parole at

any time before the incarcerated person's scheduled release.

g) SB 1341 (Hueso), of the 2015-2016 Legislative Session, would have limited BPH's discretion to advance a parole hearing to an earlier date by requiring any advanced date to be not less than two years after a hearing at which parole was denied. SB 1341 did not receive a hearing in the Senate Public Safety Committee.

h) AB 487 (Gonzalez), of the 2015-2016 Legislative Session, among other things, required BPH to provide notice of an incarcerated person's request for an advanced parole suitability hearing to the district attorney and the victim, if the victim had previously requested notification of all BPH actions, no less than 30 days before BPH may grant the incarcerated person's request. AB 487 was vetoed.

i) AB 1166 (Nielsen), Chapter 276, Statutes of 2009, provided that where there is a tie vote in a parole consideration hearing, the resulting en banc proceeding by the entire board shall only consider the record of the hearing that produced the tie vote, rather than hold a new hearing at which the inmate would have due process rights.

REGISTERED SUPPORT / OPPOSITION:

Support

Placer County District Attorney's Office (Sponsor)
(EM)power + Resilience Project
Arcadia Police Officers' Association
Be the Solution (BTS) Commission
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' 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' Assocation
Pomona Police Officers' Association
Riverside County District Attorney
Riverside Police Officers Association

Riverside Sheriffs' Association
11 Private Individuals

Opposition

A New Path
A New Way of Life Re-entry Project
All of US or None (HQ)
California Coalition for Women Prisoners
California for Safety and Justice
California Public Defenders Association
Californians United for a Responsible Budget
Care First California
Communities United for Restorative Youth Justice (CURYJ)
Community Works West
Courage California
Dee Hill Foundation INC
Dignity and Power Now
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Friends Committee on Legislation of California
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
Prison Policy Initiative
Rubicon Programs
San Francisco Public Defender
San Quentin Skunkworks
Saving Lives in Custody California
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
The W. Haywood Burns Institute
Transitions Clinic Network
Uncommon Law
Universidad Popular
15 Private Individuals

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

AMENDMENTS TO ASSEMBLY BILL NO. 2232

Amendment 1

In the title, in line 1, strike out "amend Sections 3041.5 and 3055 of" and insert:

add and repeal Section 3069.6 of

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 3069.6 is added to the Penal Code, to read:

3069.6. (a) (1) The Board of Parole Hearings, in coordination with the Department of Corrections and Rehabilitation, shall collect and publish annual data regarding requests to advance parole consideration hearing dates pursuant to subdivision (d) of Section 3041.5 and administrative review processes of those requests.

(2) The board shall submit the report to the Legislature by March 1, 2027, and annually thereafter. Following the submission of the report to the Legislature, the board shall also make the report publicly available on its internet website on March 1, 2027, and annually thereafter.

(b) The report pursuant to subdivision (a) shall include, but not be limited to, all of the following:

(1) Volume and outcomes, including:

(A) Total number of requests to advance parole consideration hearing dates filed.

(B) Total number of requests to advance parole consideration hearing dates granted, denied, and pending.

(C) Percentage of requests to advance parole consideration hearing dates granted.

(D) Number of hearings advanced through administrative review by the board pursuant to paragraph (4) of subdivision (b) of Section 3041.5 versus the number of hearings advanced through requests pursuant to subdivision (d) of Section 3041.5.

(2) Timing and impact, including:

(A) Average duration of an incarcerated person's denial period for advancement of a parole consideration hearing date.

(B) Average time during an incarcerated person's denial period that a request to advance a parole consideration hearing date is granted, expressed in months or years into an incarcerated person's denial period.

(C) Frequency of repeat advancement requests.

(3) General criteria and factors relied upon in granting or denying advancement, including all of the following:

(A) Evidence of rehabilitation.

(B) Institutional behavior.

(C) Nature of psychological evaluations.

(D) Nature and severity of the offense.

(4) Rehabilitation metrics, including:

(A) Types of rehabilitative programming considered, including cognitive behavioral interventions.

(B) Completion rates of programming recommended by the board.

(C) Correlation, if any, between program completion and advancement decisions.

(D) The amount of time the incarcerated person waited to be admitted into these programs.

(5) Victim considerations, including:

(A) Whether victim notification was provided.

(B) Whether victim input was received and considered.

(C) General categories of victim concerns raised.

(D) Measures taken to ensure compliance with victim rights pursuant to Section 28 of Article I of the California Constitution (Marsy's Law).

(6) Outcomes of hearings that are advanced, including:

(A) Grant rates for advanced hearings versus regularly scheduled hearings.

(B) Time to release following advancement of the hearing.

(C) Any available recidivism or return-to-custody data.

(c) (1) For each request to advance a parole consideration hearing date pursuant to subdivision (d) of Section 3041.5, the board shall maintain a written summary of the decision, including the basis for approval or denial and the primary factors considered.

(2) The summaries shall be made available to all of the following:

(A) The incarcerated person or their counsel.

(B) The victim or next of kin, upon request.

(C) The district attorney's office.

(d) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(e) This section shall remain in effect until January 1, 2032, and is repealed as of that date.

Amendment 3

On page 2, strike out lines 1 to 38, inclusive, and strike out pages 3 to 6, inclusive

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 2232

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL **No. 2232**

Introduced by Assembly Member Patterson

February 19, 2026

Amendment 1

An act to ~~amend Sections 3041.5 and 3055 of~~ *add and repeal Section 3069.6 of* the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2232, as introduced, Patterson. Parole ~~denial term.~~ *advancement hearings: reporting.*

Existing law, as amended by Proposition 9, the Victim's Bill of Rights Act of 2008: Marsy's Law, at the November 4, 2008, statewide general election, requires the Board of Parole Hearings, following a decision denying parole, to schedule the next hearing 3, 5, 7, 10, or 15 years from the date of the last hearing, as specified. Existing law also authorizes the board, in its discretion and after considering the views and interests of the victim, to advance a hearing to an earlier date, when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require additional incarceration. Existing law authorizes an inmate to request that the board exercise its discretion to advance a hearing and provides the procedure for an inmate to make that request.

~~This bill would remove the board's authority to advance a parole hearing to an earlier date and would remove the corresponding provisions authorizing an inmate to request an advancement of their hearing date.~~

This bill would require the board, in coordination with the Department of Corrections and Rehabilitation, to collect and publish annual data

regarding requests to advance parole consideration hearing dates and administrative review processes of those requests, as specified. The bill would require the board to submit the report to the Legislature by March 1, 2027, and annually thereafter. Following submission of the report to the Legislature, the bill would also require the board to make the report publicly available on its internet website on that date and annually thereafter.

This bill, for each request to advance a parole consideration hearing date, would require the board to maintain a written summary of the decision, including the basis for approval or denial and the primary factors considered. The bill would require the summaries to be made available to certain entities, including the incarcerated person or their counsel.

This bill would repeal these provisions as of January 1, 2032.

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

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

Amendment 2

+ *SECTION 1. Section 3069.6 is added to the Penal Code, to read:*
+ *3069.6. (a) (1) The Board of Parole Hearings, in coordination with the Department of Corrections and Rehabilitation, shall collect and publish annual data regarding requests to advance parole consideration hearing dates pursuant to subdivision (d) of Section 3041.5 and administrative review processes of those requests.*
+ *(2) The board shall submit the report to the Legislature by March 1, 2027, and annually thereafter. Following the submission of the report to the Legislature, the board shall also make the report publicly available on its internet website on March 1, 2027, and annually thereafter.*
+ *(b) The report pursuant to subdivision (a) shall include, but not be limited to, all of the following:*
+ *(1) Volume and outcomes, including:*
+ *(A) Total number of requests to advance parole consideration hearing dates filed.*
+ *(B) Total number of requests to advance parole consideration hearing dates granted, denied, and pending.*

+ *(C) Percentage of requests to advance parole consideration hearing dates granted.*
+ *(D) Number of hearings advanced through administrative review by the board pursuant to paragraph (4) of subdivision (b) of Section 3041.5 versus the number of hearings advanced through requests pursuant to subdivision (d) of Section 3041.5.*
+ *(2) Timing and impact, including:*
+ *(A) Average duration of an incarcerated person's denial period for advancement of a parole consideration hearing date.*
+ *(B) Average time during an incarcerated person's denial period that a request to advance a parole consideration hearing date is granted, expressed in months or years into an incarcerated person's denial period.*
+ *(C) Frequency of repeat advancement requests.*
+ *(3) General criteria and factors relied upon in granting or denying advancement, including all of the following:*
+ *(A) Evidence of rehabilitation.*
+ *(B) Institutional behavior.*
+ *(C) Nature of psychological evaluations.*
+ *(D) Nature and severity of the offense.*
+ *(4) Rehabilitation metrics, including:*
+ *(A) Types of rehabilitative programming considered, including cognitive behavioral interventions.*
+ *(B) Completion rates of programming recommended by the board.*
+ *(C) Correlation, if any, between program completion and advancement decisions.*
+ *(D) The amount of time the incarcerated person waited to be admitted into these programs.*
+ *(5) Victim considerations, including:*
+ *(A) Whether victim notification was provided.*
+ *(B) Whether victim input was received and considered.*
+ *(C) General categories of victim concerns raised.*
+ *(D) Measures taken to ensure compliance with victim rights pursuant to Section 28 of Article I of the California Constitution (Marsy's Law).*
+ *(6) Outcomes of hearings that are advanced, including:*
+ *(A) Grant rates for advanced hearings versus regularly scheduled hearings.*
+ *(B) Time to release following advancement of the hearing.*

+ *(C) Any available recidivism or return-to-custody data.*
+ *(c) (1) For each request to advance a parole consideration hearing date pursuant to subdivision (d) of Section 3041.5, the board shall maintain a written summary of the decision, including the basis for approval or denial and the primary factors considered.*
+ *(2) The summaries shall be made available to all of the following:*
+ *(A) The incarcerated person or their counsel.*
+ *(B) The victim or next of kin, upon request.*
+ *(C) The district attorney's office.*
+ *(d) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.*
+ *(e) This section shall remain in effect until January 1, 2032, and is repealed as of that date.*

Page 2

Amendment 3

~~SECTION 1. Section 3041.5 of the Penal Code is amended to read:~~

~~3041.5. (a) At all hearings for the purpose of reviewing an inmate's parole suitability, or the setting, postponing, or rescinding of parole, with the exception of en banc review of tie votes, the following shall apply:~~

~~(1) At least 10 days before any hearing by the Board of Parole Hearings, the inmate shall be permitted to review the file which will be examined by the board and shall have the opportunity to enter a written response to any material contained in the file.~~

~~(2) The inmate shall be permitted to be present, to ask and answer questions, and to speak on their own behalf. Neither the inmate nor the attorney for the inmate shall be entitled to ask questions of any person appearing at the hearing pursuant to subdivision (b) of Section 3043.~~

~~(3) Unless legal counsel is required by some other law, a person designated by the Department of Corrections and Rehabilitation shall be present to ensure that all facts relevant to the decision be presented, including, if necessary, contradictory assertions as to matters of fact that have not been resolved by departmental or other procedures.~~

~~(4) The inmate and any person described in subdivision (b) of Section 3043 shall be permitted to request and receive a stenographic record of all proceedings.~~

Page 2

~~(5) If the hearing is for the purpose of postponing or rescinding parole, the inmate shall have the rights set forth in paragraphs (3) and (4) of subdivision (c) of Section 2932.~~

~~(6) The board shall set a date to reconsider whether an inmate should be released on parole that ensures a meaningful consideration of whether the inmate is suitable for release on parole.~~

~~(b) (1) Within 10 days following any decision granting parole, the board shall send the inmate a written statement setting forth the reason or reasons for granting parole, the conditions the inmate shall meet in order to be released, and the consequences of failure to meet those conditions.~~

~~(2) Within 20 days following any decision denying parole, the board shall send the inmate a written statement setting forth the~~

Page 3

~~reason or reasons for denying parole, and suggest activities in which the inmate might participate that will benefit them while they are incarcerated.~~

~~(3) The board shall schedule the next hearing, after considering the views and interests of the victim, as follows:~~

~~(A) Fifteen years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than 10 additional years.~~

~~(B) Ten years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than seven additional years.~~

~~(C) Three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the inmate, but does not require a more lengthy period of incarceration for the inmate than seven additional years.~~

~~(4) Within 10 days of any board action resulting in the rescinding of parole, the board shall send the inmate a written statement setting forth the reason or reasons for that action, and~~

~~shall schedule the inmate's next hearing in accordance with paragraph (3).~~

~~(c) The board shall conduct a parole hearing pursuant to this section as a de novo hearing. Findings made and conclusions reached in a prior parole hearing shall be considered in but shall not be deemed to be binding upon subsequent parole hearings for an inmate, but shall be subject to reconsideration based upon changed facts and circumstances. When conducting a hearing, the board shall admit the prior recorded or memorialized testimony or statement of a victim or witness, upon request of the victim or if the victim or witness has died or become unavailable. At each hearing the board shall determine the appropriate action to be taken based on the criteria set forth in paragraph (1) of subdivision (b) of Section 3041.~~

~~SEC. 2. Section 3055 of the Penal Code is amended to read:~~

~~3055. (a) The Elderly Parole Program is hereby established, to be administered by the Board of Parole Hearings, for purposes of reviewing the parole suitability of any inmate who is 50 years of age or older and has served a minimum of 20 years of continuous incarceration on the inmate's current sentence, serving either a determinate or indeterminate sentence.~~

~~(b) (1) For purposes of this code, the term "elderly parole eligible date" means the date on which an inmate who qualifies as an elderly offender is eligible for release from prison.~~

~~(2) For purposes of this section, "incarceration" means detention in a city or county jail, local juvenile facility, a mental health facility, a Division of Juvenile Justice facility, or a Department of Corrections and Rehabilitation facility.~~

~~(c) When considering the release of an inmate specified by subdivision (a) pursuant to Section 3041, the board shall give special consideration to whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate's risk for future violence.~~

~~(d) When scheduling a parole consideration hearing date pursuant to subdivision (b) of Section 3041.5, the board shall consider whether the inmate meets or will meet the criteria specified in subdivision (a).~~

~~(e) An individual who is subject to this section shall meet with the board pursuant to subdivision (a) of Section 3041. If an inmate is found suitable for parole under the Elderly Parole Program, the~~

Page 5

~~board shall release the individual on parole as provided in Section 3041.~~

~~(f) If parole is not granted, the board shall set the time for a subsequent elderly parole hearing in accordance with paragraph (3) of subdivision (b) of Section 3041.5. No subsequent elderly parole hearing shall be necessary if the offender is released pursuant to other statutory provisions prior to the date of the subsequent hearing.~~

~~(g) This section does not apply to cases in which sentencing occurs pursuant to Section 1170.12, subdivisions (b) to (i), inclusive, of Section 667, or in cases which an individual was sentenced to life in prison without the possibility of parole or death.~~

~~(h) This section does not apply if the person was convicted of first-degree murder if the victim was a peace officer, as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or 830.12, who was killed while engaged in the performance of their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of their duties, or the victim was a peace officer or a former peace officer under any of the above-enumerated sections, and was intentionally killed in retaliation for the performance of their official duties.~~

Page 6

~~(i) This section does not alter the rights of victims at parole hearings.~~

~~(j) By December 31, 2022, the board shall complete all elderly parole hearings for individuals who were sentenced to determinate or indeterminate terms and who, on the effective date of the bill that added this subdivision, are or will be entitled to have their parole suitability considered at an elderly parole hearing before January 1, 2023.~~

O

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2257 (Hart) – As Amended April 15, 2026

SUMMARY: Authorizes a county board of supervisors (BOS) to establish a department of corrections and rehabilitation, to be headed by an executive officer appointed by the BOS, to assume the sheriff's duties under California law pertaining to the county jail. Specifically, **this bill**:

1) Clarifies, for purposes of the authority of a BOS of any county to establish a department of corrections to be headed by an officer appointed by the board, that the established department must be a department of corrections and rehabilitation, and the officer appointed by the board must be an executive officer.

2) Specifies that a county department of corrections and rehabilitation may employ peace officers, as specified.

3) Requires a BOS that exercises its authority to establish a department of corrections and rehabilitation to set forth its reasons for establishing the department, which may include, but are not limited to, any of the following findings:

   a) A department of corrections and rehabilitation will better protect public health and safety.

   b) There has been a disproportionate increase in deaths within the county jail.

   c) There is persistent unequal treatment of individuals within a protected class under the Unruh Civil Rights Act.

   d) A department of corrections and rehabilitation will provide better administration or operation of the county jail.

   e) There has been persistent abuse or disregard of the civil and human rights of individuals within the county jail.

   f) There has been a violation of a federal decree or settlement relating to institutional punishment and rehabilitation.

   g) County jail operations have failed to adhere to Title 15 of the California Code of Regulations, regarding crime prevention and corrections.

   h) The county jail failed to secure accreditation by one or more national corrections associations.

4) Provides that if a BOS exercises its authority to establish a department of corrections and rehabilitation, the executive officer appointed by the BOS shall meet all of the following qualifications:

   a) Either have professional experience in corrections management or extensive familiarity with Title 15 of the California Code of Regulations, regarding crime prevention and corrections, and national standards for jail accreditation.

   b) Extensive familiarity with the requirements of appropriate medical and mental health care within a corrections setting.

   c) Demonstrated commitment to protecting the civil and human rights of incarcerated individuals.

   d) Knowledge of best practice and evidence-based approaches to rehabilitation.

5) Provides that if a BOS exercises its authority to establish a department of corrections and rehabilitation, the executive officer appointed by the board shall assume a sheriff's duties established in California law, as specified, pertaining to a county jail.

6) Specifies that the executive officer must ensure that personnel, including peace officers, working in a county jail, industrial farms, and fire or road camps, meet all minimum requirements and are assigned in compliance with the law.

7) Provides that the provision of existing law that requires the sheriff to take charge of and be the sole and exclusive authority to keep the county jail and the incarcerated persons in it, as specified, does not apply to a county that has established a department of corrections and rehabilitation, as described above.

8) Specifies that it is the intent of the Legislature that this bill does not require a change in workforce at the county jail, industrial farms, and fire or road camps, and that existing peace officers working in those facilities may maintain their status as peace officers.

EXISTING LAW:

1) Requires the Legislature to provide for county powers, an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body in each county. (Cal. Const., art. XI, § 1, subd. (b).)

2) Requires a county charter to provide for, among other things, an elected sheriff and other officers, their election or appointment, compensation, terms and removal, the powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein. (Cal. Const., art. XI, § 4, subds. (c) & (e).)

3) Requires, notwithstanding any other law, that the office of sheriff be filled by election as provided for elective county officers, and vacancies shall be filled as provided by law for filling elective county offices, unless the county or city and county is chartered and such charter provides for election of the sheriff by vote of the electors. (Gov. Code, § 24205.)

4) Requires the BOS board to supervise the official conduct of all county officers, and particularly insofar as the functions and duties of such county officers relate to the assessing, collecting, safekeeping, management, or disbursement of public funds, and shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection, although this shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. (Gov. Code, § 25303.)

5) Prohibits the BOS from obstructing the investigative function of the sheriff of the county. (Gov. Code, § 25303.)

6) Authorizes the BOS of any county to, by resolution, establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including, but not limited to, the county jail and industrial farms and road camps, their functions and personnel. (Gov. Code, § 23013.)

7) Authorizes the BOS of two or more counties to, by agreement and the enactment of ordinances in conformity thereto, establish a joint department of corrections to serve all the counties included in the agreement, to be headed by an officer appointed by the boards jointly. (Gov. Code, § 23013.)

8) Provides that notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it including persons confined to the county jail for a violation of the terms and conditions of their post release community supervision, as specified, except for work furlough facilities where by county ordinance the work furlough administrator is someone other than the sheriff. (Gov. Code, § 26605.)

9) Provides that the common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated, and are used as follows:

   a) For the detention of persons committed in order to secure their attendance as witnesses in criminal cases.

   b) For the detention of persons charged with crime and committed for trial.

   c) For the confinement of persons committed for contempt, or upon civil process, or by other authority of law.

   d) For the confinement of persons sentenced to imprisonment therein upon a conviction for a crime.

   e) For the confinement of persons pursuant to a violation of the terms and conditions of their post-release community supervision, as specified. (Pen. Code, § 4000.)

10) Establishes numerous obligations on sheriffs pertaining to county jails, including, among other things, that the sheriff receive all persons committed to jail by competent authority, and receive and keep in the county jail any prisoner committed thereto by process or order issued under the authority of the United States. (Pen. Code, §§ 4005; 4015, subd. (a).)

11) Authorizes a county sheriff to contract for healthcare services, as specified, and provides that in those counties in which the sheriff does not administer a jail facility, a director or administrator of a local department of corrections established by the BOS is the person who may contract for services provided to jail inmates in the facilities they administer in those counties. (Pen. Code, § 4011.10, subds. (a) & (h).)

12) Establishes the duties and authority of the sheriff, among other things, as follows:

a) Requires the sheriff to preserve peace, and to accomplish this object, may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. (Gov. Code, § 26600.)

b) Requires the sheriff to arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense. (Gov. Code, § 26601.)

c) Requires the sheriff to prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to their knowledge, investigate public offenses which have been committed, and execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease. (Gov. Code, § 26602.)

d) Requires the sheriff to command the aid of as many inhabitants of the sheriff's county as they think necessary in the execution of their duties. (Gov. Code, § 26604.)

e) Provides that, notwithstanding any other provision of law, no deputy sheriff shall be required to become a custodial or other officer involuntarily. (Gov. Code, § 26605.1.)

f) Authorizes the sheriff, after conferring with a specified physician, to release from a county correctional facility for transfer to a medical facility or residential care facility, a prisoner whose physical condition is such that they are rendered incapable of causing harm to others upon or after release from custody. (Gov. Code, § 26605.5, subd. (a).)

g) Authorizes the sheriff or their designee the authority, after conferring with a specified physician, to release from a county correctional facility, a prisoner sentenced to a county jail if the sheriff determines that the prisoner would not reasonably pose a threat to public safety and the prisoner is deemed to have a life expectancy of six months or less. (Gov. Code, § 26605.6, subd. (a).)

h) Authorizes the sheriff, or his or her designee, after conferring with a specified physician, to request the court to grant medical probation or to resentence a prisoner to medical probation in lieu of jail time for specified prisoners sentenced to a county jail. (Gov. Code, § 26605.7, subd. (a).)

13) Provides that custodial officers of a county shall be employees of, and under the authority of, the sheriff, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it. (Pen. Code, § 831.5, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California's county jails are in crisis. Jail deaths are at record highs. People with mental illness languish without adequate care. Staffing shortages persist, while financial mismanagement threatens essential public services.

   "Since the passage of Senate Bill 911 in 1993, elected sheriffs have held sole and exclusive authority over the operation of county jails. At the same time, county boards of supervisors have remained legally obligated to fund those jails — without authority to compel needed changes. With their policymaking authority ending at the jail door, boards of supervisors are put in the position of writing blank checks while jail issues persist. AB 2257 will reintroduce local choice over jail administration and encourage collaboration and accountability. If a sheriff-run model is serving the community well, it should continue. If not—and particularly in the face of longstanding issues—a board of supervisors should have the authority to evaluate and pursue a structure that better serves the community. Whether counties act to change their jail governance systems or not, having a second option raises the incentive for all parties to improve jail operations and management."

2) **County Jail In-Custody Deaths:** There has been a significant increase in in-custody county jail deaths in recent years. According to the California Department of Justice, "Since the passage of Public Safety Realignment in 2011 - which mandated that individuals sentenced for specific non-violent offenses be housed in county jails rather than state prisons - the share of deaths in custody reported from county sheriff's departments (who manage county jail systems) has grown from 17.1 percent in 2010 to 22.2 percent in 2014...."[1] The percentage of county jail deaths rose to 20.6 percent in 2019. (*Id.*) Notably, between 2006 and 2020, 185 people died in San Diego County jails – one of the highest numbers of in-custody deaths among counties in the state.[2] In 2022, 215 persons died in California jails, a record high considering data going back to 2005.[3]

3) **County Departments of Corrections and Rehabilitation:** Government Code section 23013, enacted in 1957, authorizes the BOS of any county to establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners. (Gov. Code, § 23013.) This statute has survived legal challenges to its

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[1] Department of Justice, *Death in Custody from 2010 to 2019.* (July 5, 2023). Available at: <https://openjustice.doj.ca.gov/data-stories/2019/death-custody-2010-2019> [as of March 26, 20240.

[2] California State Auditor, *Report 2021-109, San Diego County Sheriff's Department – It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody.* (Feb. 3, 2022). Available at: <https://www.auditor.ca.gov/reports/2021-109/index.html> [as of March 26, 2024].

[3] Duara and Kimelman, *California jails are holding thousands fewer people, but far more are dying in them.* (March 25, 2024). Available at <https://calmatters.org/justice/2024/03/death-in-california-jails/> [as of March 26, 2024].

constitutionality. A 1969 Attorney General opinion found that this authority does not create irreconcilable differences between the sheriff's authority over county jails established in Penal Code section 4000 and does not violate the prohibition against delegation of legislative powers, as specified. (Ops. Cal. Atty. Gen., No. 69-169 (Nov. 7, 1969) p. 7) (finding, "if a board of supervisors of any county in this state elects to establish a county department of corrections under the mandate of section 23013, the chief officer of such department rather than the sheriff will have the responsibility for administering the county jail.") Similarly, in 1988, a California Court of Appeals rejected a challenge that this statute unconstitutionally infringed on electoral power and unconstitutionally modified the office of the sheriff, among other claims, and held that the statute was a valid exercise of legislative power. (*Beck v. County of Santa Clara* (1988) 204 Cal.App.3d 789, 797.)

However, elsewhere, the Government Code provides that notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it. (Gov. Code, § 26605.) Read together, up until 1993, counties had the authority to establish a department of corrections to be headed by an officer appointed by the BOS. However, SB 911 (Calderon), Chapter 1236, Statutes of 1993, largely eliminated this authority by establishing that a county sheriff's authority over the jails and their inmates shall be the sole and exclusive authority. (Gov. Code, § 26605.) At the time, proponents of the bill argued that county sheriffs, as elected officials, are more directly accountable to the voters whose interest is for jails to run safely and efficiently.[4] SB 911 preserved Government Code Section 23013's language authorizing counties to create a separate department of corrections, but suspended indefinitely the ability of counties to exercise that authority, provided they had not already.

This Committee is only aware of one county – Napa County – that operates a Department of Corrections that does not operate under the authority of the Napa County Sheriff's Office.[5] The Napa County BOS established the Department of Corrections as a separate entity from the Sheriff's office in 1975.[6] Because SB 911 contained an exemption for counties where the sheriff, as of July 1, 1993, was not the sole or exclusive authority of the county jail, Napa County continues to operate its Department of Corrections to this day.

4) **Effect of this Bill:** This bill effectively "unfreezes" the authority of counties to establish a department of corrections. First, it clarifies for purposes of this authority that the established department must be a department of corrections and *rehabilitation*, and the officer appointed by the board must be an *executive* officer. The bill also clarifies that a county department of corrections and rehabilitation may employ peace officers, as specified. Any executive officer appointed by the board must meet certain qualifications, including having relevant professional correctional experience or familiarity with California regulations relating to crime prevention and corrections. Second, it requires a BOS that exercises its authority to establish a department of corrections and rehabilitation to set forth its reasons for establishing the department, which may include findings such as the department will better protect public

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[4] "Bill Analysis – SB 911." Prepared by the Assembly Committee on Public Safety. http://www.leginfo.ca.gov/pub/93-94/bill/sen/sb_0901-0950/sb_911_cfa_930824_152041_asm_comm

[5] Napa County, *About Corrections* (accessed April 12,2026), available at: https://www.napacounty.gov/251/About-Corrections

[6] *Ibid.*

health and safety, there is a disproportionate increase in deaths within the county jail, or there is persistent unequal treatment of individuals within a protected class under the Unruh Civil Rights Act, among other basis. Third, it provides that if a BOS establishes a department of corrections and rehabilitation, the executive officer appointed by the board shall assume a sheriff's duties established in California law, as specified, pertaining to a county jail. The executive officer must ensure that personnel, including peace officers, working in a county jail, industrial farms, and fire or road camps, meet all minimum requirements and are assigned in compliance with the law. Finally, to effectuate the above changes, it amends the provision of law establishing the sheriff as the sole and exclusive authority to keep the county jail and the incarcerated persons in it, to state that this does not apply to a county that has established a department of corrections and rehabilitation.

Requiring the appointed executive to "assume" a sheriff's duties relating to the county jail goes a step further than the more general authority to establish a department of corrections to be headed by an officer appointed by the board that is provided for in Government Code section 23013. It is somewhat unclear what an elected sheriff's responsibility would be after their duties relating to the county jail have been "assum[ed]." As previously noted, the legality of Government Code section 23013 has largely withstood legal scrutiny. However, because this bill not only reinstates the authority under Section 23013, but additionally requires any appointed executive to assume the sheriff's duties, it is possible this bill could invite new legal challenges on the ground that this unlawfully transfers the powers of an elected official to an unelected individual, modifies a constitutionally created office, or infringes upon separation of powers. (*Beck v. County of Santa Clara*, supra, 204 Cal.App.3d at pp. 794-801.)

The California Legislature has enacted numerous statutes that refer – either directly or indirectly – to a sheriff's exclusive authority over county jails, as established in 1993. (See e.g., Pen. Code, § 4000 ["providing that the common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated]; Pen. Code, § 831.5 [stating that "custodial officers of a county shall be…under the authority of, the sheriff, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it"].) To avoid confusion and conflicts with these separate statutes, the author may wish to amend and update references to the sheriff's exclusive authority, to effectuate the possibility that this authority may be given to an executive officer of a county department of corrections and rehabilitation.

5) **Argument in Support**: According to *Smart Justice California*, AB 2257 "would give counties the option to maintain sheriff-run jails or appoint an official other than the sheriff to operate the county jail system, if warranted by the need for improved jail operations and administration. This bill restores local choice in jail governance – a flexibility counties had prior to 1993. This bill also updates existing Government Code section 26605 language for consistency with today's practice…

"AB 1185 (McCarty - 2020) granted counties the authority to oversee sheriff's departments and to investigate matters within their jurisdiction. This authority has been largely underutilized or otherwise severely obstructed in a way that defeats its limited purpose.

"Providing county boards of supervisors the option of removing jail operations from the Sheriff serves as an alternative solution in addressing California's jail crisis. When left to the

sheriff's sole discretion, jail issues have persisted across many counties in California for far too long.

"California needs smarter solutions for the myriad problems plaguing its jails. This bill moves California forward in providing counties an option for advancing elected sheriff accountability and much needed improvements in operating county jails. In-custody jail deaths are at record highs. Many local governments are struggling with this crisis and the public is frustrated with the lack of accountability and answers. Many families are left devastated by the sudden and unexplained death of a loved one in custody.

"This bill provides county governments with greater leverage to advance jail policy changes aimed at saving lives and safeguarding taxpayer dollars. While this bill does not require counties to change their jail governance structure, it does encourage accountability and results by ensuring that county leaders have local discretion to ensure safe, effective and responsible jail operations."

6) **Argument in Opposition**: According to the *Association for Los Angeles Deputy Sheriffs*, AB 2257 "proposes to create a process to shift oversight and jurisdiction of county jails from the elected county sheriff to an appointed executive officer appointed by a Board of Supervisors.

"AB 2257 implicitly advances a policy direction that could undermine the long-standing statutory authority of the sheriff to maintain custody and control of county jail facilities. California law has historically recognized the sheriff as the sole and exclusive authority responsible for the county jail and the prisoners within it, a structure that promotes clear accountability, operational efficiency, and public safety.

"Creating a separate department of corrections opens the door to shifting jail operations away from the sheriff and toward politically appointed administrators who may lack the training, experience, and operational perspective necessary to safely manage custodial facilities. Jail operations involve complex security, medical, classification, and rehabilitation responsibilities that require experienced sworn leadership and clear lines of command.

"In large jurisdictions such as Los Angeles County, where jail facilities house thousands of inmates and staff, introducing new bureaucratic layers or governance structures risks fragmentation of authority and confusion regarding responsibility for safety and operations. Rather than improving transparency or accountability, this structural change could weaken it.

"ALADS believes that any proposal to fundamentally alter jail governance should involve extensive consultation with the deputies and custody personnel who operate these facilities daily and bear the responsibility for maintaining safety for staff, inmates, and the public."

7) **Prior Legislation**:

a) SB 519 (Atkins), Chapter 306, Statutes of 2023, was substantially similar to this bill, before being amended, among other things, to make records relating to an investigation conducted by a local detention facility into a death incident available to the public, as specified.

b) SB 1137 (Gonzalez), Chapter 365, Statutes of 2022, would have expanded the BSCC's mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities, but was gutted and amended to establish health protection zones that are 3,200 feet in all directions from a sensitive receptor, among other things.

c) SB 16 (Skinner), Chapter 402, Statutes of 2021, expanded the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA) and modified existing provisions regarding the release of records subject to disclosure.

d) AB 1185 (McCarty), Chapter 342, Statutes of 2019, authorized a county to create a sheriff oversight board and an inspector general's office and further authorized those entities to issue a subpoena whenever they deem it necessary or important to examine any person or witness upon any subject matter within the jurisdiction of the board, any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department, or any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.

e) AB 748 (Ting), Chapter 960, Statutes of 2017, established a standard for the release of body-worn camera footage by balancing privacy interests with the public's interest in the footage.

f) SB 1421 (Skinner), Chapter 988, Statutes of 2018, permitted inspection of specified peace and custodial officer records pursuant to the CPRA, as specified.

g) SB 911 (Calderon), Chapter 1236, Statutes of 1993, provided an exemption to counties whose jail operations as of July 1, 1993, are not under the sole and exclusive authority of the sheriff from having to shift their jail operations and custodial officers to the sheriff.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ)
California Coalition for Sheriff Oversight (CCSO)
California Public Defenders Association
Central Coast Alliance United for a Sustainable Economy
County of San Diego Fourth District Supervisor Monica Montgomery Steppe
Fixin San Mateo County
League of Women Voters of California
Legal Services for Prisoners With Children
Nextgen California
Oakland Privacy
San Quentin Skunkworks
Smart Justice California, a Project of Beyond Impact

Opposition

Association for Los Angeles Deputy Sheriffs (ALADS)
California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)

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

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2273 (Bains) – As Introduced February 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires a prosecutor to state on the record why specified charges were not sought when facts constituting offenses that would be statutorily excluded from mental health diversion are alleged in the complaint or disclosed at a preliminary hearing but the defendant is not charged with those offenses. Specifically, **this bill**:

1) States that when the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript would constitute any of the excluded enumerated offenses that make a defendant categorically ineligible for mental health diversion, and the defendant has not been charged with those offenses, the prosecution shall state on the record why those charges are not being sought and whether they have conferred with the victim about the charges filed.

2) Requires the Department of Justice (DOJ), upon completion of an investigation of a person who holds an elected office in which the department determines the person committed specified crimes relating to rape, that the victim was a minor, and that the case is appropriate for prosecution, to bring criminal charges against that person within 30 days.

3) Specifies that a failure to bring charges within 30 days does not preclude prosecution at a later date.

EXISTING LAW:

1) States that the purpose of mental health diversion is to promote the following:

   a) Increased diversion of individuals with mental disorders to mitigate the individuals' entry and reentry into the criminal justice system while protecting public safety;

   b) Allowing local discretion and flexibility for counties in the development and implementation of diversion for individuals with mental disorders across a continuum of care settings; and,

   c) Providing diversion that meets the unique mental health treatment and support needs of individuals with mental disorders. (Pen. Code, § 1001.35.)

2) Authorizes a court to, after considering the positions of the defense and prosecution, grant pretrial mental health diversion to defendant charged with a misdemeanor or a felony if the defendant meets the following eligibility and suitability requirements:

a) The defendant suffers from a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including, but not limited to, bipolar disorder, schizophrenia, schizoaffective disorder, or post-traumatic stress disorder, but excluding antisocial personality disorder, borderline personality disorder, and pedophilia, and the defense produces evidence of the defendant's mental disorder which must include a diagnosis by a qualified mental health expert within the last five years;

b) The defendant's mental disorder was a significant factor in the commission of the charged offense, as provided;

c) In the opinion of a qualified mental health expert, the defendant's symptoms of the mental disorder motivating the criminal behavior would respond to mental health treatment;

d) The defendant consents to diversion and waives their right to a speedy trial, unless a defendant has been found to be an appropriate candidate for diversion in lieu of commitment due to their mental incompetence and cannot consent to diversion or give a knowing and intelligent waiver of their right to a speedy trial;

e) The defendant agrees to comply with treatment as a condition of diversion; and,

f) The defendant will not pose an unreasonable risk of danger to public safety, as defined, if treated in the community. In making this determination, the court may consider the opinions of the district attorney, the defense, or a qualified mental health expert, and may consider the defendant's treatment plan, violence and criminal history, the current charged offense, and any other factors that the court deems appropriate. (Pen. Code, § 1001.36, subds. (a)-(c).)

3) Contains a presumption that the defendant's mental disorder was a significant factor in the commission of the offense, which can be rebutted with clear and convincing evidence. (Pen. Code, § 1001.36, subd. (b)(2).)

4) Excludes defendants from mental health diversion eligibility if they are charged with murder, voluntary manslaughter, an offense requiring sex-offender registration (except for indecent exposure), or offenses involving weapons of mass destruction. (Pen. Code, § 1001.36, subd. (d).)

5) States that if the defendant has performed satisfactorily in diversion, at the end of the period of diversion, the court shall dismiss the defendant's criminal charges that were the subject of the criminal proceedings at the time of the initial diversion. A court may conclude that the defendant has performed satisfactorily if the defendant has substantially complied with the requirements of diversion, has avoided significant new violations of law unrelated to the defendant's mental health condition, and has a plan in place for long-term mental health care. (Pen. Code, § 1001.36, subd. (h).)

6) Provides that if the indictment or information charges the defendant with specified violent sex crimes, plea bargaining is prohibited unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or

dismissal would not result in a substantial change in sentence. At the time of presenting the agreement to the court, the district attorney shall state on the record why a sentence under one of those sections was not sought. (Pen. Code, § 1192.7, subd. (b)(3).)

7) Entitles victims, as part of the Victims' Bill of Rights, to reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case. (Cal. Const., art I, § 28.)

8) Establishes the Attorney General (AG) as the chief law officer of the state and states that whenever in the opinion of the AG any law of the State is not being adequately enforced in any county, it shall be the duty of the AG to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. (Cal. Const., art. V, § 13.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: None received.

2) **Background on Mental Health Diversion**: Diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions. A defendant may not be required to admit guilt as a prerequisite for placement in a pretrial diversion program. If diversion is successfully completed, the criminal charges are dismissed and the defendant may, with certain exceptions, legally answer that he or she has never been arrested or charged for the diverted offense. If diversion is not successfully completed, the criminal proceedings resume, however, a hearing to terminate diversion is required.

   In 2018, the Legislature enacted a law authorizing pretrial diversion of eligible defendants with mental disorders. Under the mental health diversion law, in order to be eligible for diversion, 1) the defendant must suffer from a mental disorder, except those specifically excluded, 2) that played a significant factor in the commission of the charged offense; 3) in the opinion of a qualified mental health expert, the defendant's symptoms of the mental disorder causing, contributing to, or motivating the criminal behavior would respond to mental health treatment; 4) the defendant must consent to diversion and waive the right to a speedy trial; 5) the defendant must agree to comply with treatment as a condition of diversion; and 6) the court is satisfied that the defendant will not pose an unreasonable risk of danger to public safety, as defined, if treated in the community. (Pen. Code, § 1001.36, subds. (b)-(c).) The law also states that a defendant is not eligible if they are charged with specified crimes, including murder, voluntary manslaughter, specified sex crimes and any crime requiring sex offender registration. (Pen. Code, § 1001.36, subd. (d).)

   In 2022, the Legislature amended the mental health diversion law to, among other things restate that granting diversion is in the trial court's discretion in subdivision (a) (the original law provided the court's discretion in subdivision (h)) and to require the court to find that the

defendant's mental disorder was a significant factor in the commission of the offense unless there is clear and convincing evidence that it was not.[1] The cited reason for this change was a recommendation from the Committee on the Revision of the Penal Code.[2] One of the Committee's recommendations, after staff's exhaustive research and receiving public testimony from expert witnesses including crime victims, law enforcement leaders, judges, and criminal defense experts and advocates, was to strengthen the mental health diversion law by increasing its use in appropriate cases, with include consideration of risk to public safety. Specifically, the Committee recommended that the law be changed to simplify the procedural process for obtaining diversion by presuming that a defendant's diagnosed "mental disorder" has a connection to their offense. A judge could deny diversion if that presumption was rebutted or for other reasons currently permitted under the law, including finding that the individual would pose an unreasonable risk to public safety if placed in a diversion program.[3]

In addition to the eligibility requirements of the defendant, mental health treatment program must meet the following requirements: 1) the court is satisfied that the recommended inpatient or outpatient program of mental health treatment will meet the specialized mental health treatment needs of the defendant; 2) the defendant may be referred to a program of mental health treatment utilizing existing inpatient or outpatient mental health resources; 3) and the program must submit regular reports to the court and counsel regarding the defendant's progress in treatment. (Pen. Code, § 1001.36, subd. (f).) The court has the discretion to select the specific program of diversion for the defendant. The county is not required to create a mental health program for the purposes of diversion, and even if a county has existing mental health programs suitable for diversion, the particular program selected by the court must agree to receive the defendant for treatment. (Pen. Code, § 1001.36, subd. (f)(1)(A).)

The diversion program cannot last more than two years for a felony and cannot last for more than a year on a misdemeanor. (Pen. Code, § 1001.36, subd. (f)(1)(C).) If there is a request for victim restitution, the court shall conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense and, if owed, order its payment during the period of restitution. (Pen. Code, § 1001.36, subd. (f)(1)(D).)

The stated purpose of the diversion program is "to promote all of the following: . . . Allowing local discretion and flexibility for counties in the development and implementation of diversion for individuals with mental disorders across a continuum of care settings." (Pen. Code, § 1001.35, subd. (b).) The law states that courts have discretion to grant diversion if the minimum standards are met, and, correspondingly, refuse to grant diversion even though the defendant meets all of the requirements[4]:

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[1] SB 1223 (Becker), Ch. 735, Stats. 2022.
[2] The Committee on the Revision of the Penal Code was established within the Law Review Commission through SB 94, Ch. 25, Stats. 2019 to study the Penal Code and recommend statutory reforms.
[3] *Annual Report and Recommendations 2021*, Committee on Revision of the Penal Code, http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2021.pdf, p. 17 (accessed Apr. 9, 2025).
[4] J. Couzens, *Memorandum RE: Mental Health Diversion Under Penal Code Sections 1001.35-1001.36* [revised] (May 2024), p. 14.

> There may be times because of the defendant's circumstances, where the interests of justice do not support diversion of the case. The defendant's criminal or mental health history may reflect an unsuitability of the crime or the defendant for diversion. It may be that because of the defendant's level of disability there is no reasonably available and suitable treatment program for the defendant. The defendant's treatment history may indicate the prospect of successfully completing a program is quite poor. Conduct in prior diversion programs may indicate the defendant is now unsuitable. (See § 1001.36, subd. (k) [the court may consider past performance on diversion in determining suitability].) The court may consider whether the defendant and the community will be better served by the regimen of mental health court. (See §1001.36, subd. (f)(1)(A)(ii)) [the court may consider interests of the community in selecting a program].) The court is not limited to excluding persons only because of the risk of committing a "super strike." (*Qualkinbush*, *supra*, 79 Cal.App.5th at pp. 888-889.) In exercising its discretion to grant or deny mental health diversion under subdivision (a), the court may consider any factor relevant to whether the defendant is suitable for diversion. (See *Qualkinbush*, *supra*, 79 Cal.App.5th at pp. 889-890.)

(J. Couzens, *Memorandum RE: Mental Health Diversion* (Pen. Code, §§ 1001.35-1001.36) (AB 1810 & SB 215) [revised] (May 2024), p. 4, fn. omitted.) While the court retains discretion to deny or grant diversion even where the defendant meets the threshold requirements for diversion (Pen. Code, § 1001.36, subd. (a)), this discretion must be exercised "consistent with the principles and purpose of the governing law." (*Sarmiento v. Superior Court* (2024) 98 Cal.App.5th 882, 892.)

When exercising its discretion to deny diversion, the court's conclusion that a defendant is not suitable for diversion must be supported by substantial evidence based on the individual facts of the case. If the facts do not support such a conclusion, the court's denial may be overturned under an abuse of discretion standard which is a deferential standard: "A court abuses its discretion when it makes an arbitrary or capricious decision by applying the wrong legal standard, or bases its decision on express or implied factual findings that are not supported by substantial evidence." (*Id.* at pp. 901-901, citing *People v. Moine* (2021) 62 Cal.App.5th 440, 449.)

As discussed above, existing law specifies factors for a court to determine a defendant's eligibility for diversion. Upon determination that a defendant is eligible (diagnosis of a mental disorder within the last five years, the mental disorder was a significant factor in the commission of the charged offense, and the charge is not one of the excluded offenses), the court must then consider factors to determine whether the defendant is suitable (expert opinion that defendant's symptoms would respond to treatment, defendant consents and waives right to speedy trial, defendant agrees to comply with treatment as a condition of diversion, and the defendant will not pose an unreasonable risk of danger to public safety, as defined). In determining the public safety risk, the court may consider any information that the court deems appropriate including the opinion of the district attorney and the defendant's violence. (Pen. Code, § 1001.36, subd. (c)(4).)

This existing language is broad enough to allow various evidence, such as uncharged conduct either related to the case or unrelated prior history, to be considered in determining whether a defendant is suitable for mental health diversion.

3) **Uncharged Conduct:** Generally, a person may not receive increased punishment based on uncharged and unproven conduct because this violates the Sixth Amendment notice and jury trial guarantees. (*Apprendi v. New Jersey* (2000) 530 U.S. 466.) This procedural protection is ingrained in our sentencing laws for purposes of imposing a term higher than the middle term in a statutory triad and in imposing longer sentences from enhancements. (Pen. Code, § 1170, subd. (b).) An implied plead and prove requirement has also been recognized by courts in other aspects of a person's sentence such as a denial of probation. (*People v. Lo Cicero* (1969) 71 Cal.2d 1186, 1191.)

   This bill, as written, would have made a person ineligible for mental health diversion if the court determines that the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript, police reports, or other evidence would constitute any of the enumerated offenses statutorily prohibited from diversion, regardless of whether the prosecution formally charges or ultimately proceeds on those offenses. Including such facts in a complaint or a preliminary hearing that does not result in those charges being filed raises the question of why the prosecuting attorney did not file charges supported by that evidence. Allowing evidence that the defendant may have committed one of the statutorily excluded offenses to be used against the defendant without providing procedural protections to allow the defendant to defend against those claims raises serious due process concerns.

   As proposed to be amended in this committee, the bill would instead state that when the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript would constitute any of the enumerated offenses that make a defendant categorically ineligible for mental health diversion, and the defendant has not been charged with those offenses, the prosecution shall state on the record why those charges are not being sought and whether they have conferred with the victim about the charges filed.

4) **Impetus for this Bill**: The impetus for this bill comes from the case of Zachary Scrivner, a former Kern County Supervisor who was charged in February 2025 with three felony counts of Penal Code section 273a, subdivision (a), alleging child abuse, and two felony counts of Penal Code section 30605, subdivision (a), alleging possession of assault weapons.[5] The prosecuting agency was the California DOJ who agreed to investigate the case due to a conflict of interest because the Kern County District Attorney Cynthia Zimmer is the defendant's aunt.[6] At the time of the offense, Scrivner had served as Supervisor in Kern County for a period of 13 years before resigning in August of 2024, and served a prior term on the Bakersfield City Council.

   According to the Kern County Sheriff's Office, the District Attorney had called the Sheriff and reported that Scrivner was experiencing a psychotic episode at his home.[7] When deputies arrived at Scrivner's home, they found that he had fought with his children and was stabbed after allegations that he had sexually abused one of the children.[8] Although information in DOJ's complaint alleged that Scrivner had committed a lewd act on one of his children who

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[5] https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-felony-charges-filed-against-former-kern-county
[6] https://bakersfieldnow.com/news/local/california-doj-agrees-to-review-investigation-into-zack-scrivner
[7] https://www.latimes.com/california/story/2026-01-08/zack-scrivner-mental-health-diversion-lawmakers-angry-child-abuse
[8] *Ibid.*

was under the age of 14[9] after he had consumed "alcohol, Ambien, benzos (benzodiazepines) and cocaine metabolites in his system," he was charged with felony child abuse[10] rather than lewd acts on a minor under the age of 14. The superior court judge overseeing the case granted the defense motion for Scrivner to enter into pretrial mental health diversion program based on a diagnosis that he is suffering from mental health disorders, including alcohol-use disorder, depression and anxiety.[11] The court noted that the prosecution offered no alternative to Scrivner's medical diagnosis that had been submitted to the court in support of the motion.[12] During the period of diversion, Scrivner is required to continue with treatment at a psychiatric clinic, continue to see a psychiatric practitioner at a minimum of every 6 months, and comply with psychiatric medications as prescribed by treating medical professionals. He is also to refrain from drug and alcohol use and is subject to random drug tests.[13] If he successfully completes the program, the charges would be dismissed.[14]

DOJ has filed a writ of mandate for the Court of Appeal to review the superior court's grant of mental health diversion for Scrivner arguing that there is clear and convincing evidence that Scrivner's mental health disorders were not a motivating, causal, or contributing factor[15] in the weapons offenses.

Lawmakers have pushed to get answers from DOJ on why Scrivner was not charged with lewd acts on a child which would have made him statutorily ineligible for diversion, however to date, no clear answer has been provided.[16]

This bill would require, for purposes of mental health diversion, whenever the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript would constitute any of the excluded offenses that make a defendant categorically ineligible for diversion, and the defendant has not been charged with those offenses, the prosecution shall state on the record why those charges are not being sought and whether they have conferred with the victim about the charges filed.

Additionally, due to concerns that the eventual charges against Scrivner filed by DOJ came much later than the community had anticipated, this bill requires DOJ, upon completion of an investigation of a person who holds an elected office in which DOJ determines the person committed specified crimes relating to rape, that the victim was a minor, and that the case is appropriate for prosecution, to bring criminal charges against that person within 30 days. However, the bill states that the failure to bring prosecution within the 30 days does not preclude prosecution at a later date.

5) **Committee Amendments**: The author has agreed to accept committee amendments that delete the bill's changes to Penal Code section 288 and delete the requirement that uncharged

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[9] Penal Code section 288, subdivision (a).
[10] Penal Code section 273a, subdivision (a).
[11] https://www.bakersfield.com/news/scrivner-granted-mental-health-diversion/article_1fb33d7d-9c7f-4e51-8e5b-4d8273c571e1.html
[12] Supra, footnote 7.
[13] Supra, footnote 6.
[14] Penal Code section 1001.36, subd. (h).
[15] Penal Code section 1001.36, subdivision (
[16] https://www.kget.com/news/zack-scrivner-investigation/kern-county-lawmakers-join-in-bipartisan-push-for-more-scrivner-transparency/?ipid=promo-link-block3

conduct would make the defendant ineligible for diversion. Instead, the amendments provide that when the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript would constitute any of the excluded enumerated offenses that make a defendant categorically ineligible for diversion, and the defendant has not been charged with those offenses, the prosecution shall state on the record why those charges are not being sought and whether they have conferred with the victim about the charges filed.

6) **Argument in Support**: According to *California Police Chiefs Association*, "The bill also strengthens prosecutorial accountability and transparency by requiring the California Department of Justice to bring charges within 30 days in cases involving elected officials accused of serious sexual crimes against minors, when the evidence supports prosecution. This provision promotes public trust in the justice system and ensures timely action in high-profile and sensitive cases."

7) **Argument in Opposition**: According to *California Public Defenders Association*, "AB 2273 would require the Department of Justice to file charges within 30 days in certain cases involving elected officials and minor victims. This provision appears to be tailored to a specific factual scenario and does not reflect a neutral, statewide standard. Because the bill provides that failure to comply with this deadline does not preclude prosecution, the provision risks being largely symbolic while introducing additional complexity and potential inconsistency into prosecutorial decision-making.

"CPDA recognizes the concerns that have motivated this bill, including the risk that serious underlying conduct may not be fully reflected in the charges filed in a given case. Those concerns can and should be addressed in a manner that preserves the integrity of California's statutory framework."

8) **Related Legislation**:

a) AB 46 (Nguyen) would make various changes to the mental health diversion law including revising the public safety standard for purposes of determining suitability for diversion to instead require the court to find that the defendant will not pose a substantial and undue risk to the physical safety of another person if treated in the community. AB 46 is pending a hearing in Senate Appropriations Committee.

b) AB 2275 (Bains) would make various changes to the mental health diversion law including making persons who have been found incompetent to stand trial ineligible for diversion as well as expanding the list of excluded charges. AB 2275 is pending a hearing in this committee.

c) AB 2297 (Stefani) requires a court to order restitution to the victim or victims, if any, which shall be enforceable as if the order were a civil judgment, and paid in the order required under existing law, when a defendant participates in a diversion program, as specified. AB 2297 is pending a hearing in Assembly Appropriations Committee.

d) SB 1373 (Grove) would make various changes to the mental health diversion law including revising the public safety risk standard to instead make the defendant suitable for diversion if they do not pose a risk of danger to public safety and would add to the list of things the court may specifically consider in making that determination, including the

defendant's prior history in a pretrial diversion plan and the severity of injury to the victim. SB 1373 is pending a hearing in Senate Public Safety Committee.

9) **Prior Legislation**:

a) AB 433 (Krell), of the 2025-2026 Legislative Session, would have excluded additional crimes from eligibility for mental health diversion. AB 433 failed passage in this committee.

b) SB 483 (Stern) would add another suitability factor for granting mental health diversion, requiring the court be satisfied that the recommended mental health treatment program is consistent with the purpose of diversion and will meet the defendant's specialized treatment need. SB 483 was held on the suspense file in Assembly Appropriations Committee.

c) AB 1412 (Hart), Chapter 687, Statutes of 2023, removed borderline personality disorder as an exclusion for mental health diversion.

d) AB 1323 (Menjivar), Chapter 646, Statutes of 2024, required a court to determine whether the restoration of the defendant's mental competence is in the interests of justice, and if it finds that it is not in the interests of justice, to hold a hearing to consider granting mental health diversion or other programs to the defendant.

e) AB 455 (Quirk-Silva), Chapter 236, Statutes of 2023, authorized the prosecution to request an order from the court to prohibit a defendant subject to pretrial diversion from owning or possessing a firearm because they are a danger to themselves or others until they successfully complete diversion or their firearm rights are restored.

f) SB 1223 (Becker), Chapter 735, Statutes of 2022, added a presumption for purposes of mental health diversion eligibility that the defendant's mental disorder was a significant factor in the commission of the offense which could be overcome by clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the defendant's involvement in the alleged offense.

g) SB 666 (Stone), of the 2019-2020 Legislative Session, would have added offenses which would preclude an individual from being eligible for mental health diversion. SB 666 was held in the Senate Public Safety Committee.

h) SB 215 (Beall), Chapter 1005, Statutes of 2018, specified ineligible offenses for mental health diversion and required the court to determine whether restitution is owed to any victim of the diverted offense.

i) AB 1810 (Committee on Budget), Chapter 34, Statutes of 2018, created mental health diversion in statute and specified that when a defendant is determined to be IST, the court can find that they are an appropriate candidate for mental health diversion.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association
Peace Officers Research Association of California (PORAC)

Opposition

ACLU California Action
California Public Defenders Association
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Justice2jobs Coalition
LA Defensa
San Francisco Public Defender

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

Amended Mock-up for 2025-2026 AB-2273 (Bains (A))

Mock-up based on Version Number 99 - Introduced 2/19/26
Submitted by: Staff Name, Office Name

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

SECTION 1. This act shall be known, and may be cited, as the Sexual Contact and Rape Investigation, Victims' New Enforcement Rights Act or the SCRIVNER Act.

~~**SEC. 2.** Section 288 of the Penal Code is amended to read:~~

~~**288.** (a) Except as provided in subdivision (i), a person who lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, and the act was committed willfully and with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, or the person was under the influence of a mind- or mood-altering substance, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.~~

~~(b) (1) A person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.~~

~~(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.~~

~~(c) (1) A person who commits an act described in subdivision (a) with the intent described in that subdivision or under the influence of a mind- or mood-altering substance, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.~~

~~(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a) or under the influence of a mind- or mood-altering substance, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.~~

~~(d) In any arrest or prosecution under this section or Section 288.5, the peace officer, district attorney, and the court shall consider the needs of the child victim or dependent person and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the dependent person victim resulting from participation in the court process.~~

~~(e) (1) Upon the conviction of a person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed ten thousand dollars ($10,000). In setting the amount of the fine, the court shall consider any relevant factors, including, but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837.~~

~~(2) If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.~~

~~(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:~~

~~(1) "Caretaker" means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:~~

~~(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.~~

~~(B) Clinics.~~

~~(C) Home health agencies.~~

~~(D) Adult day health care centers.~~

~~(E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.~~

~~(F) Sheltered workshops.~~

~~(G) Camps.~~

~~(H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.~~

~~(I) Respite care facilities.~~

~~(J) Foster homes.~~

~~(K) Regional centers for persons with developmental disabilities.~~

~~(L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.~~

~~(M) An agency that supplies in-home supportive services.~~

~~(N) Board and care facilities.~~

~~(O) Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.~~

~~(P) Private residences.~~

~~(2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities:~~

~~(A) Bathing.~~

~~(B) Dressing.~~

~~(C) Grooming.~~

~~(D) Medication storage.~~

~~(E) Medical dispensation.~~

~~(F) Money management.~~

~~(3) "Dependent person" means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts their ability to carry out normal activities or to protect their rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished~~

~~because of age. "Dependent person" includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.~~

~~(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).~~

~~(h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care.~~

~~(i) (1) A person convicted of a violation of subdivision (a) shall be imprisoned in the state prison for life with the possibility of parole if the defendant personally inflicted bodily harm upon the victim.~~

~~(2) The penalty provided in this subdivision shall only apply if the fact that the defendant personally inflicted bodily harm upon the victim is pled and proved.~~

~~(3) As used in this subdivision, "bodily harm" means any substantial physical injury resulting from the use of force that is more than the force necessary to commit the offense.~~

SEC. 3. Section 1001.36 of the Penal Code is amended to read:

1001.36. (a) On an accusatory pleading alleging the commission of a misdemeanor or felony offense not set forth in subdivision (d), the court may, in its discretion, and after considering the positions of the defense and prosecution, grant pretrial diversion to a defendant pursuant to this section if the defendant satisfies the eligibility requirements for pretrial diversion set forth in subdivision (b) and the court determines that the defendant is suitable for that diversion under the factors set forth in subdivision (c).

(b) A defendant is eligible for pretrial diversion pursuant to this section if both of the following criteria are met:

(1) The defendant has been diagnosed with a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including, but not limited to, bipolar disorder, schizophrenia, schizoaffective disorder, or post-traumatic stress disorder, but excluding antisocial personality disorder and pedophilia. Evidence of the defendant's mental disorder shall be provided by the defense and shall include a diagnosis or treatment for a diagnosed mental disorder within the last five years by a qualified mental health expert. In opining that a defendant suffers from a qualifying disorder, the qualified mental health expert may rely on an examination of the defendant, the defendant's medical records, arrest reports, or any other relevant evidence.

(2) The defendant's mental disorder was a significant factor in the commission of the charged offense. If the defendant has been diagnosed with a mental disorder, the court shall find that the defendant's mental disorder was a significant factor in the commission of the offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the defendant's involvement in the alleged offense. A court may consider any relevant and credible evidence, including, but not limited to, police reports, preliminary hearing transcripts, witness statements, statements by the defendant's mental health treatment provider, medical records, records or reports by qualified medical experts, or evidence that the defendant displayed symptoms consistent with the relevant mental disorder at or near the time of the offense.

(c) For any defendant who satisfies the eligibility requirements in subdivision (b), the court must consider whether the defendant is suitable for pretrial diversion. A defendant is suitable for pretrial diversion if all of the following criteria are met:

(1) In the opinion of a qualified mental health expert, the defendant's symptoms of the mental disorder causing, contributing to, or motivating the criminal behavior would respond to mental health treatment.

(2) The defendant consents to diversion and waives the defendant's right to a speedy trial, or a defendant has been found to be an appropriate candidate for diversion in lieu of commitment pursuant to clause (iii) of subparagraph (B) of, or clause (v) of subparagraph (C), of, paragraph (1) of subdivision (a) of Section 1370, or subparagraph (A) of paragraph (1) of subdivision (b) of Section 1370.01 and, as a result of the defendant's mental incompetence, cannot consent to diversion or give a knowing and intelligent waiver of the defendant's right to a speedy trial.

(3) The defendant agrees to comply with treatment as a condition of diversion, or the defendant has been found to be an appropriate candidate for diversion in lieu of commitment for restoration of competency treatment pursuant to clause (iii) of subparagraph (B) of, or clause (v) of subparagraph (C) of, paragraph (1) of subdivision (a) of Section 1370 or subparagraph (A) of paragraph (1) of subdivision (b) of Section 1370.01 and, as a result of the defendant's mental incompetence, cannot agree to comply with treatment.

(4) The defendant will not pose an unreasonable risk of danger to public safety, as defined in Section 1170.18, if treated in the community. The court may consider the opinions of the district attorney, the defense, or a qualified mental health expert, and may consider the defendant's treatment plan, the defendant's violence and criminal history, the current charged offense, and any other factors that the court deems appropriate.

(d) (1) A defendant shall not be placed into a diversion program, pursuant to this section, for the following current charged offenses:

(A) Murder or voluntary manslaughter.

(B) An offense for which a person, if convicted, would be required to register pursuant to Section 290, except for a violation of Section 314.

(C) Rape.

(D) Lewd or lascivious act on a child under 14 years of age.

(E) Assault with intent to commit rape, sodomy, or oral copulation, in violation of Section 220.

(F) Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1.

(G) Continuous sexual abuse of a child, in violation of Section 288.5.

(H) A violation of subdivision (b) or (c) of Section 11418.

(2) For purposes of this ***section*** ~~subdivision~~, ~~a defendant shall be deemed ineligible for pretrial diversion~~ when the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript~~, police reports, or other evidence~~ would constitute any of the offenses enumerated in this subdivision, ~~regardless of whether the prosecution formally charges or ultimately proceeds on those offenses. The court shall make this eligibility determination based on the factual conduct underlying the case, not solely on the specific charges filed.~~ ***and the defendant has not been charged with those offenses, the prosecution shall state on the record why those charges are not being sought and whether they have conferred with the victim about the charges filed.***

(e) At any stage of the proceedings, the court may require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion. The hearing on the prima facie showing shall be informal and may proceed on offers of proof, reliable hearsay, and argument of counsel. If a prima facie showing is not made, the court may summarily deny the request for diversion or grant any other relief as may be deemed appropriate.

(f) As used in this chapter, the following terms have the following meanings:

(1) "Pretrial diversion" means the postponement of prosecution, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged until adjudication, to allow the defendant to undergo mental health treatment, subject to all of the following:

(A) (i) The court is satisfied that the recommended inpatient or outpatient program of mental health treatment will meet the specialized mental health treatment needs of the defendant.

(ii) The defendant may be referred to a program of mental health treatment utilizing existing inpatient or outpatient mental health resources. Before approving a proposed treatment program, the court shall consider the request of the defense, the request of the prosecution, the needs of the

defendant, and the interests of the community. The treatment may be procured using private or public funds, and a referral may be made to a county mental health agency, existing collaborative courts, or assisted outpatient treatment only if that entity has agreed to accept responsibility for the treatment of the defendant, and mental health services are provided only to the extent that resources are available and the defendant is eligible for those services.

(iii) If the court refers the defendant to a county mental health agency pursuant to this section and the agency determines that it is unable to provide services to the defendant, the court shall accept a written declaration to that effect from the agency in lieu of requiring live testimony. That declaration shall serve only to establish that the program is unable to provide services to the defendant at that time and does not constitute evidence that the defendant is unqualified or unsuitable for diversion under this section.

(B) The provider of the mental health treatment program in which the defendant has been placed shall provide regular reports to the court, the defense, and the prosecutor on the defendant's progress in treatment.

(C) The period during which criminal proceedings against the defendant may be diverted is limited as follows:

(i) If the defendant is charged with a felony, the period shall be no longer than two years.

(ii) If the defendant is charged with a misdemeanor, the period shall be no longer than one year.

(D) Upon request, the court shall conduct a hearing to determine whether restitution, as defined in subdivision (f) of Section 1202.4, is owed to any victim as a result of the diverted offense and, if owed, order its payment during the period of diversion. However, a defendant's inability to pay restitution due to indigence or mental disorder shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.

(2) "Qualified mental health expert" includes, but is not limited to, a psychiatrist, psychologist, a person described in Section 5751.2 of the Welfare and Institutions Code, or a person whose knowledge, skill, experience, training, or education qualifies them as an expert.

(g) If any of the following circumstances exists, the court shall, after notice to the defendant, defense counsel, and the prosecution, hold a hearing to determine whether the criminal proceedings should be reinstated, whether the treatment should be modified, or whether the defendant should be conserved and referred to the conservatorship investigator of the county of commitment to initiate conservatorship proceedings for the defendant pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code:

(1) The defendant is charged with an additional misdemeanor allegedly committed during the pretrial diversion and that reflects the defendant's propensity for violence.

(2) The defendant is charged with an additional felony allegedly committed during the pretrial diversion.

(3) The defendant is engaged in criminal conduct rendering the defendant unsuitable for diversion.

(4) Based on the opinion of a qualified mental health expert whom the court may deem appropriate, either of the following circumstances exists:

(A) The defendant is performing unsatisfactorily in the assigned program.

(B) The defendant is gravely disabled, as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code. A defendant shall only be conserved and referred to the conservatorship investigator pursuant to this finding.

(h) If the defendant has performed satisfactorily in diversion, at the end of the period of diversion, the court shall dismiss the defendant's criminal charges that were the subject of the criminal proceedings at the time of the initial diversion. A court may conclude that the defendant has performed satisfactorily if the defendant has substantially complied with the requirements of diversion, has avoided significant new violations of law unrelated to the defendant's mental health condition, and has a plan in place for long-term mental health care. If the court dismisses the charges, the clerk of the court shall file a record with the Department of Justice indicating the disposition of the case diverted pursuant to this section. Upon successful completion of diversion, if the court dismisses the charges, the arrest upon which the diversion was based shall be deemed never to have occurred, and the court shall order access to the record of the arrest restricted in accordance with Section 1001.9, except as specified in subdivisions (j) and (k). The defendant who successfully completes diversion may indicate in response to any question concerning the defendant's prior criminal record that the defendant was not arrested or diverted for the offense, except as specified in subdivision (j).

(i) A record pertaining to an arrest resulting in successful completion of diversion, or any record generated as a result of the defendant's application for or participation in diversion, shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

(j) The defendant shall be advised that, regardless of the defendant's completion of diversion, both of the following apply:

(1) The arrest upon which the diversion was based may be disclosed by the Department of Justice to any peace officer application request and that, notwithstanding subdivision (i), this section does not relieve the defendant of the obligation to disclose the arrest in response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830.

(2) An order to seal records pertaining to an arrest made pursuant to this section has no effect on a criminal justice agency's ability to access and use those sealed records and information regarding sealed arrests, as described in Section 851.92.

(k) A finding that the defendant suffers from a mental disorder, any progress reports concerning the defendant's treatment, including, but not limited to, any finding that the defendant be prohibited from owning or controlling a firearm because they are a danger to themselves or others pursuant to subdivision (m), or any other records related to a mental disorder that were created as a result of participation in, or completion of, diversion pursuant to this section or for use at a hearing on the defendant's eligibility for diversion under this section may not be used in any other proceeding without the defendant's consent, unless that information is relevant evidence that is admissible under the standards described in paragraph (2) of subdivision (f) of Section 28 of Article I of the California Constitution. However, when determining whether to exercise its discretion to grant diversion under this section, a court may consider previous records of participation in diversion under this section.

(l) The county agency administering the diversion, the defendant's mental health treatment providers, the public guardian or conservator, and the court shall, to the extent not prohibited by federal law, have access to the defendant's medical and psychological records, including progress reports, during the defendant's time in diversion, as needed, for the purpose of providing care and treatment and monitoring treatment for diversion or conservatorship.

(m) (1) The prosecution may request an order from the court that the defendant be prohibited from owning or possessing a firearm until they successfully complete diversion because they are a danger to themselves or others pursuant to subdivision (i) of Section 8103 of the Welfare and Institutions Code.

(2) The prosecution shall bear the burden of proving, by clear and convincing evidence, both of the following are true:

(A) The defendant poses a significant danger of causing personal injury to themselves or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm.

(B) The prohibition is necessary to prevent personal injury to the defendant or any other person because less restrictive alternatives either have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances of the defendant.

(3) (A) If the court finds that the prosecution has not met that burden, the court shall not order that the person is prohibited from having, owning, purchasing, possessing, or receiving a firearm.

(B) If the court finds that the prosecution has met the burden, the court shall order that the person is prohibited, and shall inform the person that they are prohibited, from owning or controlling a firearm until they successfully complete diversion because they are a danger to themselves or others.

(4) An order imposed pursuant to this subdivision shall be in effect until the defendant has successfully completed diversion or until their firearm rights are restored pursuant to paragraph (4) of subdivision (g) of Section 8103 of the Welfare and Institutions Code.

SEC. 4. Section 11110 is added to the Penal Code, to read:

11110. (a) The Department of Justice, upon completion of an investigation of a person who holds an elected office in which the department determines the person committed a crime in Chapter 1 (commencing with Section 261) or Chapter 5 (commencing with Section 281) of Title 9 of Part 1, that the victim was a minor, and that the case is appropriate for prosecution, shall bring criminal charges against that person within 30 days.

(b) A failure to bring charges within 30 days pursuant to subdivision (a) does not preclude prosecution at a later date.

SEC. 5. 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 the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2274 (Bains) – As Amended April 15, 2026

SUMMARY: Prohibits, in any prosecution for sex trafficking, pimping or pandering, where the victim is a minor, any plea agreement from granting immunity, leniency, anonymity, or nonprosecution to any person other than the defendant, except as provided. Specifically, **this bill**:

1) States that in any prosecution for sex trafficking, pimping or pandering, where the victim is a minor, no plea agreement, nonprosecution agreement, immunity agreement, or other disposition shall grant immunity, leniency, anonymity, or nonprosecution to any person other than the defendant unless that person is specifically named in the written agreement and the agreement is approved by the court after a hearing in which victims are given notice and an opportunity to be heard.

2) Declares this bill to be called the "Epstein Loophole Act."

3) Contain Legislative findings and declarations regarding the 2008 Jeffrey Epstein prosecution.

EXISTING LAW:

1) Defines "plea bargaining" to mean "any bargaining, negotiation, or discussion between a criminal defendant, or their counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant." (Pen. Code, § 1192.7, subd. (b).)

2) States that every plea must be made in open court, and may be oral or in writing, shall be entered upon the minutes of the court, and shall be taken down in shorthand by the official reporter if one is present. All pleas of guilty or nolo contendere to misdemeanors or felonies shall be oral or in writing. (Pen. Code, § 1017.)

3) States that unless otherwise provided by law, every plea shall be entered or withdrawn by the defendant personally in open court. (Pen. Code, § 1018.)

4) Provides that on application of the defendant at any time before judgment or within six months after an order granting probation is made if entry of judgment is suspended, the court may, and in case of a defendant who appeared without counsel at the time of the plea the court shall, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. (*Ibid.*)

5) States that if the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask whether they plead guilty or not guilty to the offenses charged and to a previous conviction or convictions if charged. (Pen. Code, § 859a, subd. (a).)

6) Provides that while the charge remains pending before the magistrate and when the defendant is present, the defendant may plead guilty to the offense charged, or with the consent of the magistrate and the prosecuting attorney, plead nolo contendere to the offense charged, or to any other offense that is necessarily included in the charged offense, or to an attempt to commit the charged offense, or to any previous convictions charged. (*Ibid.*)

7) Provides that if the defendant subsequently files a written motion to withdraw the plea, the motion shall be heard and determined by the court before which the plea was entered. (*Ibid.*)

8) States that where the plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, except as provided, cannot be sentenced on the plea to a punishment more severe than that specified in the plea and the court may not proceed as to the plea other than as specified in the plea. (Pen. Code, § 1192.5.)

9) Provides that if the court approves of the plea, it shall inform the defendant prior to the making of the plea that (1) its approval is not binding, (2) it may, a the time set for the hearing on the application for probation or pronouncement of judgment, withdraw its approval in the light of further consideration of the matter, and (3) in that case, the defendant shall be permitted to withdraw his or her plea if he or she desires to do so. The court shall also cause an inquiry to be made of the defendant to satisfy itself that the plea is freely and voluntarily made, and that there is a factual basis for the plea. (*Ibid.*)

10) States that in the interest of justice, and in order to reach a just resolution during plea negotiations, the prosecutor shall consider during plea negotiations, among other factors, the specified circumstances as factors in support of a mitigated sentence. (Pen. Code, § 1016.7.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "My 'Lords of Bakersfield' legislative package addresses the systemic failures in our criminal justice system highlighted by cases like those involving Jeffrey Epstein and former Kern County Supervisor Zachary Scrivner. For too long, the wealthy, the politically connected, and the powerful have played by a completely different set of rules in our justice system. We have watched mental health diversion be weaponized to shield abusers and keep victims in the dark, while loopholes protect monsters like Jeffrey Epstein and his accomplices. All defendants must be held to the same standard regardless of their wealth, their political connections, or their influence."

2) **Impetus for this Bill**: As indicated by the bill's title, the impetus for this bill is the 2008 plea deal Jeffrey Epstein received to end a federal investigation he was facing in Florida arising

out of allegations that he sexually abused dozens of underage girls in exchange for pleading guilty to prostitution charges in state court. According to the Miami Herald[1]:

> Not only would Epstein serve just 13 months in the county jail, but the deal — called a non-prosecution agreement— essentially shut down an ongoing FBI probe into whether there were more victims and other powerful people who took part in Epstein's sex crimes, according to a Miami Herald examination of thousands of emails, court documents and FBI records.
>
> The pact required Epstein to plead guilty to two prostitution charges in state court. Epstein and four of his accomplices named in the agreement received immunity from all federal criminal charges. But even more unusual, the deal included wording that granted immunity to "any potential co-conspirators'' who were also involved in Epstein's crimes. These accomplices or participants were not identified in the agreement, leaving it open to interpretation whether it possibly referred to other influential people who were having sex with underage girls at Epstein's various homes or on his plane.
>
> As part of the arrangement, [Alexander] Acosta [then U.S. attorney for Southern Florida] agreed, despite a federal law to the contrary, that the deal would be kept from the victims. As a result, the non-prosecution agreement was sealed until after it was approved by the judge, thereby averting any chance that the girls — or anyone else — might show up in court and try to derail it.
>
> . . . .
>
> As part of Epstein's agreement, he was required to register as a sex offender, and pay restitution to the three dozen victims identified by the FBI.

The non-prosecution agreement was filed under seal in state court. After the plea deal became known, victims filed a lawsuit, known as the federal Crime Victims' Rights suit, seeking to invalidate the non-prosecution agreement in hopes of sending Epstein to federal prison. A federal district court judge in West Palm Beach, Florida ruled that the agreement violated the federal Crime Victims' Rights Act, and gave the government and the two victims who sued 15 days to discuss what remedy should apply in the case.[2] This ruling left open the possibility that the plea deal could be nullified.

Epstein was subsequently arrested on charges of sex trafficking brought by the U.S. Attorney's Office in Manhattan and detained in a New York jail. While awaiting trial, Epstein committed suicide. Subsequently, the federal judge in the Crime Victims' Rights suit ruled that his death rendered moot the attempts by his victims to invalidate a 12-year-old agreement not to prosecute him on federal charges.[3]

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[1] See https://www.miamiherald.com/news/local/article220097825.html#storylink=cpy
[2] See https://www.nytimes.com/2019/02/21/us/jeffrey-epstein-judge-prosecution-agreement.html
[3] See https://www.nytimes.com/2019/09/16/us/epstein-ruling-florida.html

Epstein's 2008 non-prosecution agreement was subject to public outrage and media scrutiny. The media and Congress increasingly focused attention on Acosta as the government official responsible for the non-prosecution agreement and ultimately Acosta resigned from his position as the U.S. Labor Secretary, appointed by President Trump.

This bill would prohibit, in prosecutions of sex trafficking, pimping or pandering, of a minor, any plea agreement, non-prosecution agreement, immunity agreement, or other disposition from granting immunity, leniency, anonymity, or non-prosecution to any person other than the defendant unless that person is specifically named in the written agreement and the agreement is approved by the court after a hearing in which victims are given notice and an opportunity to be heard. This committee is unaware of any instances in California where a defendant was offered a plea deal that includes a non-prosecution agreement or immunity for any third parties or anonymous persons other than the defendant.

3) **U.S. Department of Justice Inquiry**: In 2020, the U.S. Department of Justice (USDOJ) announced it would launch an investigation into whether prosecutors in the U.S. Attorney's Office for the Southern District of Florida improperly resolved a federal investigation into the criminal conduct of Jeffrey Epstein by negotiating and executing a federal non-prosecution agreement.[4] In this investigation, the USDOJ's Office of Professional Responsibility (OPR) considered two distinct sets of allegations. The first relates to the negotiation, execution, and implementation of the non-prosecution agreement (NPA). The second relates to the USAO's interactions with Epstein's victims and adherence to the requirements of the Crime Victims' Rights Act. According to OPR's report[5]:

> With respect to all five subjects of OPR's investigation, OPR concludes that the subjects did not commit professional misconduct with respect to the development, negotiation, and approval of the NPA. Under OPR's framework, professional misconduct requires a finding that a subject attorney intentionally or recklessly violated a clear and unambiguous standard governing the conduct at issue. OPR found no clear and unambiguous standard that required Acosta to indict Epstein on federal charges or that prohibited his decision to defer prosecution to the state. Furthermore, none of the individual terms of the NPA violated Department or other applicable standards.
>
> As the U.S. Attorney, Acosta had the "plenary authority" under established federal law and Department policy to resolve the case as he deemed necessary and appropriate, as long as his decision was not motivated or influenced by improper factors. Acosta's decision to decline to initiate a federal prosecution of Epstein was within the scope of his authority, and OPR did not find evidence that his decision was based on corruption or other impermissible considerations, such as Epstein's wealth, status, or associations.
>
> . . . .

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[4] See https://www.justice.gov/opr/page/file/1336471/dl
[5] *Id.* at pp. ix-xi.

> Nevertheless, OPR concludes that Acosta's decision to resolve the federal investigation through the NPA constitutes poor judgment. Although this decision was within the scope of Acosta's broad discretion and OPR does not find that it resulted from improper factors, the NPA was a flawed mechanism for satisfying the federal interest that caused the government to open its investigation of Epstein.
>
> . . . .
>
> OPR concludes that the decision to postpone notifying victims about the terms of the NPA after it was signed and the omission of information about the NPA during victim interviews and conversations with victims' attorneys in 2008 do not constitute professional misconduct. Contemporaneous records show that these actions were based on strategic concerns about creating impeachment evidence that Epstein's victims had financial motives to make claims against him, evidence that could be used against victims at a trial, and were not for the purpose of silencing victims. Nonetheless, the failure to reevaluate the strategy prior to interviews of victims and discussions with victims' attorneys occurring in 2008 led to interactions that contributed to victims' feelings that the government was intentionally concealing information from them.
>
> After examining the full scope and context of the government's interactions with victims, OPR concludes that the government's lack of transparency and its inconsistent messages led to victims feeling confused and ill-treated by the government; gave victims and the public the misimpression that the government had colluded with Epstein's counsel to keep the NPA secret from the victims; and undercut public confidence in the legitimacy of the resulting agreement. The overall result of the subjects' anomalous handling of this case understandably left many victims feeling ignored and frustrated and resulted in extensive public criticism. In sum, OPR concludes that the victims were not treated with the forthrightness and sensitivity expected by the Department.

According to information provided by the author's office, having a clear, unambiguous statute on the books prohibiting such agreements would avoid any potential agreements from happening in the future.

4) **Argument in Support**: According to the *California Police Chiefs Association*, "AB 2274 addresses a critical gap in current law by prohibiting plea agreements or related dispositions that grant immunity or leniency to unnamed co-conspirators in cases involving the sexual exploitation of minors. By requiring that any such agreements explicitly identify individuals and be subject to court approval following a hearing with victim input, the bill enhances transparency and prevents the type of sweeping, undisclosed immunity that has undermined public confidence in past high-profile cases."

5) **Argument in Opposition**: According to the *California Public Defenders Association*, "While the protection of minors and accountability for those who exploit them are critically important goals, this bill adopts rigid measures that undermine fundamental principles of fairness, due process, and individualized justice. By limiting the ability of prosecutors and courts to resolve cases through negotiated dispositions, AB 2274 removes essential tools that are routinely used to secure cooperation, hold higher-level offenders accountable, and reach

appropriate case-specific outcomes. These restrictions may have the unintended consequence of making it more difficult—not easier—to effectively prosecute complex, multi-defendant cases."

6) **Related Legislation**: None

7) **Prior Legislation**:

a) AB 124 (Kamlager), Chapter 695, Statutes of 2021, relevant to this bill, required the prosecutor, during plea negotiations, to consider in support of a mitigated sentence whether the person has experienced psychological, physical, or childhood trauma, was a youth, as defined, at the time of the commission of the offense, or was a victim of intimate partner violence or human trafficking.

b) AB 1618 (Jones-Sawyer), Chapter 586, Statutes of 2019, made a provision of a plea bargain that requires a defendant to generally waive future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea, void as against public policy.

c) AB 1343 (Thurmond), Chapter 705, Statutes of 2015, required defense counsel to provide accurate and affirmative advice about the immigration consequences of a proposed disposition and requires the prosecution, in the interests of justice, to consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution.

d) AB 267 (Jones-Sawyer), of the 2015-2016 Legislative Session, would have required the court, prior to acceptance of a guilty or nolo contendere plea to a felony offense, to inform the defendant that a conviction for a felony may result in various consequences, including, among others, the loss of certain professional licenses, prohibitions against owning or possessing a firearm, and eligibility for enlisting in the military. AB 267 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association
Peace Officers Research Association of California (PORAC)

Opposition

ACLU California Action
California Public Defenders Association
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Justice2jobs Coalition
LA Defensa
San Francisco Public Defender

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

Date of Hearing: April 21, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2304 (Lackey) – As Amended April 16, 2026

SUMMARY: Clarifies that, in situations where a child taken into temporary custody needs emergency care, the social worker shall secure the needed care for the child, rather than being simply authorized to secure it; and also clarifies that, for purposes of acts relating to public records, a social worker employed by a county child welfare department is punishable consistent with those who are not officers, as specified.

EXISTING LAW:

1) States that every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:

   a) Steal, remove, or secrete.

   b) Destroy, mutilate, or deface.

   c) Alter or falsify. (Gov. Code, § 6200.)

2) Provides that every person not an officer, as specified, who is guilty of any of the acts specified in that section, is punishable by a wobbler. (Gov. Code, § 6201.)

3) States that every officer authorized by law to make or give any certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false. (Gov. Code, § 6203, subd. (a).)

4) Provides that, notwithstanding any other limitation of time specified, or any other provision of law, prosecution for a violation of this offense shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later. (Gov. Code, § 6203, subd. (b).)

5) States that if a person is taken into temporary custody, as specified, and is in need of medical, surgical, dental, or other remedial care, the social worker may, upon the recommendation of the attending physician and surgeon or, if the person needs dental care and there is an attending dentist, the attending dentist, authorize the performance of the medical, surgical, dental, or other remedial care. (Welf. & Inst. Code, § 369, subd. (a)(1).)

6) Establishes that if it appears that a child, as specified, requires immediate emergency medical, surgical, or other remedial care in an emergency situation, that care may be provided by a licensed physician and surgeon or, if the child needs dental care in an emergency situation, by a licensed dentist, without a court order and upon authorization of a social worker. (Welf. & Inst. Code, § 369, subd. (d)(1).)

7) Specifies that if the court orders the performance of a medical, surgical, dental, or other remedial care, the court may also make an order authorizing the release of information concerning that care to a social worker, parole officer, or other qualified individual or agency caring for or acting in the interest and welfare of the child under order, commitment, or approval of the court. (Welf. & Inst. Code, § 369, subd. (e).)

8) States that defined laws do not limit the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of the custody or control of the child by order of the court, in providing a medical, surgical, dental, or other remedial treatment recognized or permitted under the laws of this state. (Welf. & Inst. Code, § 369, subd. (g).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "The death of Gabriel Fernandez served as a wakeup call to focus our collective conscious on the systemic failure to protect innocent children. It revealed that there are many cracks within the child welfare system that malign the interest of children. Over the years, multiple people have made the statement that if he was just seen by one medical professional, all of this could have been prevented. AB 2304 helps to ensure this statement isn't said about another child by requiring social workers to have children seen by a medical professional in emergency situations."

2) **Effect of the Bill**: AB 2304 would establish that a social worker with care or custody of a child in specified situations would be required to provide the needed care, rather than simply be permitted to acquire the care for the child. Additionally, this bill would explicitly include social workers employed by a county child welfare department in the requirement that a person who is guilty of any crimes related to stealing, removing, destroying, altering, or falsifying public records or documents is punishable by a wobbler.

   The author notes that under existing law, "social workers are authorized to have a child seen for medical treatment in an emergency if they believe the child appears to be in need . . . However, it is not mandated in current law." This appears to be accurate as current law uses the permissive term "may" when referencing whether care can be sought for a child in need rather than "shall."

   The author additionally addresses the use of "body charts," which are used to precisely document physical injuries or abuse. While use of these charts serves as sound, evidence-based practice for documenting injury, the author states, "[I]n Gabriel's case, even though the four social workers and supervisors assigned were called out to see him multiple times for various injuries, they did not take the necessary precautions needed."

By updating the law to establish a required course of conduct for social workers who have temporary care or custody of an injured child, and clarifying how the law applies to social workers in these cases, AB 2304 may help better address, or even prevent, future tragic outcomes.

3) **Need for the Bill**: AB 2304 would modify existing law to require certain conduct when in temporary custody of a child in specific situations. Existing law assigns these social workers with several authorities regarding a minor's health, including routine care authorizations and emergency interventions. (See Welf. & Inst. Code, § 369.) Currently, for children who are either in temporary custody, are the subject of a court petition, or are already a dependent of the court, if it appears they require immediate emergency care, that care is permitted to be provided without a court order and upon authorization of a social worker. (Welf. & Inst. Code, § 369, subd. (d)(1).) However, taking this action is not required under existing law.

   The author notes the tragic case of Gabriel Fernandez and suggests that in Gabriel's case, even though the four social workers and supervisors assigned were called out to see him multiple times for various injuries, they did not take necessary precautions. Gabriel Fernandez, an 8-year-old boy from Palmdale, California, tragically died in May of 2013 after he was brutally abused and tortured by his mother and her boyfriend.[1] Upon his death, it was discovered that his skull was fractured and 12 of his ribs were broken, which was not even the full extent of abuse suffered by Fernandez.[2]

   According to the Assembly Human Services Committee Analysis for this bill:

   > Nearly three years after his death, four former social workers with the Los Angeles County Department of Children and Family Services (DCFS) were eventually charged with one felony count each of child abuse and falsifying public records in connection with his death. According to prosecutors from the Los Angeles County District Attorney's Office, the social workers and their supervisors allegedly filed reports that failed to document clear signs of escalating physical abuse, omitted the fact that Gabriel's parents had stopped participating in mandatory services, and it was suggested that some documents were incomplete at the time of the events but updated with new entries with details after Gabriel had died.

   The horrifying case of Gabriel Fernandez arguably demonstrates failure across various times and with the multiple points of contact he had in his life outside the home. The updates to the law offered by AB 2304 may contribute to ensuring this type of case is not seen again.

4) **Argument in Support**: According to *Echoria Advocacy*, "AB 2304 clarifies when a child requires immediate emergency medical, surgical or other remedial care in an emergency situation, social workers shall have a child seen by the appropriate medical professionals. This bill additionally clarifies existing law that social workers can be held accountable for falsifying records.

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[1] *Mother, Boyfriend Sentenced For Torture-Murder of 8-Year-Old Gabriel Fernandez* (June 7, 2018) Los Angeles County District Attorney's Office <https://da.lacounty.gov/sites/default/files/press/060718_Mother_Boyfriend_Sentenced_For_Torture-Murder_of_8-Year-Old_Gabriel_Fernandez.pdf> [as of Apr. 15, 2026].
[2] *Ibid.*

"In 2013, 8-year-old Gabriel Fernandez was tortured and killed by his mother and her boyfriend. Despite multiple reports of abuse from teachers and others, social workers failed to act: his body charts were incomplete, and records were falsified. His mother and her boyfriend were ultimately convicted of murder.

"Gabriel's Law reflects ongoing efforts to strengthen child welfare protections in California. Over the years, different versions of this legislation have been introduced to address gaps in the system that can place children at risk of abuse and neglect. Each iteration has aimed to clarify the responsibilities of social workers in emergency situations, ensure timely medical intervention for children in need, and establish accountability for falsifying or mishandling official records.

"The current version builds upon prior proposals by codifying clear mandates for social workers and enhancing enforcement provisions to prevent systemic failures like those that led to the tragic death of Gabriel Fernandez.

"For these reasons stated above I/we support AB 2304."

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

6) **Related Legislation**: AB 1688 (Carrillo), of the 2025-26 Legislative Session, would have required an employee of those agencies to additionally send a copy of the mandated report about the child to the attorney who represents a parent or legal guardian of the child, as specified. AB 1688 is pending hearing in the Assembly Appropriations Committee.

7) **Prior Legislation**:

   a) SB 848 (Perez), Chapter 460, Statutes of 2025, required a comprehensive school plan to instead include child abuse or neglect reporting procedures and would additionally require a comprehensive school safety plan, when it is next reviewed and updated, or by no later than July 1, 2026, to include procedures specifically designed to address the supervision and protection of children from child abuse or neglect and sex offenses.

   b) AB 1192 (Carrillo), of the 2025-26 Legislative Session, would have required an employee of an agency that received a mandated report to send a copy of the mandated report about the child to the attorney who represents a parent or legal guardian of the child, as specified. AB 1192 was held in the Assembly Appropriations Committee.

   c) AB 391 (Jones-Sawyer), Chapter 434, Statutes of 2023, required an agency receiving a report from a nonmandated reporter to ask the reporter to provide specified information, including their name, telephone number, and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect.

   d) AB 1913 (Addis), Chapter 814, Statutes of 2024, required, among other things, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools to provide annual training to their employees on the prevention of abuse, including sexual abuse, of

children on school grounds, by school personnel, or in school-sponsored programs, as provided.

e) SB 47 (Roth), of the 2023-24 Legislative Session, would have required a county child welfare services department that receives a report of a child being endangered by abuse, neglect, or exploitation in which the alleged perpetrator is a person responsible for the child, as specified, to evaluate the report immediately. SB 47 was held in the Senate Public Safety Committee.

f) AB 1544 (Lackey), of the 2023-24 Legislative Session, would have would authorized a police or sheriff's department to which a report of suspected child abuse or severe neglect is made on or after January 1, 2024, to forward to the Department of Justice a report in writing of its investigation of known or suspected child abuse or severe neglect that is determined to be substantiated. AB 1544 was held in the Senate Public Safety Committee.

g) AB 1799 (Jackson), of the 2023-24 Legislative Session, would have authorized a mandated reporter who knows or reasonably suspects that a child has been the victim of general neglect to make a report to one or more community-based agencies or service providers that will provide the parent, guardian, or Indian custodian of the child with services and supports the reporter reasonably believes will ameliorate the conditions impacting that individual's ability to provide adequate food, shelter, medical care, or supervision to the child. AB 1799 was heard for presentation only in this committee.

h) AB 1450 (Lackey), of 2019-20 Legislative Session, was substantially similar to AB 1544. AB 1450 failed passage in the Senate Public Safety Committee.

i) AB 1911 (Lackey), of 2018-19 Legislative Session, would have required every county to establish an online database for specified agencies to track the reporting of allegations of child abuse and neglect by 2029. AB 1911 failed passage in the Assembly Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Echoria Advocacy

Opposition

None submitted.

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2337 (Lackey) – As Introduced February 19, 2026

As Proposed to be Amended in Committee

SUMMARY:Adds theft committed by a peace officer under color of authority to the definition of "serious misconduct" for purposes of ineligibility for, or revocation of, peace officer certification.

EXISTING LAW:

1) Requires the Commission on Peace Officer Standards and Training (POST) to revoke the certification of a certified peace officer if the person is or has become ineligible to hold office as a peace officer, as specified. (Pen. Code, § 13510.8, subd. (a)(1).)

2) Authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer, or has, while employed as a peace officer, otherwise engaged in any serious misconduct, as defined. (Pen. Code, § 13510.8, subd. (a)(2).)

3) Authorizes POST to cancel the certificate or proof of eligibility of a peace officer if the commission determines that there was fraud or misrepresentation made by an applicant at any time during the application process that resulted in the issuance of the certification. (Pen. Code, § 13510.8, subd. (a)(3).)

4) Requires POST, by January 1, 2023, to adopt by regulation a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. This definition shall include all of the following:

   a) Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

   b) Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.

   c) Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

   d) Sexual assault, as defined.

e) Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner, as specified.

f) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.

g) Participation in a law enforcement gang, as defined.

h) Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter, as specified.

i) Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Pen. Code, § 13510.8, subd. (b).)

5) States that every person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to them, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property, is guilty of theft. Divides theft into two degrees: petty theft and grand theft. (Pen. Code §§ 484, subd. (a) 486.)

6) Punishes petty theft as a misdemeanor, punishable by fine not exceeding $1,000, or by imprisonment in the county jail not exceeding six months, or both. (Pen. Code, § 490.)

7) Defines grand theft as theft of money, labor, real or personal property of a value exceeding $950, except as specified, and generally punishes grand theft as a wobbler – subject to imprisonment in county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years (Pen. Code, §§ 487, 489.)

8) Specifies that, notwithstanding the above provision that theft of a value exceeding $950 constitutes grand theft, grand theft is committed in any of the following circumstances:
   a) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding $250.
   b) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation that is producing that product, of a value exceeding $250.
   c) Where the money, labor, real property, or personal property is taken by a servant, agent, or employee from their principal or employer and aggregates $950 or more in any 12 consecutive month period. (Pen. Code, § 487, subds. (b).)

9) Specifies that the following types of theft are grand theft:
   a) When the property is taken from the person of another.

b) When the property taken is an automobile or a firearm. (Pen. Code, § 487, subds. (c)-(d).)

10) Provides that if the value of the money or property taken exceeds nine hundred fifty dollars

$950 over the course of distinct but related acts, including acts committed against multiple victims or in counties other than the county of the current offense, the value of the money or property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. (Pen. Code, § 487, subd. (e).)

11) Specifies that evidence that distinct acts are motivated by one intention, one general impulse, and one plan may include, but is not limited to, evidence that the acts involve the same defendant or defendants, are substantially similar in nature, or occur within 90 days. (Pen. Code, § 487, subd. (e).)

12) Provides that, notwithstanding provisions of law defining grand theft, obtaining any property by theft where the value of the money or property taken does not exceed $950, and shall be considered petty theft and shall be punished as a misdemeanor, except that such an offense may instead be punished as a wobbler if that person has one or more prior convictions for a specified serious or violent felony or for an offense requiring registration as a sex offender. (Pen. Code, § 490.2, subd. (a).)

13) Provides that in any case involving one or more acts of theft or shoplifting, including but not limited to, shoplifting, theft, and petty theft, the value of property or merchandise stolen may be aggregated into a single count or charge, with the sum of the value of all property or merchandise being the values considered in determining the degree of theft. (Pen. Code, § 490.3.)

14) Defines extortion as the obtaining of property or other consideration from another, with their consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. (Pen. Code, § 518.)

15) Punishes the extortion of property or other consideration from another, under circumstances not amounting to robbery or carjacking, by means of force, or any threat, as a wobbler, punishable by imprisonment for up to one year in county jail, or by imprisonment for two, three, or four years. (Pen. Code, § 520.)

16) Punishes extortion under color of official right, in cases for which a different punishment is not prescribed in the Penal Code, as a misdemeanor. (Pen. Code, § 521.)

17) Provides that every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, does any of the following, without a regular process or other lawful authority, is guilty of a misdemeanor:

a) Arrests any person or detains that person against their will.

b) Seizes or levies upon any property.

c) Dispossesses any one of any lands or tenements. (Pen. Code, § 146.)

18) Punishes every public officer who, under color of authority, without lawful necessity, assaults or beats any person, by a fine up to $10,000, or as a wobbler, or by both that fine and imprisonment. (Pen. Code, § 149.)

19) Punishes, generally, every person guilty of embezzlement in the manner prescribed for theft of property of the value or kind embezzled, except for embezzlement of the public funds of the United States, or of this state, or of any county or municipality within this state, which is punishable as a felony and ineligibility thereafter for any office of honor, trust, or profit in this state. (Pen. Code, § 514.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2337 will add theft by a peace officer under color of authority to the list of activities that constitute "serious misconduct." I recognize that this theft is a serious breach of public trust, and this bill will help it by increasing accountability and holding our law enforcement to a higher standard."

2) **Effect of this Bill:** The impetus of this bill is reported incidents of peace officers stealing cash found as a result of a search warrant, unlawfully taking cash from a person being arrested, and allegedly stealing hundreds of dollars in cash from an unlocked Tesla.[1] The author contends that this type of theft warrants greater punishment, irrespective of the amount taken, given the additional harm that results when a public official betrays the public trust and abuses their authority.

Existing law requires POST to adopt, by regulation, a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. (Pen. Code, § 13510.8, subd. (b)(1).) Serious misconduct includes: 1) dishonesty relating to the reporting, investigation, or prosecution of a crime, as specified; 2) abuse of power; 3) physical abuse, including, but not limited to, the excessive or unreasonable use of force; 4) sexual assault, as defined; 5) demonstrating bias based on race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status, as specified; 6) acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as specified; 7) participation in a law enforcement gang, as defined; 8) failure to cooperate with an investigation into potential police misconduct, as specified; and 9) failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified. (Pen. Code, § 13510.8, subd. (b).) In an effort to establish greater accountability for an officer that commits theft in the performance of their duties where the amount stolen does not meet the $950 threshold to charge felony grand theft, this bill adds theft, committed by a peace officer under color of authority, to the list of conduct that constitutes "serious misconduct" for purposes of ineligibility for, or revocation of, peace officer certification.

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[1] ABC EyeWitness News, *LAPD officer accused of taking $700 in cash from car while responding to service call* (March 10, 2026), available at: https://abc7.com/post/lapd-officer-accused-taking-700-car-responding-service-call/18699309/

3) **Committee Amendments:** The previous version of the bill amended Proposition 47 (2014) to make the taking of property without lawful authority by a public officer, under color of authority, grand theft, even if the value taken does not exceed $950, punishable as an alternate-felony misdemeanor (wobbler) by imprisonment in county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years. Committee amendments delete the contents of the bill and, instead, add theft, committed by a peace officer under color of authority, to the definition of "serious misconduct" for purposes of ineligibility for, or revocation of, peace officer certification.

4) **Argument in Support**: According to the *Los Angeles County District Attorney's Office*, the sponsor of the bill, "Theft under color of authority, while rare, is a significant betrayal of the public's trust and causes a loss of confidence in the criminal justice system. Because of the seriousness of the betrayal of public trust and the harm it causes to the public's confidence in our criminal justice system, this crime should be treated as grand theft regardless of the dollar value.

"Acting under color of authority" means that a person is urging the appearance of governmental power to perform an action, even if that action is illegal or exceeds their official authority. This concept typically applies to public officials like police officers, but can also include private individuals who are acting with state authority. It is the basis for many civil rights claims and can include actions such as excessive force, false arrest, and deprivation of rights…

"Officers are acting under "color of authority" when they are performing an act that is made possible only because they are clothed with the authority of law, or when they are acting under pretense of law. Conversely, officers are not acting under "color of authority" when they commit private acts in furtherance of personal pursuits.

'While thefts committed under the color of authority are still a rarity, they have been occurring more frequently in Los Angeles County, unfortunately….

"Our office believes that treating thefts committed under color of authority as a grand theft not only provides greater accountability for this type of misconduct, but it can also help restore the public's confidence in our criminal justice system."

5) **Arguments in Opposition**: None submitted.

6) **Prior Legislation**:

   a) AB 75 (Hoover), of the 2023-2024 Legislative Session, would have reinstated the offense of petty theft with a prior as it existed before it was eliminated by Prop. 47 and makes it applicable to the offense of shoplifting created by Prop. 47, subject to approval by the voters. This bill failed passage in this Committee.

   b) AB 23 (Muratsuchi), of the 2023-2024 Legislative Session, would have reduced the threshold amount for petty theft and shoplifting from $950 to $400. AB 23 was never heard in this Committee.

c) AB 1787 (Villapudua), of the 2023-2024 Legislative Session, would have reduced the threshold amount for petty theft and shoplifting from $950 to $450. AB 1787 was never heard in this Committee.

d) AB 1708 (Muratsuchi), of the 2023-2024 Legislative Session, would have created a new offense of petty theft with a prior and made this offense a wobbler, among other changes. AB 1708 was never heard in this Committee.

e) AB 2356 (Rodriguez), Chapter 22, Statutes of 2022, expanded the definition of "grand theft" where the aggregate amount taken by all participants exceeds $950.

f) SB 2 (Bradford), Chapter 409, Statutes of 2021, granted new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct," and made changes to the Bane Civil Rights Act to limit immunity as specified.

g) AB 1597 (Waldron), of the 2021-2022 Legislative Session, would have reinstated the offense of petty theft with a prior as it existed before it was eliminated by Prop. 47 and makes it applicable to the offense of shoplifting created by Prop. 47, subject to approval by the voters. AB 1597 failed passage in this Committee.

h) AB 1603 (Salas), of the 2021-2022 Legislative Session, would have amended Proposition 47 by reducing the threshold amount for petty theft and shoplifting to be punished as a misdemeanor from $950 to $400. AB 1603 failed passage in this Committee.

i) AB 2390 (Muratsuchi), of the 2021-2022 Legislative Session, would have amended Proposition 47 by authorizing the aggregation of the value of property from one or more acts of theft or shoplifting, as specified. AB 2390 failed passage in this Committee.

j) AB 1869 (Melendez), of the 2015-2016 Legislative Session, would have called for a special election to amend Proposition 47 and to make the theft of a firearm grand theft in all cases, punishable by a state prison term, as specified. AB 1869 was held in the Senate Appropriations Committee.

k) AB 150 (Melendez) of the 2015 Legislative session was substantially similar to AB 1869. AB 150 was held in the Assembly Appropriation Committee.

l) Proposition 47 of the November 2014 general election, the Safe Neighborhoods and Schools Act, reduced the penalties for certain drug and property crimes, including reducing petty theft with a prior theft conviction to a misdemeanor, except in the case where the person has a prior super strike conviction, a conviction for a sex offense requiring registration, or a conviction for a specified theft-related offense against an elder or dependent adult.

m) AB 2372 (Ammiano), Chapter 693, Statutes of 2010, raised the general value threshold for grand theft from $400, as that value was set in 1982, to $950.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County District Attorney's Office (Sponsor)
Peace Officers Research Association of California (PORAC)

Opposition

None submitted.

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

Amended Mock-up for 2025-2026 AB-2337 (Lackey (A))

Mock-up based on Version Number 99 - Introduced 2/19/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 13510.8 of the Penal Code is amended to read:

(a)
(1) The commission shall revoke the certification of a certified peace officer if the person is or has become ineligible to hold office as a peace officer pursuant to Section 1029 of the Government Code.
(2) The commission may suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in subdivision (b).
(3) The commission may cancel the certificate or proof of eligibility of a peace officer if the commission determines that there was fraud or misrepresentation made by an applicant at any time during the application process that resulted in the issuance of the certification.

(b) By January 1, 2023, the commission shall adopt by regulation a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. This definition shall include all of the following:
(1) Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.
(2) Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
(3) Physical abuse, including, but not limited to, the excessive or unreasonable use of force.
(4) Sexual assault, as described in subdivision (b) of Section 832.7.
(5) Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.
(7) Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.
(8) Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.
(9) Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.
(10) Theft, pursuant to subdivision (a) of Section 484, committed by a peace officer under color of authority.

(c)
(1) Beginning no later than January 1, 2023, each law enforcement agency shall be responsible for the completion of investigations of allegations of serious misconduct by a peace officer, regardless of their employment status.
(2) The division shall promptly review any grounds for decertification described in subdivision (a) received from an agency. The division shall have the authority to review any agency or other investigative authority file, as well as to conduct additional investigation, if necessary. The division shall have the authority to inspect or duplicate any criminal history information, criminal offender record information, or criminal justice information, including information contained in or derived from the California Law Enforcement Telecommunications System and any other information that would otherwise be confidential, privileged, or subject to any other restriction on disclosure when that information is included as part of an investigation involving a matter within the commission's jurisdiction. The division shall only have authority to review and investigate allegations for purposes of decertification.
(3)
(A) The board, in their discretion, may request that the division review an investigative file or recommend that the commission direct the division to investigate any potential grounds for

decertification of a peace officer. Those requests and recommendations from the board to the division or commission must be based upon a decision by a majority vote.
(B) The commission, in its discretion, may direct the division to review an investigative file. The commission, either upon its own motion or in response to a recommendation from the board, may direct the division to investigate any potential grounds for decertification of a peace officer.
(C) The division, in its discretion, may investigate without the request of the commission or board any potential grounds for revocation of certification of a peace officer.
(4) The division, in carrying out any investigation initiated pursuant to this section or any other duty shall have all of the powers of investigation granted pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.
(5) Notwithstanding any other law, the investigation shall be completed within three years after the receipt of the completed report of the disciplinary or internal affairs investigation from the employing agency pursuant to Section 13510.9, however, no time limit shall apply if a report of the conduct was not made to the commission. An investigation shall be considered completed upon a notice of intent to deny, suspend, or revoke certification issued pursuant to paragraph (1) of subdivision (a) of Section 13510.85. The time limit shall be tolled during the appeal of a termination or other disciplinary action through an administrative or judicial proceeding or during any criminal prosecution of the peace officer. The commission shall consider the peace officer's prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation.
(6) An action by an agency or decision resulting from an appeal of an agency's action does not preclude action by the commission to investigate, suspend, or revoke a peace officer's certification pursuant to this section. Whether a particular factual or legal determination in a prior appeal proceeding shall have preclusive effect in proceedings under this chapter shall be governed by the existing law of collateral estoppel.

(d) Upon arrest or indictment of a peace officer for any crime described in Section 1029 of the Government Code, or discharge from any law enforcement agency for grounds set forth in subdivision (a), or separation from employment of a peace officer during a pending investigation into allegations of serious misconduct, the executive director shall order the immediate temporary suspension of any certificate or proof of eligibility held by that peace officer upon the determination by the executive director that the temporary suspension is in the best interest of the health, safety, or welfare of the public. The order of temporary suspension shall be made in writing and shall specify the basis for the executive director's determination. Following the issuance of a temporary suspension order, proceedings of the commission in the exercise of its authority to discipline any peace officer shall be promptly scheduled as provided for in this section. The temporary suspension shall continue in effect until issuance of the final decision on revocation pursuant to this section or until the order is withdrawn by the executive director.

(e) Records of an investigation of any person by the commission shall be retained for 30 years following the date that the investigation is deemed concluded by the commission. The commission may destroy records prior to the expiration of the 30-year retention period if the subject is deceased and no action upon the complaint was taken by the commission beyond the commission's initial intake of the complaint.

(f) Any peace officer may voluntarily surrender their certification permanently. Voluntary permanent surrender of certification pursuant to this subdivision shall have the same effect as revocation. Voluntary permanent surrender is not the same as placement of a valid certification into inactive status during a period in which a person is not actively employed as a peace officer. A permanently surrendered certification cannot be reactivated.

(g)
(1) The commission may initiate proceedings to revoke or suspend a peace officer's certification for conduct that occurred before January 1, 2022, only for either of the following:
(A) Serious misconduct pursuant to paragraph (1) or (4) of subdivision (b) or pursuant to paragraph (3) of subdivision (b) for the use of deadly force that results in death or serious bodily injury.
(B) If the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.
(2) Nothing in this subdivision prevents the commission from considering the peace officer's prior conduct and service record in determining whether suspension or revocation is appropriate for serious misconduct.

(h)
(1) A revocation of certification shall not be undertaken pursuant to this section because of a court finding made in a challenge brought pursuant to Section 745.
(2) This subdivision does not prohibit revocation based on the underlying acts or omissions which formed the basis of the action brought pursuant to Section 745, if the revocation otherwise conforms to all the rules and procedures applicable to those proceedings, and the officer is accorded all due process protections provided in those proceedings.

~~**SECTION 1. Section 487 of the Penal Code is amended to read:**~~

~~**487. Grand theft is theft committed in any of the following cases:**~~

~~**(a) When the money, labor, real property, or personal property taken is of a value exceeding nine hundred fifty dollars ($950), except as provided in subdivision (b).**~~

~~**(b) Notwithstanding subdivision (a), grand theft is committed in any of the following cases:**~~

~~**(1) (A) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding two hundred fifty dollars ($250).**~~

~~**(B) For the purposes of establishing that the value of domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops under this paragraph exceeds two hundred fifty dollars ($250), that value may be shown by**~~

~~the presentation of credible evidence which establishes that on the day of the theft domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops of the same variety and weight exceeded two hundred fifty dollars ($250) in wholesale value.~~

~~(2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation which is producing that product, of a value exceeding two hundred fifty dollars ($250).~~

~~(3) Where the money, labor, real property, or personal property is taken by a servant, agent, or employee from their principal or employer and aggregates nine hundred fifty dollars ($950) or more in any 12 consecutive month period.~~

~~(4) When the property is taken without lawful authority by a public officer under color of authority.~~

~~(c) When the property is taken from the person of another.~~

~~(d) When the property taken is any of the following:~~

~~(1) An automobile.~~

~~(2) A firearm.~~

~~(e) If the value of the money, labor, real property, or personal property taken exceeds nine hundred fifty dollars ($950) over the course of distinct but related acts, including acts committed against multiple victims or in counties other than the county of the current offense, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. Evidence that distinct acts are motivated by one intention, one general impulse, and one plan may include, but is not limited to, evidence that the acts involve the same defendant or defendants, are substantially similar in nature, or occur within a 90-day period.~~

~~SEC. 2. Section 490.2 of the Penal Code is amended to read:~~

~~490.2. (a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars ($950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.~~

~~**(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.**~~

~~**(c) This section shall not apply to any of the following:**~~

~~**(1) Theft of a firearm.**~~

~~**(2) When the property is taken without lawful authority by a public officer under color of authority.**~~

SEC. 2~~3~~. 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 the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: April 21, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2339 (Gipson) – As Amended April 13, 2026

SUMMARY: Requires facilities to capture and submit specified identifying information to the Department of Justice (DOJ) in a report when intaking patients who are brought to the facility involuntarily for the purpose of adding the person to the firearms prohibition list. Specifically, **this bill**:

1) States that the juvenile court shall notify DOJ if dismissal is granted to a person previously required to be reported to DOJ and prohibited from owning or possessing a firearm until 30 years of age.

2) Authorizes DOJ to use sealed juvenile court records to make a firearms suitability determination and provide sealed court records to the juvenile person regarding their suitability determination to own a firearm.

3) Requires information regarding notice of termination of conservatorships to be destruction of information by DOJ upon receipt.

4) States that a designated facility that accepts the transfer for placement of a person detained involuntarily for a 72-hour assessment, evaluation, and crisis intervention from another designated facility or other facility to which a person is involuntarily detained shall be responsible for submitting the identifying information report to DOJ, as specified, upon admitting the person for involuntary treatment.

5) Requires the identifying information reports to include the following information:

   a) Full name.

   b) Driver's license number or state identification card number.

   c) Date of birth.

   d) Gender.

   e) Ethnicity.

   f) If available, social security number.

6) Establishes that the existing law requirement that prohibits a person from possessing a firearm for five years who has been certified for intensive treatment, as defined, shall remain subject to the five-year firearms prohibition following a certification hearing or writ of habeas corpus hearing, regardless of the outcome.

7) Specifies that a report submitted to DOJ with identifying information, prior to or concurrent with discharge following certification for intensive treatment, must provide the person and DOJ with a copy of the most recent "Patient Notification of Firearm Prohibition and Right to Hearing Form."

8) States that a person prohibiting from owning a firearm, ammunition, or other deadly weapon because they are a danger to themselves or others and who has been granted mental health diversion shall not engage in prohibited acts with firearms, ammunition, or other deadly weapons until they have completed diversion or had their firearms rights restored.

9) Provides that the identifying information report submitted to DOJ must be submitted, along with a copy of the document substantiating the report or detailing the listed offense prohibiting the person from possessing firearms, ammunition, or other deadly weapons, which includes, but is not limited to, the court order, minute order, or probable cause finding for certification of intensive treatment, as described.

10) States that all notices and reports that are required to be submitted to DOJ shall include a copy of a government-issued identification card, including, but not limited to, a driver's license, state identification card, or military identification card.

11) Requires all information provided to DOJ to be kept confidential, separate, and apart from all other records maintained by DOJ. Upon proper application, as determined by DOJ, the information provided to DOJ may be provided and used only under the following circumstances:

    a) By the department to determine the eligibility of a person to acquire, carry, or possess explosives, or ammunition.

    b) By a court for the purposes of the specified proceedings.

    c) By a California, federal, or out-of-state law enforcement agency to determine the eligibility of a person to acquire, carry, or possess firearms, destructive devices, or explosives who is the subject of a criminal investigation.

    d) By a California law enforcement agency seeking the issuance of a gun violence restraining order.

    e) By a federal or out-of-state law enforcement agency when the agency provides evidence to DOJ showing that the requested information would be determinative of the person's ability acquire, carry, or possess firearms, destructive devices, explosives, or ammunition under the law of the requesting state or under federal law.

12) Punishes with a misdemeanor a person who knowingly furnishes the reported information for any unspecified purpose.

13) Defines "admitted" to mean when a professional person or a designee in charge of the designated facility determines that an individual's condition requires involuntary detention to ensure proper evaluation and the provision of necessary treatment services.

14) Makes conforming changes.

EXISTING LAW:

1) Defines those persons who shall not own, or have in possession or under custody or control, a firearm until the person is 30 years of age or older. (Pen. Code, § 29820, subds. (a)-(b).)

2) Makes a violation of the ban from possessing firearms until age-30 punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding $1,000, or by both that imprisonment and fine. (Pen. Code, § 29820, subd. (c).)

3) States that the juvenile court shall notify DOJ of persons subject to the age-30 firearms prohibition. (Pen. Code, § 29820, subd. (d).)

4) States that the juvenile court shall notify DOJ if a defined order for dismissal is granted to a person previously subject to the age-30 firearms prohibition. (Pen. Code, § 29820, subd. (e).)

5) Lists the circumstances under which a sealed juvenile record may be accessed, inspected, or utilized. (Welf. & Inst. Code, § 786, subd. (g)(1).)

6) Provides that when a record has been sealed by the court based on a dismissed petition, the prosecutor, within six months of the date of dismissal, may petition the court to access, inspect, or utilize the sealed record for the limited purpose of refiling the dismissed petition based on new circumstances, including, but not limited to, new evidence or witness availability. The court shall determine whether the new circumstances alleged by the prosecutor provide sufficient justification for accessing, inspecting, or utilizing the sealed record in order to refile the dismissed petition. (Welf. & Inst. Code, § 786, subd. (g)(2).)

7) States that authorized access to, or inspection of, a sealed record shall not be deemed an unsealing of the record and shall not require notice to any other agency. (Welf. & Inst. Code, § 786, subd. (g)(3).)

8) States that specified persons who have been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, or subject to other defined prohibitions, shall not purchase or receive, or attempt to purchase or receive, or have possession, custody, or control of a firearm, other deadly weapon, or ammunition unless there has been issued to the person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm, other deadly weapon, or ammunition. (Welf. & Inst. Code, § 8103, subd. (a)(1).)

9) Establishes that the court shall notify DOJ of the court order finding the individual to be a firearms prohibited person as soon as possible, but not later than one court day after issuing the order. The court shall also notify the department of a certificate issued as soon as possible, but not later than one court day after issuing the certificate. (Welf. & Inst. Code, § 8103, subd. (a)(2).)

10) Specifies that a person shall, in accordance with applicable state law and local procedure, relinquish to law enforcement a firearm, other deadly weapon, or ammunition in their custody or control within 14 days of a court order finding the person to be a prohibited person and submit a receipt to the court to show proof of relinquishment. (Welf. & Inst. Code, § 8103, subd. (a)(3).)

11) Establishes that a person who has been taken into custody, as provided, because that person is a danger to themselves or to others, as defined, and admitted to a designated facility because that person is a danger to themselves or others shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, a firearm, other deadly weapon, or ammunition for a period of five years after the person is released from the facility. (Welf. & Inst. Code, § 8103, subd. (f)(1)(A).)

12) States that a person who has been taken into custody, assessed, and admitted, as specified, and who was previously taken into custody, assessed, and admitted, as specified, one or more times within a period of one year preceding the most recent admittance, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for the remainder of their life. (Welf. & Inst. Code, § 8103, subd. (f)(1)(B).)

13) States that a person may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase a firearm, other deadly weapon, or ammunition if the superior court has found that the people of the State of California have not met their burden. (Welf. & Inst. Code, § 8103, subd. (f)(1)(C).)

14) Provides that for each person subject to involuntary commitment, as specified, the facility shall, within 24 hours of the time of admission, submit a report to DOJ containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility. (Welf. & Inst. Code, § 8103, subd. (f)(2)(A)(i).)

15) Establishes that prior to, or concurrent with, the discharge, the facility shall inform a person that they are prohibited from owning, possessing, controlling, receiving, or purchasing a firearm, other deadly weapon, or ammunition for a period of five years or, if the person was previously taken into custody, assessed, and admitted to custody for a 72-hour hold because they were a danger to themselves or to others during the previous one-year period, for life. (Welf. & Inst. Code, § 8103, subd. (f)(3).)

16) States that a person who has requested a hearing from the superior court of the county of their residence for an order that they may own, possess, control, receive, or purchase a firearm, other deadly weapon, or ammunition shall be given a hearing. The people shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use a firearm, other deadly weapon, or ammunition in a safe and lawful manner. (Welf. & Inst. Code, § 8103, subds. (f)(5)-(6).)

17) States that a person subject to a lifetime firearm prohibition is entitled to bring subsequent petitions, but shall not be entitled to file a subsequent petition until five years have passed since the determination on the person's last petition. (Welf. & Inst. Code, § 8103, subd. (f)(11).)

18) Provides that an involuntarily committed person, within 72 hours of discharge from a facility, shall relinquish a firearm, other deadly weapon, or ammunition that they own, possess, or control in a safe manner. (Welf. & Inst. Code, § 8103, subd. (f)(12)(A).)

19) States that a person who has been certified for intensive treatment, as defined, shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, a firearm, other deadly weapon, or ammunition for a period of five years. (Welf. & Inst. Code, § 8103, subd. (g)(1)(A).)

20) Establishes that for each person certified for intensive treatment, the facility shall, within 24 hours of the certification, submit a report to DOJ containing information regarding the person, including, but not limited to, the legal identity of the person and the legal grounds upon which the person was certified. (Welf. & Inst. Code, § 8103, subd. (g)(2)(A).)

21) States that prior to, or concurrent with, the discharge of each person certified for intensive treatment, the facility shall inform the person of specified information. (Welf. & Inst. Code, § 8103, subd. (g)(3)(A).)

22) States that a person certified for intensive treatment may petition the superior court of the county of their residence for an order that they may own, possess, control, receive, or purchase a firearm, other deadly weapon, or ammunition. (Welf. & Inst. Code, § 8103, subd. (g)(4).)

23) Provides that DOJ shall request each public and private mental hospital, sanitarium, and institution to submit to DOJ information DOJ deems necessary to identify those persons who are subject to specified prohibitions, in order to carry out its duties in relation to firearms, destructive devices, and explosives. (Welf. & Inst. Code, § 8105, subd. (a).)

24) Requires a licensed psychotherapist to report to a local law enforcement agency, within 24 hours, the identity of a person subject to the defined firearms prohibitions. Upon receipt of the report, the local law enforcement agency shall notify DOJ electronically, within 24 hours, of the person who is subject to the prohibition. (Welf. & Inst. Code, § 8105, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Under current law, when a individual is placed on a 5150 involuntary hold, mental health facilities must report that information to the California Department of Justice so firearm prohibitions can be enforced. However, the law fails to clearly define reporting requirements or standards for completeness, resulting in inconsistent and often inaccurate records. This is not just an administrative issue—it is a public safety risk. When critical identifying information is missing or incorrect, individuals who are legally prohibited from possessing firearms may not be flagged during a background check.

   "Mental health facilities are operating without clear, consistent guidance. Providers are left to interpret unclear requirements around when a person is considered admitted, who is

responsible for reporting during transfers, and whether updates should be submitted when new information becomes available. This lack of clarity leads to uneven compliance and places an unfair burden on facilities that are trying to follow the law. AB 2339 provides a needed solution to close the gaps. It establishes clear, uniform reporting standards so facilities know exactly what is required, including key identifying information and supporting documentation. Ultimately, this bill is about making sure our existing laws work as intended. By improving the quality and reliability of reporting, AB 2339 strengthens public safety, supports providers with clearer guidance, and maintains appropriate safeguards for privacy and confidentiality."

2) **Effect of the Bill**: AB 2339, among other things, modifies the laws focused on conduct that subject a person to firearms dispossession. Specifically, this bill would require 1) juvenile courts to notify DOJ if the court grants a dismissal of a juvenile petition for an offense that subjects the person to firearm prohibitions; 2) DOJ to provide a copy of the sealed record reviewed by the DOJ to the person it reviewed if it determines that a person is not suitable to purchase, own, or possess a firearm; 3) certain facilities that see involuntarily committed patients to be responsible for submitting a report with the person's identifying information to DOJ to place them on the firearms prohibition list; 4) facilities discharging a person certified for intensive treatment to provide the person and DOJ with a copy of a specified form pertaining to the firearm prohibition; 5) a person certified for intensive treatment and released from intensive treatment following a certification review or a writ of habeas corpus to remain subject to the 5-year prohibition period; 6) all information provided to DOJ from these records to be kept confidential, except in specified circumstances, and 7) subjects people to misdemeanors for misusing the confidential information collected by DOJ.

   The bill's sponsor, DOJ, emphasizes the need for this legislation to accurately capture the identifying information of people who are statutorily subject to various firearms prohibitions. While ensuring that people who are disallowed from possessing firearms do not get firearms is a public safety concern, there are a few concerns with this bill. There does not appear to be any clear data indicating how common a problem not getting accurate information is in these contexts. DOJ shared that the match queue they use for flagging these potentially prohibited persons already note missing information and that the queue contains approximately 300,000 records. What percentage of the people in this queue are demonstrably prohibited from possessing firearms for any length of time is not clear.

   Other concerns, shared by the California Hospitals Association (CHA), include the lack of a mechanism for facilities treating these patients to communicate that they were unable to secure the information required under the statute even after reasonable efforts. The facilities treating these individuals often receive patients when they have no sense of reality or even who they are, could be off essential medication, may be unhoused, and might not have any identifying information on them for the facilities to convey to DOJ. These individuals are often some of the most acute, challenging patients to treat and are commonly sent from one facility to another to continue treatment, depending on the circumstances. Suicidality and schizophrenia are not uncommon among these patients. Furthermore, emergency departments who receive these patients must immediately assess these patients for imminent health risks. A full evaluation may not take place until a person gets to a second facility, following location of a bed and a Section 5150 evaluation. Placing an additional, immediate administrative burden on these facilities could interfere with this process or the treatment of imminent physical ailments.

There additionally may be concern with further treating mentally unwell individuals who are involuntarily confined in a medical facility more like the criminals, rather than individuals in need of immediate health care. Certainly, a person who is so unwell they may not be in touch with reality should not be in custody of firearms. Yet, focusing simultaneously on ensuring folks experiencing a significant level of acute distress are sufficiently identified for the purpose of placing them on a firearms prohibition list while ensuring their imminent health needs are met may not always be appropriate. Moreover, a statutory requirement to gather greater amounts of personally identifying information from certain individuals for the purpose of dispossessing them of firearms may give pause to some as DOJs accidental release of personally identifying information of hundreds of thousands of concealed carry firearms applicants is not that far in the past.

AB 2339 also does not appear to clearly establish that a person who is wrongly submitted for assessment does not wind up on the five-year firearms prohibition list. Instead, this bill appears to require adding the person to the five-year prohibition list even if the person demonstrates they should not be held by winning their hearing. It is not difficult to imagine a situation where law enforcement may interpret a person's behavior as requiring immediate medical care but ends up being mistaken. For example, an officer may innocently mistake someone as needing imminent care when they are instead in the midst of diabetic hypoglycemia, hyperglycemia, or simply extremely agitated for reasons having nothing to do with mental or physical wellness in that moment. The requirement that "a person who is *released* from intensive treatment following a certification review hearing . . . or hearing by writ of habeas corpus . . . shall remain subject to the [the five-year firearms prohibition]" not only suggests that a person who is mistakenly held for treatment against their will can be put on the five-year prohibition list, but is also inconsistent with personal autonomy and objective notions of fairness. This provision may well run afoul of the United States Constitution, too.

3) **The *Bruen* Analysis**: AB 2339 may interfere with some protected Second Amendment conduct.

To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen,* (2022) 597 U.S. 1, 17.) AB 2339 clearly interferes with plain text Second Amendment conduct by establishing additional circumstances under which a person could be prohibited from possessing a firearm. Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is "consistent with the nation's historical tradition of firearms regulation." (*Bruen, supra*, at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is "relevantly similar" to historical laws, regulations, and traditions. (*Id.* at p. 29.) Because the Court has found possession of a firearm a constitutional right under the Second Amendment, this bill impacts protected conduct and thus, must be justified by a historical tradition supporting such regulation. Whether a sufficient historical tradition exists to justify the regulation in AB 2339 is unclear. When analogizing laws to establish a historical tradition, legislative dead ringers are not required. (*Bruen, supra*, at p. 30.) Rather, we look at the principles underlying the historical regulations to support existence of a tradition. (*United States v. Rahimi* (2024) 602 U.S. 680, 692.) Relevantly similar historical regulations also

must share similar ways of regulating and the reasons for the regulation. (*Bruen, supra*, at p. 30.)

In the context of AB 2339, therefore, a sufficient historical tradition must include relevantly similar historical laws, that at least in principle regulate in similar ways and for similar reasons. Here, it is difficult to identify whether such a tradition exists and, thus, whether AB 2339 survives constitutional scrutiny. As an initial matter, the Court in *Heller* noted that their opinion should not be understood as invalidating prohibitions on mentally ill persons, among others, from owning firearms. (*District of Columbia v. Heller* (2008) 554 U.S. 570, 626 ["nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill"].)

There is some federal appellate case law evaluating a person's Second Amendment rights against the federal law's requirement for dispossessing the mentally ill, which is similar to certain parts of AB 2339. As part of the federal Gun Control Act (GCA), it is unlawful for any person who has been "adjudicated as a mental defective" or who has been "committed to a mental institution" to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition. (18 U.S.C. § 922, subd. (g)(4).) The Code of Federal Regulations (CFR) defines "adjudicated as a mental defective" to include, among other definitions, "[a] determination by a court, board, commission, or other lawful authority that a person, as a result of . . . mental illness . . . [i]s a danger to himself or to others . . . ." (27 C.F.R. § 478.11.) The CFR defines "committed to a mental institution" as a "[f]ormal commitment of a person to a mental institution by a court, board, commission, or other lawful authority," including "commitment to a mental institution involuntarily" and "commitment for mental defectiveness or mental illness." (*Ibid.*) This is not a perfect analogue for this bill because existing law, and certain provisions of AB 2339, permit dispossession of a person under less intense health or medical situations. Nevertheless, because constitutional rights arising from the U.S. Constitution provide a floor for the scope of individual rights, including those affiliated with the Second Amendment, it can be useful to look at federal court interpretations of analogous firearms prohibitions.

In one case, a federal appellate court found dispossessing the mentally ill under the GCA constitutional as applied to a person who was mentally ill and committed to a mental hospital, but later rehabilitated. (*Beers v. Attorney General* (3rd Cir. 2019) 927 F.3d 150.) The Third Circuit found historical evidence that judicial officials were authorized to lock up "lunatics" or other individuals with dangerous mental impairments important for demonstrating a historical tradition that supports disarming the mentally ill. (*Id.* at p. 158.) The court additionally looked to evidence established in another case, from the "Address and Reasons of Dissent of the Minority of the Convention of the State of Pennsylvania to Their Constituents," published during the ratification debates, that stated, "citizens have a personal right to bear arms 'unless for crimes committed, or real danger of public injury.'" (*Ibid*; quoting *Binderup v. Attorney General* (3rd Cir. 2016) 836 F.3d 336, 349.) The court in *Beers* concluded that this evidence justified disarmament because it fits within the traditional historical justification for disarming mentally ill individuals because they are dangerous to themselves and the public. (*Beers, supra*, at p. 158.) The court here seems to give validation to a pattern some courts have used in evaluating the historical tradition that suggests because a law took away a person's liberty by locking them up or took away their life, the "lesser intrusion" of taking away a person's firearm must be permissible. (*Ibid.*) While this

analytical approach has been used by other courts, it is not clear that this approach is valid under existing Supreme Court precedent.

Our Ninth Circuit found Section 922(g)(4) constitutionally sound as applied to a person who affirmatively demonstrated that he was no longer mentally ill, but who remained disarmed under the GCA. (*Mai v. United States* (9th Cir. 2020) 220 F.3d 1106.) The Fourth Circuit came to a similar conclusion, but largely avoided the constitutional question, instead opting to decide the case on largely statutory grounds. (*United States v. Collins* (4th Cir. 2020) 982 F.3d 236.) The Sixth Circuit, however, found a lifetime firearms prohibition could not be constitutionally justified as applied to a person who experienced a single, intense depressive episode that got him committed for inpatient psychological treatment, but who otherwise remained rehabilitated for nearly two decades. (*Tyler v. Hillsdale Cnty. Sheriff's Department* (6th Cir. 2016) 837 F.3d 678.) Importantly, the cases here were all decided before *Bruen* when the current historical tradition test was established, but some of the reasoning at least remains persuasive post-*Bruen*. In the Sixth and Ninth Circuit cases, however, the courts use a tier of scrutiny, intermediate scrutiny, to evaluate the law's constitutionality, which *Bruen* later barred for analyzing Second Amendment cases.

As the Third Circuit opined in its Section 922(g)(4) cases, the element of dangerousness is an important consideration for prohibiting mentally ill persons from owning or possessing a firearm. (*Beers, supra*, at p. 158.) While these cases also occurred before the Court's decision in *Rahimi*, we can also look to the element of dangerousness under *Rahimi* as an identified principle underpinning the historical tradition of dispossessing the mentally ill. (*Rahimi, supra*, at p. 692.) While there is not much authoritative post-*Bruen* case law in this area, a leading Second Amendment scholar has addressed the element of dangerousness in connection with constitutionally valid disarmament laws. This scholar found that in 17th- and 18th-century America, dangerousness was consistently the touchstone of disarmament laws.[1] These laws fall within the preferred historical era mentioned in *Bruen*. Similarly, in England, both Charles I and Charles II were compelled to advance danger as a justification for disarmament rather than the divine right of kings.[2] In both colonial- and founding-era America, every restriction was designed to disarm people who were perceived as posing a danger to the community, though most of these laws were discriminatory and arguably part of the history Justice Kavanaugh has suggested should be left behind for the purposes of Second Amendment analysis.[3] This was also reflected during the debates over the ratification of the U.S. Constitution, where the Framers indicated that only dangerous persons could be disarmed.[4] Peaceful persons, however, historically were always permitted, and often required, to keep and bear arms.[5]

Given the available data on the constitutionality of disarming the mentally ill, it is unclear whether AB 2339 will encounter fatal constitutional scrutiny. Including a provision in the

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[1] Greenlee, J. *Disarming the Dangerous: The American Tradition of Firearms Prohibitions* (2024) 16 Drex. L. Rev. 1, 81.
[2] *Ibid.*
[3] *Ibid.; Rahimi, supra*, at p. 723 ("But in using pre-ratification history, courts must exercise care to rely only on the history that the Constitution actually incorporated and not on the history that the Constitution left behind." [Kavanaugh, J., concurring].)
[4] *Ibid.*
[5] *Ibid.*

law that permits even temporary disarmament where the person was improperly committed involuntarily has a higher likelihood of courts deciding against that provision's constitutionality. This provision may be problematic under more than just the Second Amendment as dispossessing a person of property, where that person's rights were vindicated against the government following process being given, creates real concerns regarding notions of fairness and the limits of government authority to seize property. While it is ultimately unclear whether AB 2339 is constitutionally suspect, there are elements of the bill that warrant concern.

4) **Argument in Support**: According to the bill's sponsor, the *California Department of Justice*, "California law allows authorities to hold a person for evaluation, stabilization, and treatment if they are deemed a danger to themselves or others due to a mental health crisis. This type of involuntary mental health hold results in the suspension of the individual's right to possess firearms and ammunition, if upon evaluation by mental health professionals, the person is involuntarily admitted to a designated mental health facility. Accordingly, within 24 hours of admission, mental health facilities are required to report an involuntary hold to the California Department of Justice (DOJ). However, many mental health records reported to the DOJ are incomplete or inaccurate. For example, facilities sometimes report individuals' initials instead of full names, or report names with misspellings, or names entered in incorrect order (e.g. middle name entered as last name). Compounding the issue, facilities are not required to correct entries reported to DOJ when they obtain additional identity information, nor are they required to provide any substantiating documents to verify the information. Insufficient or inaccurate information can have significant public safety consequences by making it impossible for DOJ to flag the prohibiting mental health admission record during a background check if the individual attempts to purchase a firearm or ammunition.

"AB 2339 will improve the accuracy of the information reported into the mental health reporting system by specifying that facilities must report an individual's full name, date of birth, gender, ethnicity, driver's license or identification car number, and, if available, Social Security number. Copies of the person's ID as well as any documents substantiating the hold would be required to be sent as part of the report. The bill specifies that the information provided will be kept confidential and separate from other records maintained by DOJ and provides clear guardrails as to whom and for what purpose this information can be shared. In addition, the bill makes technical and clarifying changes to the law, including clarifying the definition of the term "admitted" for purposes of when it triggers the reporting requirement.

"It is vital for public health and safety that firearm background check records accurately identify individuals who have been involuntarily admitted to a mental health facility for dangerousness to themselves or others, including for suicide prevention purposes. Unfortunately, access to firearms and mental health issues can be a lethal combination. The DOJ's Office of Gun Violence Prevention reports that firearm suicide rates in the U.S. increased by 41% from 2006-2022. Data shows that access to firearms triples the risk of death by suicide. Firearms were used in less than 5% of intentional self-harm incidents in California that resulted in death or required urgent medical attention, but 91% of those incidents that involved a gun resulted in death. The vast majority of people who survive suicide attempts do not go on to die by suicide. But unfortunately, people who reach for a firearm during a suicidal crisis rarely get a second chance.

"Preventing access to firearms by people suffering from a mental health crisis protects both the community and the individual, which is why it is critical that the data shared between mental health facilities and DOJ is accurate and timely. California has one of the lowest rates of firearms deaths in the nation and that is due in large part to our strong gun safety laws. The Attorney General is proud to partner with you to add another vital tool to protect the safety of all Californians."

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

6) **Related Legislation**: SB 1220 (Hurtado) would subject a person to the 10-year firearms prohibition list who alters, removes, or obliterates, or who buys, receives, disposes of, sells, offers for sale, or has in possession any pistol, revolver, or other firearm that has had the name of the maker or model or the manufacturer's number or other mark of identification changed, altered, removed, or obliterated. SB 1220 is pending hearing in the Senate Appropriations Committee.

7) **Prior Legislation**:

   a) AB 383 (Davies), Chapter 362, Statutes of 2025, made procedures for relinquishing firearms or ammunition applicable to a juvenile who is prohibited from owning, possessing, or having under their custody or control a firearm until they are 30 years of age.

   b) AB 1078 (Berman), Chapter 545, Statutes of 2025, required the review of the California Restraining and Protective Order System to include information concerning whether the applicant for a concealed carry license is reasonably likely to be a danger to self, others, or the community at large, as specified.

   c) SB 1002 (Blakespear), Chapter 526, Statutes of 2024, expanded prohibitions for the ownership, possession, custody, or control of ammunition. Requires a person subject to the prohibition, because they are a danger to themselves or others as a result of a mental health disorder, to relinquish a firearm, other deadly weapon, or ammunition they own, possess, or control within 72 hours of discharge from a facility. Additionally, this law requires a person subject to the prohibition, because they are a person who has been adjudicated to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, or a person who has been found not guilty by reason of insanity of committing specified crimes, to relinquish to law enforcement a firearm, other deadly weapon, or ammunition in their custody or control within 14 days of the court order finding the person to be a person as described.

   d) SB 899 (Skinner), Chapter 544, Statutes of 2024, required the court, when issuing protective orders, to provide the person with information about how any firearms or ammunition still in their possession to be relinquished.

   e) AB 2518 (Davies), of the 2023-2024 Legislative Session, would have any minor adjudicated or convicted of murder, attempted murder or manslaughter lose all firearm privileges for life. AB 2518 was held in the Senate Appropriations Committee.

f) AB 2239 (Mainschein), Chapter 143, Statutes of 2022, added to the 10-year firearms prohibition list any person who gets a misdemeanor conviction for child abuse or elder abuse, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Justice (Sponsor)

Opposition

None submitted

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

Date of Hearing: April 21, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2342 (Hoover) – As Amended April 14, 2026

SUMMARY: Expands the Governor's authority to reverse or modify Board of Parole Hearings (BPH) decisions, requires BPH to give substantial weight to the nature and circumstances of the commitment offense when considering an incarcerated person's suitability for parole, and changes the frequency with which an incarcerated person may petition BPH for an advance parole consideration hearing. Specifically, **this bill**:

1) Authorizes the Governor to, pursuant to subdivision (b) of Section 8 of Article V of the California Constitution and subject to a consideration of the same factors which the parole authority is required to consider, reverse or modify the decision of the BPH to grant parole to an inmate convicted of a violent felony, as defined, under either of the following conditions:

    a) If the inmate is serving an indeterminate prison term, when the conviction is for one other than murder.

    b) If the inmate is serving a determinate prison term and has not completed that term, only if the BPH's decision to grant the inmate parole is under the Youth Offender Parole program or the Elderly Parole Program.

2) Provides that, in determining suitability for parole, as specified, the panel or the BPH shall consider all relevant, reliable information available to the panel or the BPH and shall give substantial weight to the nature and circumstances of the commitment offense, including, but not limited to, all of the following:

    a) The degree of violence involved.

    b) The vulnerability of the victim.

    c) Evidence of premeditation, deliberation, or callousness.

    d) The extent of injury or harm inflicted.

    e) The sentence imposed by the sentencing judge.

3) Authorizes the panel or the BPH to determine that the aggravated nature of the commitment offense is sufficient, in and of itself, to support a finding that the inmate currently poses an unreasonable risk of danger to public safety.

4) Provides that the above criteria does not limit the consideration of any other relevant evidence bearing on the inmate's suitability for parole.

5) Provides that the panel or the BPH shall ensure that public safety and the safety of victims are primary considerations, consistent with Section 28 of Article I of the California Constitution, when making a determination of parole.

6) Provides that BPH shall schedule the next parole suitability hearing at least five years after a hearing at which parole is denied for an inmate serving a term of conviction for any of the following:

   a) Murder, if the victim was under 14 years of age;

   b) Murder, if the crime involved multiple victims;

   c) Aggravated sexual assault of a child under 14 years old, as specified;

   d) Lewd and lascivious acts on a child under 14 years old, as specified, when committed by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury;

   e) Sexual intercourse, sodomy, oral copulation, or sexual penetration of a child 10 years of age or younger, as specified; or,

   f) A one-strike sex offense, as specified, where the defendant has been convicted in the present case or cases of committing a specified offense against more than one victim.

7) Requires an inmate to demonstrate the change in circumstances justifying a petition to advance a parole suitability hearing was both material and substantial.

8) Defines "material and substantial change in circumstances" as a change that meets all of the following criteria:

   a) The change was not known to, and could not reasonably have been known to, the BPH at the time of the inmate's prior parole hearing or prior request to advance.

   b) The change has a direct and demonstrable bearing on the inmate's current risk to public safety.

   c) The change is of such significance that it establishes a reasonable likelihood that consideration of public and victim safety no longer requires the additional period of incarceration.

9) Provides that a material and substantial change in circumstances shall not be based solely on any of the following:

   a) Routine institutional compliance or the absence of disciplinary violations.

   b) Participation in rehabilitative, educational, or vocational programming that was previously available to the inmate.

   c) The mere passage of time.

d) Reassertion of facts, arguments, or circumstances previously considered by the BPH.

10) Clarifies that the petition for an advance hearing must establish a reasonable likelihood that consideration of the victim's safety specifically, rather than just public safety generally, does not require the additional period of incarceration of the inmate.

11) Changes the frequency with which an inmate may request an advance parole suitability hearing from every three years to every five years.

12) Authorizes the BPH to summarily deny a request without an advance parole hearing if any of the following applies:

a) The request fails to demonstrate a material and substantial change in circumstances.

b) The request is repetitive or duplicative.

c) The request does not include sufficient supporting documentation or explanation.

13) Requires BPH, upon receipt of a request, as specified, to do all of the following:

a) Provide notice to the prosecuting agency.

b) Provide notice to any registered victim.

c) Permit the prosecuting agency and any registered victim to submit written input within a reasonable period.

14) Requires the registered victim or the prosecuting agency to submit their input within 30 days of the date they receive notice.

15) Defines "registered victim" as a person who has registered as a victim or victim's next of kin with the Department of Corrections and Rehabilitation's Office (CDCR) of Victim and Survivor Rights and Services.

16) Requires BPH to issue a written decision explaining the basis for granting or denying the inmate's request to advance a hearing.

17) Provides that, for an inmate serving a prison term for a specified offense, a request to advance a hearing shall not be granted absent clear and convincing evidence of a material and substantial change in circumstances.

18) Provides provisions for a petition for an advance parole consideration hearing does not create a right to an advanced hearing absent compliance with this section.

19) Requires BPH to provide an annual report to the Legislature and publish that report on its internet website.

20) Requires that report to include, but not be limited to, all of the following:

a) The rates of grants and denials of parole, aggregated by offense type.

b) Outcomes for parole eligible persons, aggregated by eligibility category, including elderly and youth offender parole.

c) The voting record of commissioners that includes all of the following:

i) Name of the inmate.

ii) Commitment offense.

iii) County of the commitment offense.

d) Whether the prosecuting agency appeared at the parole hearing.

21) Requires all parole, en banc, and rescission hearings to be recorded and transcribed.

22) Provides recordings of parole, en banc, and rescission hearings to be retained indefinitely by BPH.

23) Provides that this act shall become operative only if an Assembly Constitutional Amendment amending Section 8 of Article V of the Constitution is approved by the voters at the November 3, 2026, statewide election.

24) Provides that an en banc review conducted by BPH, as specified, shall not be held in closed session.

25) Contains a severability clause.

26) Included legislative findings and declarations.

EXISTING LAW:

1) Provides that no decision of the parole authority of this State with respect to the granting, denial, revocation, or suspension of parole of a person sentenced to an indeterminate term upon conviction of murder shall become effective for a period of 30 days, during which the Governor may review the decision subject to procedures provided by statute. The Governor may only affirm, modify, or reverse the decision of the parole authority on the basis of the same factors which the parole authority is required to consider. The Governor shall report to the Legislature each parole decision affirmed, modified, or reversed, stating the pertinent facts and reasons for the action. (Cal. Const., art. V, § 8, subd. (b) [as amended November 8, 1988].)

2) Provides that, during the 30 days following the granting, denial, revocation, or suspension by the board of the parole of an inmate sentenced to an indeterminate prison term based upon a conviction of murder, the Governor, when reviewing the board's decision, shall review materials provided by the board. (Pen. Code, § 3041.2, subd. (a).)

3) If the Governor decides to reverse or modify a parole decision of the board, the Governor shall send a written statement to the inmate specifying the reasons for his or her decision. (Pen. Code, § 3041.2, subd. (b).)

4) Authorizes the Governor, any time before an inmate's release, to request review of a decision by a parole authority concerning the grant or denial of parole to any inmate in the state prison. The Governor shall state the reason or reasons for the request, and whether the request is based on a public safety concern, a concern that the gravity of current or past convicted offenses may have been given inadequate consideration, or on other factors. (Pen. Code, § 3041.1, subd. (a).)

5) Provides that, if a request has been made, the request shall be reviewed by a majority of commissioners specifically appointed to hear adult parole matters and who are holding office at the time. In case of a review, a vote in favor of parole by a majority of the commissioners reviewing the request shall be required to grant parole to any inmate. (Pen. Code, § 3041.1, subd. (b).)

6) Provides that in the case of any incarcerated person sentenced pursuant to any law, except as specified, the BPH must meet with each inmate during the sixth year before the inmate's minimum eligible parole date (MEPD) for the purposes of reviewing and documenting the inmate's activities and conduct pertinent to parole eligibility. (Pen. Code, § 3041, subd. (a)(1).)

7) Requires that during the incarcerated person's consultation, the board provide the person with information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the person regarding his or her work assignments, rehabilitative programs, and institutional behavior. Requires the board, within 30 days following the consultation, to issue its positive and negative findings and recommendations to the person in writing. (Pen. Code, § 3041, subd. (a)(1).)

8) Requires a panel of two or more commissioners or deputy commissioners to meet with the incarcerated person one year before the person's MEPD and provides that the panel shall normally grant parole. (Pen. Code, § 3041, subd. (a)(2).)

9) Provides that the panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. (Pen. Code, § 3041, subd. (b)(1).)

10) Requires BPH, after denying parole to an incarcerated person, to schedule the next paroled suitability hearing, after considering the views and interests of the victim, as follows:

    a) Fifteen years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than 10 additional years.

b) Ten years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than seven additional years.

c) Three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the inmate, but does not require a more lengthy period of incarceration for the inmate than seven additional years. (Pen. Code, § 3041.5, subd. (b)(3)(A)-(C).)

11) Authorizes BPH, in its discretion, after considering the views and interests of the victim, to advance a parole hearing to an earlier date when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (b)(4).)

12) Authorizes an inmate to request an advance hearing date by submitting a written request to BPH, with notice, upon request, and a copy to the victim, setting forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate. (Pen. Code, § 3041.5, subd. (d)(1).)

13) Authorizes BPH, after considering the views and interests of the victim, to decide to grant or deny a request for an advance hearing date. (Pen. Code, § 3041.5, subd. (d)(2).)

14) Provides that BPH's decision is subject to review by a court or magistrate only for a manifest abuse of discretion by BPH. (Pen. Code, § 3041.5, subd. (d)(2).)

15) Authorizes BPH to summarily deny a request that does not comply with specific requirements or that does not set forth a change in circumstances or new information sufficient to justify granting an advance hearing date. (Pen. Code, § 3041.5, subd. (d)(2).)

16) Provides that an incarcerated person may make only one written request for an advance hearing date every three years. (Pen. Code, § 3041.5, subd. (d)(3).)

17) Provides that, following either a summary denial of a request for an advance hearing, or the decision of BPH after a hearing to deny parole, the incarcerated person may not submit another request for a hearing until a three-year period of time has elapsed from the summary denial or decision of the board. (Pen. Code, § 3041.5, subd. (d)(3).)

18) Provides that at all hearings for the purpose of reviewing an inmate's parole suitability, or the setting, postponing, or rescinding of parole, with the exception of en banc review of tie votes, the following apply:

a) At least 10 days before any BPH hearing, the incarcerated person is permitted to review the file which will be examined by the board and the opportunity to enter a written response to any material contained in the file.

b) The incarcerated person shall be permitted to be present, to ask and answer questions, and to speak on his or her own behalf. Neither the incarcerated person nor their attorney is entitled to ask questions of any person appearing at the hearing, as specified.

c) Unless legal counsel is required by some other law, a person designated by CDCR shall be present to ensure that all facts relevant to the decision be presented, including, if necessary, contradictory assertions as to matters of fact that have not been resolved by departmental or other procedures.

d) The inmate and specified persons are permitted to request and receive a stenographic record of all proceedings.

e) If the hearing is for the purpose of postponing or rescinding parole, the inmate shall have specified rights.

f) BPH shall set a date to reconsider whether an inmate should be released on parole that ensures a meaningful consideration of whether the inmate is suitable for release on parole. (Pen. Code, § 3041.5, subd. (a).)

19) Requires BPH, within 10 days of granting parole, to send the incarcerated person a written statement setting forth the reasons for granting parole, the conditions of release, and the consequences of failure to meet those conditions. (Pen. Code, § 3041.5, subd. (b)(1).)

20) Requires BPH, within 20 days of denying parole, to send the incarcerated person a written statement setting forth the reasons for denying parole, and suggest activities in which to participate that will benefit the person while incarcerated. (Pen. Code, § 3041.5, subd. (b)(2).)

21) Requires BPH, within 10 days of any board action resulting in the rescinding of parole, to send the incarcerated person a written statement setting forth the reasons for that action, and to schedule the inmate's next hearing. (Pen. Code, § 3041.5, subd. (b)(5).)

22) Requires BPH to conduct a parole hearing as a de novo hearing. Findings made and conclusions reached in a prior parole hearing shall be considered in but shall not be deemed to be binding upon subsequent parole hearings for an inmate, but shall be subject to reconsideration based upon changed facts and circumstances. (Pen. Code, § 3041.5, subd. (c).)

23) Requires BPH, when conducting a hearing, to admit the prior recorded or memorialized testimony or statement of a victim or witness, upon request of the victim or if the victim or witness has died or become unavailable. (Pen. Code, § 3041.5, subd. (c).)

24) Establishes the Elderly Parole Program, to be administered by BPH, for purposes of reviewing the parole suitability of any inmate who is 50 years of age or older and has served a minimum of 20 years of continuous incarceration on the inmate's current sentence, serving either a determinate or indeterminate sentence. (Pen. Code, § 3055, subd. (a).)

25) Provides the following exceptions to the Elderly Parole Program:

a) Persons who had a prior conviction for a serious or violent felony;

b) Persons who were sentenced to life in prison without the possibility of parole or death; or,

c) Persons convicted of first-degree murder of a peace officer, as defined, who was killed while engaged in the performance of their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of their duties, or the victim was a peace officer or a former peace officer and was intentionally killed in retaliation for the performance of their official duties. (Pen. Code, § 3055, subd. (g) & (h).)

26) Requires BPH, when considering the release of an inmate, as specified, to give special consideration to whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate's risk for future violence. (Pen. Code, § 3055, subd. (c).)

27) Requires BPH, if an inmate is found suitable for parole under the Elderly Parole Program, to release the individual on parole, as specified. (Pen. Code, § 3055, subd. (e).)

28) Requires BPH, if parole is not granted, to set the time for a subsequent elderly parole hearing, as specified, and provides that no subsequent elderly parole hearing shall be necessary if the offender is released pursuant to other statutory provisions prior to the date of the subsequent hearing. (Pen. Code, § 3055, subd. (f).)

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

30) Provides that in reviewing a person's suitability for parole in a youth offender parole hearing, BPH must give great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the person in accordance with relevant case law. (Pen. Code, §§ 3051, subd. (d) & 4801, subd. (c).)

31) Provides the following parole mechanism for a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger:

a) If the controlling offense was a determinate sentence, the person is eligible for release during person's 15th year of incarceration;

b) If the controlling offense was a life term less than 25-years-to-life, the person is eligible for release during the person's 20th year of incarceration; and,

c) If the controlling offense was a life term of 25-years-to-life, the person is eligible for release during the person's 25th year of incarceration. (Pen. Code, § 3051, subd. (b)(1)-(3).)

32) Provides that 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 person was sentenced to LWOP is

eligible for release during the person's 25th year of incarceration. (Pen. Code, § 3051, subd. (b)(4).)

33) Provides that BPH conduct a youth offender parole hearing to consider release. Provides that if the person is found suitable for parole at the youth offender parole hearing, the person must be granted parole. (Pen. Code, § 3051, subd. (d).)

34) Excludes the following from youthful offender parole eligibility: a person sentenced under the Three Strikes law or the One Strike Sex Offense law; a person sentenced to LWOP whose controlling offense was committed after the person had attained 18 years of age; or an individual who would otherwise be eligible for youth offender parole, but who, subsequent to attaining 26 years of age, commits an additional crime for which malice aforethought is a necessary element of the crime or for which the individual is sentenced to life in prison. (Pen. Code § 3051, subd. (h).)

35) Provides that state law on public meetings does not grant a right to enter a correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall it be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute. (Gov. Code, § 11126, subd. (c)(4).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Last month I was shocked and deeply concerned by the decisions from California's Board of Parole Hearings to recommend the release of two convicted serial child sex predators back into our communities. These individuals committed horrific crimes against children and were sentenced with the expectation that they would never be released. Unfortunately, due to changes in state law over the past several years, individuals convicted of even the most serious offenses are now being considered for early release. These policies have created dangerous loopholes that put public safety and our children at risk. AB 2342 will give the Governor greater authority to deny parole in violent felony cases, which is the same authority he has in murder cases. This bill also seeks to protect victims' rights and protections while also strengthening the statutory framework guiding the parole board's decisions."

2) **The Board of Parole Hearings (BPH):** The BPH was created in 2005. Prior to 2005, the Board of Prison Terms handled the adult population eligible to receive parole. The Board of Prison Terms was charged with parole hearings and revocation hearings for adults. Based on the recommendations of a task force assembled by then Governor Schwarzenegger the Board of Prison Terms was dissolved to form the Board of Parole Hearings charged with similar responsibilities and governed by the same statutory language. Among its many powers, the BPH has the authority to determine parole suitability and set a date for parole release when an individual is found suitable for release. (Pen. Code, § 5075 et seq.)

3) **Parole Hearings**: A parole hearing is a hearing to determine whether an incarcerated individual is suitable for release to parole supervision. Incarcerated individuals who are indeterminately sentenced must be granted parole by the BPH in order to be released from prison. An incarcerated individual is entitled to legal counsel at their parole hearing, which may be a private attorney or one appointed by the BPH, and a representative from the District Attorney's office from the prosecuting county may make a presentation regarding the office's position on the individual's suitability for parole.

The Penal Code provides that the parole board "shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual." (Pen. Code, § 3041, subd. (b).) The fundamental consideration when making a determination about an individual's suitability for parole is whether the person *currently* poses an unreasonable risk of danger to society if released from prison. (*In re Shaputis* (2008) 44 Cal.4th 1241.) In deciding whether to grant parole, the BPH must consider all relevant and reliable information available. (Cal. Code Regs., tit. 15, §§ 2402, subd. (b), 2281, subd. (b).) Factors the BPH must consider include the nature of the commitment offense, including the circumstances of the person's social history; past and present mental state; past criminal history, including involvement in other criminal misconduct which is reliably documented; the base and other commitment offenses, including behavior before, during and after the crime; past and present attitude toward the crime; any conditions of treatment or control, including the use of special conditions under which the individual may safely be released to the community; and any other information which bears on the individual's suitability for release. (Cal. Code Regs., tit. 15, § 2281, subd. (b).) The regulations further state that "[c]ircumstances which taken alone may not firmly establish unsuitability for parole may contribute to a pattern which results in a finding of unsuitability." (*Ibid.*)

Although the parole board is required to consider the circumstances of the offense, the California Supreme Court has held that the parole board may not rely solely on the commitment offense when deciding to grant parole unless the circumstances of the offense "continue to be predictive of current dangerousness." (*In re Lawrence* (2008) 44 Cal.4th 1181, 1221.) The parole board is prohibited from requiring an admission of guilt to any crime for which an incarcerated person was committed to the CDCR when considering whether to grant an inmate parole. (Pen. Code, § 5011, subd. (b).) However, "an implausible denial of guilt may support a finding of current dangerousness, without in any sense requiring the inmate to admit guilt as a condition of parole….it is not the failure to admit guilt that reflects a lack of insight, but the fact that the denial is factually unsupported or otherwise lacking in credibility." (*In re Shaputis* (2011) 53 Cal.4th 192, 216.) Although the term "insight" is not explicitly included in the regulations, the regulations "direct the Board to consider the inmate's 'past and present attitude toward the crime' and 'the presence of remorse,' expressly including indications that the inmate 'understands the nature and magnitude of the offense'… fit[ting] comfortably within the descriptive category of 'insight.'" (*Id.* at p. 218 (citations omitted).)

Additional guidance for making parole suitability determinations is provided in the regulations which list circumstances tending to show suitability and those tending to show unsuitability. Factors showing unsuitability include, among others, whether the person abused their victim during the offense or the offense was exceptionally cruel or callous; and,

whether the person has an unstable social history, committed a sadistic sexual offense, demonstrates a lack of remorse, or has engaged in serious misconduct while incarcerated. (Cal. Code Regs., tit. 15, § 2281, subd. (c).) Circumstances tending to show suitability for release include absence of a record of assaulting others as a juvenile or committing crimes with a potential of personal harm to victims; reasonably stable relationships with others; performance of acts which tend to indicate the presence of remorse; the commission of the crime occurred as the result of significant stress in his or her life; lack of any significant history of violent crime; the person's age reduces the probability of recidivism; and the person has made realistic plans for release or has developed marketable skills that can be put to use upon release. (Cal. Code of Regs., tit. 15, § 2281, subd. (d).) BPH can consider all relevant, reliable information available. (Cal. Code Regs., tit. 15, § 2281, subd. (b).)

The circumstances which tend to show suitability and unsuitability for parole are set forth as general guidelines, and the importance attached to any circumstance or combination of circumstances in a particular case is left to the judgment of the panel. (Cal. Code of Regs., tit. 15, § 2281, subds. (c) & (d).)

If BPH denies parole, then it must schedule the next parole hearing, after considering the views and interests of the victim, 15 years after the hearing at which parole was denied, unless BPH finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than 10 additional years; 10 years after any hearing at which parole is denied, unless the BPH finds by clear and convincing evidence that the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the inmate than seven additional years; or three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the decision denying parole are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the inmate, but does not require a more lengthy period of incarceration for the inmate than seven additional years. (Pen. Code, § 3041.5, subd. (b)(3)(A)-(C).)

Among other things, this bill would provide that persons convicted of specified crimes are not eligible for the three-year deferral period. Under this bill, BPH must schedule the next parole suitability hearing for at least five years after the hearing at which parole is denied if the person was convicted of murder where the victim was under 14 years of age or where there were multiple victims; aggravated sexual assault of a minor; lewd and lascivious acts of a child under 14 years by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; sexual intercourse, sodomy, oral copulation, or sexual penetration of a child 10 years of age or younger; or of a one-strike sex crime against more than one victim.

4) **Advanced Parole Consideration Hearings**: If a parole consideration hearing results in a denial period of three years, BPH must initiate an administrative review 11 months later to determine whether to advance the date of the inmate's next parole consideration hearing, as specified, unless the incarcerated person was determinately sentenced and is within 24 months of being released as a result of their minimum eligible parole date (MEPD). (Cal. Code Regs., tit. 15, § 2153.)

Notwithstanding any denial of parole, BPH has the discretion, after considering the views and interests of the victim, to advance a parole hearing to an earlier date when a change in

circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (b)(4).)

Even if BPH does not exercise this discretion, an incarcerated person may request an advance hearing date by submitting a written request to BPH, with notice, upon request, and a copy to the victim, setting forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate. (Pen. Code, § 3041.5, subd. (d)(1). After considering the views and interests of the victim, BPH decides whether to grant or deny a request for an advance hearing date, a decision that is subject to review by a court or magistrate only for a manifest abuse of discretion. (Pen. Code, § 3041.5, subd. (d)(2).) BPH may summarily deny a request that does not comply with specific requirements or that does not set forth a change in circumstances or new information sufficient to justify granting an advance hearing date. (*Ibid.*) An incarcerated person may make only one written request for an advance hearing date every three years. (Pen. Code, § 3041.5, subd. (d)(3).)

Existing law provides that, to file a written petition to advance the date of the inmate's next parole consideration hearing, the incarcerated person or their attorney of record must send BPH a completed Petition to Advance Hearing Date Form or a written request that includes the following the incarcerated person's name; their CDCR number; the institution at which the incarcerated person is housed; a statement of the change in circumstances or new information since the date of the incarcerated person's most recent hearing resulting in a denial or stipulation of unsuitability; how the change in circumstances or new information establishes a reasonable likelihood that consideration of the public safety does not require that the inmate remain incarcerated until the date of his or her next parole consideration hearing; and the incarcerated person's signature and date of signature. (Cal. Code Regs., tit. 15, § 2150, subd. (b).) BPH, within 10 business days of receiving an advance hearing petition, must review the petition to determine whether the board has jurisdiction to advance the date of the inmate's next parole consideration hearing. (Cal. Code Regs., tit. 15, § 2151, subd. (a). BPH has jurisdiction to advance the date of the incarcerated person's next parole consideration hearing if all of the following are true: the incarcerated person's last parole consideration hearing resulted in a denial of parole or a stipulation of unsuitability, and the incarcerated person has not submitted a petition to advance a parole consideration hearing date that was reviewed on the merits within the past three years. (Cal. Code Regs., tit. 15, § 2151, subd. (b)(1) & (2).)

This bill would provide that an incarcerated person may file a petition for an advance parole consideration hearing once every five years, rather than once every three years. Additionally, this bill would require an incarcerated person to demonstrate a material and substantial change in circumstances that justifies the advanced hearing. Under existing law, an incarcerated person must show that a change in circumstances or new information establishes a reasonable likelihood that consideration of public safety does not require the additional period of incarceration. (Pen. Code, § 3041.5, subd. (d)(2).) This bill would require that the change was not known to, or could not reasonably have been known to, the BPH at the time of the incarcerated person's prior parole hearing or prior request to advance; and the change has a direct and demonstrable bearing on the incarcerated person's public safety risk. It provides that a material and substantial change in circumstances cannot be based solely on routine institutional compliance or the absence of disciplinary violations; participation in

rehabilitative, education, or vocational programming that was previously available to the inmate; or the mere passage of time.

5) **Victims' Bill of Rights Act of 2008: Marcy's Law:** Proposition 9, also known as the Victims' Bill of Rights Act of 2008: Marcy's Law, was passed by the voters on November 4, 2008. The purpose of Marsy's Law was to provide victims with rights to justice and due process; and to eliminate parole hearing in which there is no likelihood a murderer will be paroled; and to provide that convicted murder can receive a parole hearing no more frequently than every three years, and can be denied a subsequent parole hearing for up to 15 years.[1] It also expanded the Victim's Bill of Rights.

   Additionally, Marcy's law increased the deferral periods following a denial of parole. Prior to Marcy's Law, the parole board could defer a subsequent parole hearing following a denial of parole for one year unless it found that it was not reasonable to expect the incarcerated person to be suitable for parole within that time, in which case it could be extended up to five years if the person had been convicted of murder or up to two years for other offenses.[2] Marcy's Law increased the length of the deferral period following a denial of parole. As the California Supreme Court explains:

   > As amended in 2008 by Marsy's Law, section 3041.5 establishes longer deferral periods following the denial of parole than did the statute in 1983. The deferral periods range from a default period of 15 years to a minimum of three years. More specifically, the next hearing is to occur in 15 years, "unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole release dates … are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than 10 additional years." (Pen. Code, § 3041.5, subd. (b)(3)(A).) If the Board makes such a finding, the next hearing shall be in 10 years unless the Board finds, again by clear and convincing evidence and considering the same criteria and considerations, that a period of more than seven years is not required. (Pen. Code, § 3041.5, subd. (b)(3)(B).) In that event, the next hearing shall be in three, five, or seven years. (Pen. Code, § 3041.5, subd. (b)(3)(C).) The Board is required to "consider[] the views and interests of the victim" before selecting the appropriate deferral period. (Pen. Code, § 3041.5, subd. (b)(3).) (*In re Vicks* (2013) 56 Cal.4th 274, 284.)

   However, Marcy's Law also gave the parole board discretion to advance a parole suitability hearing prior to the end of the deferral period "when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration of the prisoner." (Pen. Code, § 3041.5, subd. (b)(4); *In re Vicks*, *supra*, at p. 284.) It also gave an incarcerated person the opportunity to request an advance parole suitability hearing "by submitting a written request to the board, with notice, upon request, and a copy to the victim which shall set forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate." (Pen. Code, § 3041.5, subd. (d)(1); *In re Vicks*, *supra*, at pp. 284-285.)

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[1] https://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/2008/1876_2008_Volume1.pdf
[2] https://www.cdcr.ca.gov/bph/parole-suitability-hearings-overview/advancing-an-inmates-next-parole-suitability-hearing-date/

Marcy's law also provided:

> The statutory provisions of this act shall not be amended by the Legislature except by a statute passed in each house by roll-call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters. However, the Legislature may amend the statutory provision of this act to expand the scope of their application, to recognize additional rights of victims of crime, or to further the rights of victims of crime by a statute passed by a majority vote of the membership of each house.

As previously noted, this bill changes the time frame and criteria for the petition to advance a parole hearing and increased the minimum deferral terms for specified offenders, both of which changes provisions of Marcy's law. As such, this bill provides that the act shall become operative only upon a constitutional amendment approved by the voters at the November 3, 2026, statewide election.

6) **Elderly Parole Program**: As the result of severe prison overcrowding, the Three-Judge Court ordered CDCR to implement several population reduction measures, including to "[f]inalize and implement a new parole process whereby inmates who are 60 years of age or older and have served a minimum of twenty-five years of their sentence will be referred to the Board of Parole Hearings to determine suitability for parole." (February 10, 2014 Order, 2:90-cv-0520 LKK DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown.*) In response to the order, BPH created the Elderly Parole Program and began holding elderly parole hearings on October 1, 2014. Inmates with determinate terms as well as those sentenced to life with the possibility of parole are eligible for the program.[3] Inmates who are sentenced to life without the possibility of parole, or who are sentenced to death, are not eligible for the program.[4]

   AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program. However, AB 1448 narrowed the eligibility criteria by excluding individuals who were sentenced pursuant to "Three Strikes" or who were convicted of first-degree murder of a peace officer from the Elderly Parole Program. (Pen. Code, § 3055, subds. (g) & (h).) AB 3234 (Ting), Chapter 334, Statutes of 2020, expanded the eligibility criteria for elderly parole. Specifically, AB 3234 lowered the minimum age at which an incarcerated individual is eligible for elderly parole from 60- to 50-years-old and the amount of time that must be served from 25 years to 20 years. Incarcerated individuals who meet the eligibility criteria of the court-ordered Elderly Parole Program but who are excluded from the statutory Elderly Parole Program are eligible for elderly parole consideration under the court-ordered program.[5]

   This bill would give the Governor the authority to reverse or modify a BPH decision to grant parole under the Elderly Parole Program to an incarcerated person who had been convicted of a violent felony.

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[3] https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/
[4] *Ibid.*
[5] BPH, *Elderly Parole Fact Sheet* (Mar. 2022), p. 1 <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2022/03/Elderly-Parole-Fact-Sheet3_18-1.pdf> [as of Mar. 30, 2026].

7) **Youth Offender Parole:** In accordance with *Graham*, *Miller*, and *Caballero*, SB 260 (Hancock), Chapter 312, Statutes of 2013, established a parole eligibility mechanism for individuals sentenced to determinate and indeterminate terms for crimes committed when they were juveniles. (Pen. Code, § 3051.) Under the youth offender parole process created by SB 260, a person has an opportunity for a parole hearing after having served 15, 20, or 25 years of incarceration depending on their controlling offense. (Pen. Code, § 3051.) SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded eligibility for a youth offender parole hearings to those whose controlling offense occurred before they reached the age of 23.

   In *People v. Franklin* (2016) 63 Cal.4th 261, the California Supreme Court held the enactment of Penal Code section 3051 satisfies the requirement of *Miller-Caballero* that a defendant who was a minor at the time of an offense have a meaningful opportunity to gain release during his or her natural lifetime because it requires that the defendant receive a parole hearing during the person's 25th year of incarceration.

   AB 1308 (Stone), Chapter 675, Statutes of 2018, further expanded youth offender parole eligibility to include individuals whose controlling offense was committed when the person was 25 or younger.

   This bill would give the Governor the authority to reverse or modify a BPH decision to grant parole under the Youth Offender Parole program to an incarcerated person who had been convicted of a violent felony.

8) **Argument in Support**: According to the *California District Attorneys Association* (CDAA), "We agree with [Assemblymember Hoover] that the rules pertaining to parole hearings need to be fixed. Your bill will require Board of Parole Hearing officers to give substantial weight to the facts and circumstances of the commitment crime, and the original sentence imposed by the sentencing judge. This bill will require that public safety and the safety of victims will be the priority for the Board in making these decisions.

   "Your bill will also prevent en banc hearings from being held in closed sessions. That makes great sense, as these cases are important public business.

   "Your bill will require major violent sex offenders and child murderers serve at least 5 more years if they are denied release in a parole hearing.

   "It will also prevent repetitive hearing requests from inmates who have done nothing to reduce their dangerousness."

9) **Argument in Opposition**: According to *Smart Justice*, "California's parole system is designed to protect our communities. It recognizes that California can improve public safety by incentivizing incarcerated people to take accountability, transform their thinking and behavior, and work toward repairing harm. Parole suitability reviews - including those conducted under the Youth Offender and Elderly Parole programs, and those conducted for people convicted of the offenses enumerated in AB 2342 - are rigorous and discretionary, allowing consideration of meaningful changes in a person's circumstances while upholding public safety and incorporating victim input. Given the rigor of the existing parole process, the positive supervision outcomes for those who are granted parole, and the benefits to community safety, there is no need to make the changes to the parole process contemplated

by AB 2342.

"Smart Justice California educates and emboldens policymakers who support meaningful criminal justice reforms that promote safety, fairness and healthy communities. We are an alliance of philanthropists working hand-in-hand with a broad coalition to foster common sense criminal justice reform through the electoral process, stakeholder engagement and voter education."

"**Current Law Already Gives the Governor the Power to Reverse Some Parole Grants for Those Who Qualify for Youth or Elderly Parole.**

"The Governor's authority to review and reverse parole board decisions is grounded in Article V, Section 8(b) of the California Constitution, which was established by Proposition 89 in 1988. Under that provision, the Governor may affirm, reverse, or modify a BPH decision to grant parole to a person convicted of murder. This means the Governor already has veto power over parole grants for individuals with murder convictions who qualify for Youth or Elderly Parole. AB 2342 would go significantly further, expanding that authority to cover non-murder violent felony convictions for all indeterminately sentenced individuals, and all non-murder violent felony convictions for determinately sentenced individuals granted parole through the Youth or Elderly programs.

"The substantial expansion of the Governor's power that AB 2342 proposes is inconsistent with the purposes of the Youth and Elderly Parole programs. These programs reflect a substantial body of research establishing that people age out of crime. People who committed offenses as youth, and people who have aged significantly in prison, present a categorically different – and lower – risk profile than they did at the time of their offense. Expanding executive override into these programs would second-guess this evidence-based framework and replace it with political judgment.

"California is already a significant outlier in even granting the Governor with the authority to review and reverse parole board decisions. Until recently Maryland was one of only three states — along with California and Oklahoma — that gave governors the power to reject parole commission recommendations. Maryland has since removed the governor from that process entirely, recognizing that executive override inevitably makes parole decisions political. California and Oklahoma now stand alone.

"**Expanding Gubernatorial Override Raises Separation of Powers Concerns and Undermines Public Safety.**

"The BPH is an independent body charged with making individualized determinations of parole suitability. Allowing the Governor to reverse those decisions in a broad category of cases – without the constraints that govern the Board's process – raises significant separation of powers concerns and undermines the integrity of the parole system.

"California's Youth Offender Parole program reflects a consensus – affirmed by the United States Supreme Court and decades of research in neuroscience and developmental psychology – that people who commit crimes as youth are less culpable and more capable of rehabilitation than older adults. The Elderly Parole program reflects the equally well-established principle that aging significantly reduces recidivism risk, and that continued

incarceration of older individuals is among the most costly and least effective uses of state correctional resources. Indeed, the Elderly Parole program originated as a court-ordered program to reduce prison overcrowding, and this bill does not address the costs – both fiscal and legal – of increasing the prison population by expanding the Governor's veto power over parole grants of those who pose the least risk to public safety.

"Giving the Governor authority to override parole grants in these programs does not make communities safer. It keeps low-risk individuals incarcerated at significant cost to California taxpayers, separates families, and undermines the rehabilitative purpose that these programs were designed to serve.

"**Permitting the BPH to Determine that the Nature of the Commitment Offense Alone Is Sufficient to Deny Parole Contradicts Longstanding California Supreme Court Jurisprudence and Raises Due Process Concerns.**

"The California Supreme Court has held that relying solely on the immutable and unchangeable circumstances of a parole candidate's commitment offense violates the candidate's constitutional right to due process. (*In re Lawrence* (2008) 44 Cal.4th 1181.) The Court has been clear that parole may be denied only if the person "...*continues* to pose an unreasonable risk to public safety." (*Id* at p. 1221). A parole candidate's criminal history alone cannot establish current dangerousness due to "...the immutability of . . . past criminal history and its diminishing predictive value for future conduct…" (*In re Roderick* (2007) 154 Cal.App.4th 242, 277.) Thus, even if a parole candidate has a significant history of violence, the Board must consider how the passage of time and attendant changes in maturity, understanding, and behavior may have decreased the candidate's risk to public safety. (See *In re Lawrence, supra,* 44 Cal.4th at 1219–20.) "Accordingly, the relevant inquiry…is not merely whether an inmate's crime was especially callous, or shockingly vicious or lethal, but whether the identified facts are *probative* to the central issue of *current* dangerousness when considered in light of the full record…" (*In re Lawrence, supra,* 44 Cal.4th at 1221.)

"AB 2342 contradicts this California Supreme Court framework and raises serious constitutional concerns.

"**Politicizing the En Banc Process Undermines its Purpose & Decreases Public Safety.**

"The purpose of the en banc review process is to ensure consistency in parole decisions and to correct errors of law or fact. A more politicized en banc process could prevent commissioners from making fair and reasoned parole decisions, undermining rehabilitation and public safety. In high profile cases, for example, the risk of being publicly targeted or attacked may reasonably discourage commissioners from making evidenced-based decisions.

"Requiring open sessions for the decision portion of the en banc review process would open the door to the targeting of individual commissioners based on their decisions. In recent months, commissioners have been threatened based on their decisions to uphold parole grants in high profile cases. Given the hostility of the current climate, requiring open sessions and identifiable votes would create undue risk for commissioners, including risk to their physical safety.

"Making the en banc process public risks disclosure of confidential & sensitive information.

En banc decisions include discussion of mental health and medical records, comprehensive risk assessments, drug treatment records, and other sensitive, confidential or protected information that should not be and may not legally be shared in a fully public setting."

10) **Related Legislation**:

a) AB 2232 (Patterson) would eliminate the BPH's authority to advance, and an incarcerated person's ability to request an advance of, a parole suitability hearing when, after considering the views and interests of the victim, there has a been a change in circumstances or new information that establishes a reasonable likelihood that consideration of public safety does not require the additional period of incarceration of the individual. AB 2232 is scheduled to be heard today in this committee.

b) AB 2570 (Lackey) would increase the age at which an incarcerated person becomes eligible for the Elderly Parole Program from 50- to 65-years-old. The hearing on AB in this committee was canceled at the request of the author.

c) AB 2727 (Nguyen) would change the eligibility threshold for the Elderly Parole Program for persons convicted of specified sex crimes against children from 50 years old or older and has served at least 20 years of their sentence to 65 years old or older and has served at least 25 years of their sentence. AB 2727 is pending a hearing in the Assembly Appropriations Committee.

d) SB 356 (Jones) would increase the minimum age limitation for the Elderly Parole Program to inmates who are 60 years of age and who have served a minimum of 25 years. SB 356 is pending hearing in this committee.

e) SB 906 (Jones) would make the decision and the vote of each commissioner in an en banc review of a parole suitability decision a public record; would require an en banc review to be conducted by all commissioners holding office, as opposed to a majority of them; and would prohibit an en banc review from being held in a closed session. SB 906 is scheduled for hearing today in the Senate Public Safety Committee.

f) SB 1278 (Niello) would exclude persons sentenced for a one-strike sex offense, as a habitual sex offender, or for specified sex offenses classified as a "violent" and/or "serious" felony. SB 1278 is scheduled for hearing today in the Senate Public Safety Committee.

g) SB 1446 (Senate Committee on Public Safety), among other things, would make the decision and the vote of each commissioner in an en banc review of a parole suitability decision a public record; would provide that an en banc review conducted following the request of the Governor for review a parole decision does not have to be limited to the record of the hearing; and would provide that an en banc review at the request of the Governor is not subject to the standard of review whereby a panel's decision is final unless the en banc review finds an error of law, that the decision was based on an error of fact, or that new information should be presented to the board, as specified. SB 1446 will be heard today in the Senate Public Safety Committee.

11) **Prior Legislation**:

a) AB 47 (Nguyen), of the 2025-2026 Legislative Session, would have provided that a person sentenced for a one-strike sex offense or as a habitual sex offender is ineligible for elderly parole until the person is 60 years old or older and has served a minimum of 25 years of continuous incarceration on their current sentence. AB 47 was held in suspense in the Assembly Appropriations Committee.

b) SB 286 (Jones), of the 2025-2026 Legislative Session, would have exclude from Elderly Parole eligibility individuals convicted of murder or specified felony sex offenses, or sentenced as a habitual sex offender or under the One Strike Sex Offense statute. SB 286 was held in suspense in the Senate Appropriations Committee.

c) SB 445 (Jones), of the 2021-2022 Legislative Session, would have excluded "One Strike" sex offenses from the Elderly Parole Program. SB 445 failed passage in the Senate Public Safety Committee.

d) AB 3234 (Ting), Chapter 334, Statutes of 2020, lowered the minimum age limitation for the Elderly Parole Program to inmates who are 50 years of age and who have served a minimum of 20 years.

e) AB 965 (Stone), Chapter 577, Statutes of 2019, authorized the Secretary of CDCR to allow person eligible for youth offender parole to obtain an earlier youth offender parole hearing by adopting regulations to award custody credits towards their youth offender parole eligibility date.

f) AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program, to be administered by the Board of Parole Hearings.

g) AB 1308 (Stone), Chapter 675, Statutes of 2017, expanded the youth offender parole process, a parole process for persons sentenced to lengthy prison terms for crimes committed before attaining 23 years of age, to include those who committed their crimes when they were 25 years of age or younger.

h) SB 394 (Lara), Chapter 684, Statutes of 2017, made a person convicted of an offense before he or she was 18 years of age and for which a life sentence without the possibility of parole had been imposed eligible for parole under a youth parole hearing during his or her 25th year of incarceration.

i) SB 1341 (Hueso), of the 2015-2016 Legislative Session, would have prohibited BPH from advancing a parole suitability hearing less than two years after a hearing at which parole was denied. SB 1341 did not receive a hearing in the Senate Public Safety Committee.

j) SB 230 (Hancock), Chapter 470, Statutes of 2015, allowed incarcerated persons serving life sentences found suitable for parole to be paroled, as specified, and authorized the Governor to request a review of a decision by the board to grant or deny parole at any time before the inmate's scheduled release.

k) SB 260 (Hancock), Chapter 312, Statutes of 2013, established a youth offender parole hearing which is a hearing by BPH for the purpose of reviewing the parole suitability of any prisoner who was under 18 years of age at the time of his/her controlling offense.

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 Narcotic Officers' Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Criminal Justice Legal Foundation
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' Assocation
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

ACLU California Action
All of US or None (HQ)
California Coalition for Women Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
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: April 21, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2344 (Haney) – As Amended March 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Provides procedures that authorize courts to require forfeiture of an animal under specified circumstances. Specifically, **this bill**:

1) States that in a criminal case alleging violations of defined animal cruelty laws, the animal control agency in possession of an animal seized or impounded by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency may request that the prosecuting attorney file a petition requesting that, before final disposition, the court issue an order forfeiting the animal to the city, county, or seizing agency thirty days after a defendant fails to appear in court, as defined.

2) Provides that the prosecuting attorney shall file the petition for forfeiture with the superior court of the county in which the defendant has been charged with the commission of any of the defined crimes.

3) Establishes that the prosecuting attorney shall make service of process on the defendant. If the notice cannot be served by registered mail or personal delivery, the notices shall be published for at least three consecutive weeks on the website of the animal shelter in possession of the animal.

4) Requires the forfeiture proceeding to be set for hearing in the superior court in which the underlying criminal offense will be tried.

5) States that the forfeiture hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable.

6) Establishes that if the defendant fails to file a claim of interest in the animal or appear at the hearing, the court shall enter a response of denial on behalf of the defendant.

7) Provides that at the forfeiture hearing the animal control agency shall have the burden of establishing by a preponderance of the evidence that the defendant is not able to properly care for the animal. The court may take judicial notice of any prior testimony that occurred in a prior proceeding.

8) States that if the court finds that the petitioner has met its burden, the court shall order the immediate forfeiture of the animal as sought by the petition. If the court grants the petition the animal shall be adjudged by the court to be forfeited and thereafter shall be transferred to the animal control agency or appropriate entity for proper adoption or other disposition.

9) States that if a defendant charged with a violation of defined animal cruelty laws is granted diversion, the prosecution may request an order from the court that the defendant be prohibited from owning, possessing, caring for, or residing with, animals of any kind, and require the defendant to immediately deliver all animals in their possession to a designated public entity for adoption or other lawful disposition or provide proof to the court that the person no longer has possession, care, or control of any animals.

EXISTING LAW:

1) States that a person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable as an alternate felony/misdemeanor, or a fine of up to $20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (a).)

2) Punishes a person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed, as specified, with an alternate felony/misdemeanor, or a fine of up to $20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (b).)

3) Requires, upon the conviction of a person charged with a defined animal cruelty violation, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency be adjudged by the court to be forfeited. (Pen. Code, § 597, subd. (g)(1).)

4) Provides that every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. (Pen. Code, § 597.1, subd. (a)(1).)

5) States that an officer authorized under this section who seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, before the commencement of any criminal proceedings, provide the owner or keeper of the animal, if known or ascertainable after reasonable investigation, with the opportunity for a postseizure hearing to determine the validity of the seizure or impoundment, or both. (Pen. Code, § 597.1, subd. (f).)

6) Establishes procedures for postseizure hearings, as defined. (Pen. Code, § 597.1, subd. (f)(1)-(4).)

7) Establishes that it shall be unlawful for any person to willfully do either of the following:

   a) Sell or give away as part of a commercial transaction a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk.

   b) Display or offer for sale, or display or offer to give away as part of a commercial transaction, a live animal, if the act of selling or giving away the live animal is to occur

on any street, highway, public right-of-way, parking lot, carnival, or boardwalk. (Pen. Code, § 597.4, subd. (a).)

8) Provides that any person who does any of the following is guilty of a felony and is punishable by imprisonment for 16 months, or two or three years, or by a fine not to exceed $50,000, or by both that fine and imprisonment:

   a) Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.

   b) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

   c) Permits any defined prohibited conduct to be done on any premises under his or her charge or control, or aids or abets that act. (Pen. Code, § 597.5, subd. (a).)

9) Prohibits any person convicted of defined animal cruelty crimes from owning, possessing, or caring for an animal for five or ten years. Violators are guilty of a public offense, punishable by a fine of $1,000. (Pen. Code, § 597.9, subd. (a)-(b).)

10) States that whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor. (Pen. Code, § 597a.)

11) Provides that any person who impounds, or causes to be impounded in any animal shelter, any domestic animal, shall supply it during confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. (Pen. Code, § 597e.)

12) States that the prosecuting agency in a criminal proceeding in which the defendant has been charged with the commission of any defined crimes may, in conjunction with the criminal proceeding, file a petition for forfeiture, as provided. (Pen. Code, § subd. (a)(1).)

13) Establishes procedures for forfeiture proceedings, as defined. (Pen. Code, § subd. (c).)

14) States that any person who willfully and maliciously and with no legal justification strikes, beats, kicks, cuts, stabs, shoots with a firearm, administers any poison or other harmful or stupefying substance to, or throws, hurls, or projects at, or places any rock, object, or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury, on or in the path of, a horse being used by, or a dog under the supervision of, a peace officer in the discharge or attempted discharge of his or her duties, is guilty of a public offense. (Pen. Code, § 600, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: None submitted.

2) **Effect of the Bill**: AB 2344, as amended, would authorize an animal control agency in possession of an animal seized or impounded in animal cruelty or neglect cases to petition the court to issue an order before the final case disposition to forfeit the animal to the city, county, or seizing agency in defined situations. This bill would establish specific procedures authorizing forfeiture in these cases.

For example, the forfeiture hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable, and would be held in the same superior court where the underlying offense is tried. The petitioner would have the burden of establishing that, even in the event of an acquittal of the criminal charges, the owner would not be legally permitted to retain the animal in question. If the court finds that the petitioner has met its burden, the court shall order the immediate forfeiture of the animal as sought by the petition. While there does not appear to be a constitutional issue here, there may be some concern over whether this provision is necessary as it may create complications for incompetent defendants. AB 2339 would additionally establish that should the court grant the forfeiture petition, the animal shall be adjudged by the court to be forfeited and thereafter shall be transferred to the animal control agency or appropriate entity for proper adoption or other disposition.

There is precedent for these laws. Forfeiture and seizure hearings, under specific circumstances, already exist in the Penal Code. (See Pen. Codes, §§ 597.1-598.1.) A defendant who willfully fails to appear after being arrested for animal cruelty or neglect is made aware the animal has been taken to a shelter. (*Ibid.*) Additionally, when the defendant willfully fails to appear an argument could be made that this is a constructive abandonment.

This bill could help get animals out of shelters sooner and into foster situations where those animals should face reduced risks associated with long term confinement in a kennel, like "kennel syndrome." Kennel syndrome is a term used to describe the severe stress and behavioral changes a dog can experience from prolonged confinement in a kennel, often seen in animal shelters.[1] Kennel syndrome produces behaviors that a dog adapts in survival mode.[2] This means "dominant or aggressive dogs can turn sweet and submissive in order to get the food or shelter they need to survive, as well as a submissive dog may turn dominant in order to gain respect or shelter." Other behavioral changes indicating the dog is experiencing severe stress are common, too.[3]

According to the Los Angeles (LA) County District Attorney's office, in LA County it costs $105.80/day to shelter a dog or cat. This amount totals $2,962.40 per month and $35,548.80 per year. According to the LA County Department of Animal Care and Control, the average length of stay for an animal whose case dispositioned without a specified failure to appear was 94 days, which equates to approximately $10,000 per animal. For the animals being held that have not dispositioned, the average length of stay is 281 days, which is roughly $30,000 per animal. This number is constantly increasing, as well.

3) **Argument in Support**: No longer applicable.

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[1] Cabral, R. *Kennel Syndrome* (2009) Bound Angels <https://boundangels.org/wp-content/uploads/kennel_syndrome.pdf> [as of Apr. 16, 2026].
[2] *Ibid.*
[3] *Ibid.*

4) **Argument in Opposition**: No longer applicable.

5) **Prior Legislation**:

a) AB 631 (Lee), of the 2025-26 Legislative Session, would have required animal shelters, as defined, to collect and record the number of animals taken in, the source of intake, and the outcomes for all animals, as specified. AB 631 was held in the Senate Appropriations Committee.

b) AB 1482 (Castillo), of the 2025-26 Legislative Session, would have required an animal shelter, as defined, to provide in a conspicuous location on its internet website or a third-party internet website a list of all animals that are available for adoption or that are being held pursuant to specified laws, except as provided. AB 1482 was held in the Assembly Appropriations Committee.

c) AB 829 (Waldron), Chapter 546, Statutes of 2023, deleted the requirement that a defendant granted probation complete counseling and, instead, requires the court to order a defendant convicted of specified offenses against animals and granted probation to successfully complete counseling designed to evaluate and treat behavior or conduct disorders.

d) AB 554 (Gabriel), of the 2023-24 Legislative Session, would have authorized a corporation, or humane officer thereof, proffering a complaint under existing law to bring it as a civil action to obtain specific or preventive injunctive relief to enforce laws relating to or affecting animal. AB 554 died on the Assembly Inactive File.

e) AB 2425 (Essayli), of the 2023-24 Legislative Session, would have required an animal shelter, as defined, to provide in a conspicuous location on its internet website or a third-party internet website a list of all animals that are available for adoption or that are being held pursuant to specified laws, except as provided. AB 1482 was held in the Assembly Business & Professions Committee.

f) SB 921 (Roth), of the 2023-24 Legislative Session, would have made it a crime to otherwise abuse or subject a living animal to needless suffering. SB 921 was held in the Senate Appropriations Committee.

g) SB 922 (Roth), of the 2023-24 Legislative Session, would have increase fines for specified animal cruelty crimes to $500 for a first offense and $2,000 for a subsequent offense or if the animal suffers great bodily injury. SB 922 was held in the Senate Public Safety Committee.

h) SB 1277 (Florez), of the 2009-10 Legislative Session, would have authorized DOJ to create a registry for people convicted of specified animal abuse offenses. SB 1277 died in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

No longer applicable.

Opposition

No longer applicable.

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

Amended Mock-up for 2025-2026 AB-2344 (Haney (A))

Mock-up based on Version Number 98 - Amended Assembly 3/19/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 600.9 is added to the Penal Code, to read:

(a) In a criminal case alleging a violation of Penal Code Section 286.5, 596, 597, 597a, 597b, 597h, 597j, 597s, 597.1, or 597.5 the animal control agency in possession of an animal seized or impounded by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency may request that the prosecuting attorney file a petition requesting that, before final disposition, the court issue an order forfeiting the animal to the city, county, or seizing agency thirty (30) days after a defendant fails to appear in court in violation of Penal Code Section 853.7, 1320, or 1320.5

(b)(1) The prosecuting attorney shall file the petition for forfeiture with the superior court of the county in which the defendant has been charged with the commission of any of the crimes listed in subdivision (a).

(2) The prosecuting attorney shall make service of process on the defendant. If the notice cannot be served by registered mail or personal delivery, the notices shall be published for at least three consecutive weeks on the website of the animal shelter in possession of the animal.

(c)(1) The forfeiture proceeding shall be set for hearing in the superior court in which the underlying criminal offense will be tried.

(2) The hearing shall be conducted within 14 days after the filing of the petition, or as soon as practicable

(3) If the defendant fails to file a claim of interest in the animal or appear at the hearing, the court shall enter a response of denial on behalf of the defendant.

(4) At the forfeiture hearing the animal control agency shall have the burden of establishing by a preponderance of the evidence that the defendant is not able to properly care for the animal. The court may take judicial notice of any prior testimony that occurred in a prior proceeding.

(5) If the court finds that the petitioner has met its burden, the court shall order the immediate forfeiture of the animal as sought by the petition. If the court grants the petition the animal shall be adjudged by the court to be forfeited and thereafter shall be transferred to the animal control agency or appropriate entity for proper adoption or other disposition.

(c) If a defendant charged with a violation of Penal Code Section 286.5, 596, 597, 597a, 597b, 597h, 597j, 597s,597.1, or 597.5 is granted diversion, the prosecution may request an order from the court that the defendant be prohibited from owning, possessing, caring for, or residing with, animals of any kind, and require the defendant to immediately deliver all animals in their possession to a designated public entity for adoption or other lawful disposition or provide proof to the court that the person no longer has possession, care, or control of any animals.

~~**600.9.** (a) As used in this section, "animal abuse" means a felony conviction of Section 597, 597b, 597.5, or 600, or a felony conviction for an attempt to commit one of those offenses, or a felony conviction for a comparable offense in another state.~~

~~(b) (1) Every person, over 18 years of age, as described in paragraph (2), for the periods specified therein, shall, while residing in, or if the person has no residence, while located in, California, be required to, within 10 days of coming into this state, or changing the person's residence or location within any city, county, city and county, or campus wherein the person temporarily resides, or if the person has no residence, is located, in this state:~~

~~(A) Register with the chief of police of the city where the person is residing, or if the person has no residence, where the person is located.~~

~~(B) Register with the sheriff of the county where the person is residing, or if the person has no residence, where the person is located in an unincorporated area or city that has no police department.~~

~~(C) In addition to subparagraph (A) or (B) above, register with the chief of police of a campus of the University of California, the California State University, or the California Community Colleges where the person is residing, or if the person has no residence, where the person is located upon the campus or any of its facilities.~~

~~(2) Any person who is convicted in any court in this state of animal abuse shall be required to register, in accordance with the provisions of this section, for a period of 10 years, commencing from the date of conviction.~~

~~(c) Any person required to register pursuant to this section who is discharged or paroled from a jail, prison, school, road camp, or other penal institution, where they were confined because of the commission of animal abuse, shall, prior to the discharge, parole, or release, be informed of their duty to register under this section by the official in charge of the place of confinement. The official shall require the person to read and sign the form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to them. The~~

official in charge of the place of confinement shall obtain the address where the person expects to reside upon their discharge, parole, or release and shall report the address to the Department of Justice. The official in charge of the place of confinement shall give one copy of the form to the person, and shall, not later than 45 days prior to the scheduled release of the person, send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon their discharge, parole, or release, one copy to the prosecuting agency that prosecuted the person, and one copy to the Department of Justice. The official in charge of the place of confinement shall retain one copy. All forms shall be transmitted in time so as to be received by the local law enforcement agency and prosecuting agency 30 days prior to the discharge, parole, or release of the person.

(d) Any person who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine shall, prior to the release or discharge, be informed of their duty to register under this section by the probation department of the county in which they have been convicted, and the probation officer shall require the person to read and sign the form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to them. The probation officer shall obtain the address where the person expects to reside upon their release or discharge and shall report within three days the address to the Department of Justice. The probation officer shall give one copy of the form to the person, and shall send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon their discharge or release, and one copy to the Department of Justice. The probation officer shall also retain one copy.

(e) (1) The registration shall consist of all of the following information:

(A) A statement in writing signed by the person, giving all of the following information:

(i) The legal name and any other names or aliases that the person is using or has used.

(ii) Date of birth.

(iii) The current address or location of the person.

(iv) Name and address of employer.

(v) Animal abuse offense for which the person was convicted.

(vi) The date and place of the animal abuse offense conviction of the person.

(vii) Any other information as may be required by the Department of Justice.

(B) The complete set of fingerprints and a photograph of the person.

(C) A description of any tattoos, scars, or other distinguishing features on the person's body that would assist in identifying the person.

(2) Within three days after registration, the registering law enforcement agency shall electronically forward the statement, fingerprints, and photograph to the Department of Justice.

(f) If any person required to register by this section changes their residence address, they shall inform, in writing within 10 days, the law enforcement agency with whom they last registered of their new address. The law enforcement agency shall, within three days after receipt of the information, electronically forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(g) Any person required to register under this section who violates any of the provisions thereof is guilty of a misdemeanor. Any person who has been convicted of animal abuse who is required to register under this section who willfully violates any of the provisions thereof is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in a county jail. In no event does the court have the power to absolve a person who willfully violates this section from the obligation of spending at least 90 days of confinement in a county jail and of completing probation of at least one year.

(h) Certain of the information required by this section shall be open to inspection by the public, pursuant to Section 600.10, through the use of an internet website maintained by the Department of Justice, or by telephone or upon written request where practicable.

(i) In any case in which a person who would be required to register pursuant to this section is to be temporarily sent outside the institution where they are confined on any assignment within a city or county, the local law enforcement agency having jurisdiction over the place or places where that assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person temporarily released under guard from the institution where they are confined.

(j) Nothing in this section shall be construed to conflict with Section 1203.4 concerning termination of probation and release from penalties and disabilities of probation.

(k) A person required to register under this section may initiate a proceeding under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 and, upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under this section. This certificate shall not relieve the petitioner of the duty to register under this section for any offense subject to this section of which they are convicted in the future.

SEC. 2. Section 600.10 is added to the Penal Code, to read:

600.10. (a) (1) On or before the dates specified in this section, the Department of Justice shall make available information concerning persons who are required to register pursuant to Section 600.9 to the public via an internet website as specified in this section. The department shall update the internet website on an ongoing basis. The name or address of the person's employer and the

~~listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the internet website. The internet website shall be translated into languages other than English as determined by the department.~~

~~(2) (A) On or before January 1, 2028, the Department of Justice shall make available to the public, via an internet website as specified in this section, as to any person described in subdivision (b), the following information:~~

~~(i) The year of conviction of their most recent offense requiring registration pursuant to Section 600.9.~~

~~(ii) The year they were released from incarceration for that offense.~~

~~(iii) Whether they were subsequently incarcerated for any other felony, if that fact is reported to the department. If the department has no information about a subsequent incarceration for any felony, that fact shall be noted on the internet website.~~

~~However, no year of conviction shall be made available to the public unless the department also is able to make available the corresponding year of release of incarceration for that offense, and the required notation regarding any subsequent felony.~~

~~(B) (i) Any state facility that releases from incarceration a person who was incarcerated because of a crime for which they are required to register pursuant to Section 600.9 shall, within 30 days of release, provide the year of release for their most recent offense requiring registration to the Department of Justice in a manner and format approved by the department.~~

~~(ii) Any state facility that releases a person who is required to register pursuant to Section 600.9 from incarceration whose incarceration was for a felony committed subsequent to the offense for which they are required to register shall, within 30 days of release, advise the Department of Justice of that fact.~~

~~(b) On or before January 1, 2028, with respect to a person who has been convicted of the commission of any of the offenses listed in subdivision (a) of Section 600.9, the Department of Justice shall make available to the public via the internet website, the information included in the person's registration, including, but not limited to, their name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the address at which the person resides or the city, county, or city and county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a).~~

~~(c) The Department of Justice shall make a reasonable effort to provide notification to persons who have been convicted of the commission of an offense specified in subdivision (a) of Section 600.9, that on or before January 1, 2028, the department is required to make information about offenders available to the public via an internet website as specified in this section.~~

~~(d) (1) A designated law enforcement entity may make available information concerning persons who are required to register pursuant to Section 600.9 to the public via an internet website as specified in paragraph (2).~~

~~(2) The law enforcement entity may make available by way of an internet website the information described in subdivision (b) if it determines that the public disclosure of the information about a specific offender by way of the entity's internet website is necessary to ensure the public safety based upon information available to the entity concerning that specific offender.~~

~~(3) The information that may be provided pursuant to this subdivision may include the information specified in subdivision (b).~~

~~(4) For purposes of this section, "designated law enforcement entity" means the Department of Justice, every district attorney, the department, and every state or local agency expressly authorized by statute to investigate or prosecute law violators.~~

~~(e) Notwithstanding Section 7921.505 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.~~

~~(f) The department shall also make the information on the internet website available by telephone and upon written request where practicable.~~

~~(g) Any person who uses information disclosed pursuant to this section to commit a crime shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than ten thousand dollars ($10,000) and not more than fifty thousand dollars ($50,000).~~

~~(h) Any person who is required to register pursuant to Section 600.9 who enters an internet website established pursuant to this section shall be punished by a fine not exceeding one thousand dollars ($1,000), imprisonment in a county jail for a period not to exceed six months, or by both that fine and imprisonment.~~

~~(i) (1) A person is authorized to use information disclosed pursuant to this section only to protect an animal at risk.~~

~~(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes relating to any of the following is prohibited:~~

~~(A) Health insurance.~~

~~(B) Insurance.~~

~~(C) Loans.~~

~~(D) Credit.~~

~~(E) Employment.~~

~~(F) Education, scholarships, or fellowships.~~

~~(G) Housing or accommodations.~~

~~(H) Benefits, privileges, or services provided by any business establishment.~~

~~(3) This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3, Section 8808 of the Family Code, Section 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.~~

~~(4) (A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars ($250), and attorney's fees, exemplary damages, or a civil penalty not exceeding twenty-five thousand dollars ($25,000).~~

~~(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information available via an internet website established pursuant to this section in violation of paragraph (2), the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.~~

~~(j) The public notification provisions of this section are applicable to every person described in this section who is convicted on or after January 1, 2027.~~

~~(k) A designated law enforcement entity and its employees shall be immune from liability for good faith conduct under this section.~~

~~(l) Any person who is relieved of the duty to register pursuant to subdivision (k) of Section 600.9 shall be removed from the internet website.~~

~~(m) The Attorney General, in collaboration with local law enforcement and others knowledgeable about animal abuse offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered animal abuse offenders to further public safety. These strategies may include, but are not limited to, a hotline for community~~

~~inquiries, neighborhood and business guidelines for how to respond to information posted on this internet website, and any other resource that promotes public education about these offenders.~~

~~**SEC. 3.** Section 600.11 is added to the Penal Code, to read:~~

~~**600.11.** (a) Any person convicted of an offense specified in subdivision (a) of Section 600.9 shall, in addition to any other penalty or fine imposed, be subject to a fine of five hundred dollars ($500) for each felony conviction.~~

~~(b) Notwithstanding Section 1463.001, fines collected pursuant to subdivision (a) shall be deposited in the Animal Protection Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, and shall be expended for the following purposes:~~

~~(1) By the Department of Justice for creating, administering, and updating the internet website pursuant to Section 600.10.~~

~~(2) By local governments for spay and neuter programs.~~

~~(3) No more than 3 percent of the revenue deposited in the fund may be used for reimbursement of costs of administration, collection, enforcement, and auditing requirements associated with this section and Section 600.10.~~

SEC. 2. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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 the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

1020 N Ste, Room 111
(916) 319-3744
FAX: (916) 319-3745

Tuesday, April 21, 2026
8:30 a.m. -- State Capitol, Room 126

Analysis Packet Part III

(AB 2405 Gipson – AB 2701 J. Gonzalez)

Date of Hearing: April 21, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2405 (Gipson) – As Amended April 16, 2026

SUMMARY: Requires a law enforcement agency, when transporting a person to an emergency department, to transport the person to the nearest appropriate emergency department, as specified. Specifically, **this bill**:

1) Requires any transport by law enforcement to an emergency department for any reason to be transport to the nearest appropriate emergency department.

2) Provides exceptions for the requirements in this bill for transports involving trauma, ST-elevation myocardial infarction (STEMI), stroke, or other conditions subject to established state or local specialty destination protocols.

3) Clarifies that none of the obligations required in this bill limit a peace officer's ability to transport individuals to the appropriate alternative destination site, including sobering centers, detox centers, behavioral health crisis centers, psychiatric stabilization units, freestanding psychiatric hospitals, or designated or contracted psychiatric emergency facilities.

4) Specifies nothing in this bill limits local EMS agency authority to establish destination policies.

5) Defines the following terms:

   a) "Law enforcement agency" means any city or municipal police department, county sheriff's department, or other public agency that employs peace officers, as specified.

   b) "Nearest appropriate emergency department" to mean the licensed general acute care hospital emergency department that is geographically closest to where the peace officer first assumed custody of the individual for purposes of transport.

6) Clarifies none of the obligations required in this bill limit a peace officer's ability to transport individuals to the appropriate alternative destination site, including sobering centers, detox centers, behavioral health crisis centers, psychiatric stabilization units, freestanding psychiatric hospitals, or designated or contracted psychiatric emergency facilities.

7) Specifies nothing in this bill limits local Emergency Medical Authority (LEMSA) to establish destination policies.

8) Requires each law enforcement agency to report all emergency department transports quarterly to the Emergency Medical Services Authority (EMSA), as specified.

9) Requires the reported data include, but is not limited to:

   a) Origin location of the transported individual.

   b) Destination facility and the date and time of transport.

   c) Stated rationale for destination selection.

   d) Whether the destination was the nearest appropriate emergency department or an alternative destination site.

   e) Demographic information of the transported individual, excluding personally identifiable information.

10) Requires EMSA to publish annual aggregate reports on its website.

11) Requires EMSA to have regulatory oversight authority to implement and ensure compliance.

12) Authorizes EMSA to conduct audits, require corrective action plans, and impose administrative civil penalties not to exceed $25,000 per pattern of violation, as specified.

13) Authorizes the Department of Justice (DOJ) to bring a civil action for injunctive relief or civil penalties for violations of these requirements.

EXISTING LAW:

1) Establishes the EMSA, under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, which is responsible for the coordination of various state activities concerning emergency medical services. (Health & Saf. Code, § 1797, *et seq*.)

2) Requires, among other things, EMSA to develop planning and implementation guidelines for EMS systems, provide technical assistance to existing agencies, counties, and cities for the purpose of developing the components of EMS systems, and receive plans for the implementation of EMS and trauma care systems from local EMS agencies. (Health & Saf. Code, §§ 1797.103 & 1797.105)

3) Provides each county may develop an emergency medical services program. Each county developing such a program shall designate a LEMSA which shall be the county health department, an agency established and operated by the county, an entity with which the county contracts for the purposes of local emergency medical services administration, or a joint powers agency created for the administration of emergency medical services by agreement between counties or cities and counties, as specified. (Health & Saf. Code §1797.200.)

4) Declares the intent of the Legislature to promote the development, accessibility, and provision of emergency medical services to the people of the State of California and it is the policy of the State of California that people shall be encouraged and trained to assist others at the scene of a medical emergency. Local governments, agencies, and other organizations shall be encouraged to offer training in cardiopulmonary resuscitation and lifesaving first aid

techniques so that people may be adequately trained, prepared, and encouraged to assist others immediately. (Health & Saf. Code, § 1797.5.)

5) Requires LEMSA local plans, as specified, to require that in providing emergency medical transportation services to any patient, the patient shall be transported to the closest appropriate medical facility, if the emergency health care needs of the patient dictate this course of action. (Health & Saf. Code, § 1797.114.)

6) Authorizes each county to develop an emergency medical services program. Each county developing such a program shall designate a local EMS agency which shall be the county health department, an agency established and operated by the county, an entity with which the county contracts for the purposes of local emergency medical services administration, or a joint powers agency created for the administration of emergency medical services by agreement between counties or cities and counties. (Health & Saf. Code, § 1797.200.)

7) States that, upon the request of a city or fire district that contracted for or provided prehospital emergency medical services, a county must enter into a written agreement with the city or fire district regarding the provision of prehospital emergency medical services for that city or fire district. Until such time that an agreement is reached, prehospital emergency medical services shall be continued at not less than the existing level, and the administration of prehospital EMS by cities and fire districts presently providing such services shall be retained by those cities and fire districts, except the level of prehospital EMS may be reduced where the city council, or the governing body of a fire district, pursuant to a public hearing, determines that the reduction is necessary. (Health & Saf. Code, § 1797.201.)

8) Authorizes a county, as specified, to adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency medical personnel, when the patient meets specific criteria for trauma, burn, or pediatric centers adopted by the LEMSA. (Health & Saf. Code, § 1797.222.)

9) Authorizes a LEMSA to develop a community paramedicine or triage to alternate destination program that is consistent with the EMSA's regulations, as specified. (Health & Saf. Code, § 1840.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2405 ensures some of the most vulnerable Californians receive timely emergency care by aligning law enforcement transport practices with established EMS standards and promoting fairness across our healthcare system. This change is in the best interest of vulnerable patients who need access to emergency care as well as resource-constrained community hospitals who are overwhelmed by drop-offs from law enforcement agents."

2) **EMSA**: The Emergency Medical Services Authority (EMSA) was created in 1980 to provide leadership in developing EMS systems throughout California and to develop standards for training and scope of practice for EMS personnel. Prior to 1980, California did not have a

central state agency responsible for ensuring the development and coordination of EMS services and programs statewide.

According to the EMSA website:

> Although the many stakeholders in EMS, including local administrators, fire agencies, ambulance companies, hospitals, physicians, nurses, and other health care providers did not agree on all issues, there was a consensus that a more unified approach was needed to emergency and disaster medical services. After several years of effort by the EMS constituents to establish a state lead agency, Governor Jerry Brown signed into law the Emergency Medical Services System and Prehospital Emergency Care Personnel Act in 1980 creating the Emergency Medical Services Authority. EMSA's mission is to ensure quality patient care by administering an effective statewide system of coordinated emergency medical care, injury prevention and disaster medical response.[1]

The stated vision of EMSA is strong internal and external working relationships that promote public trust and quality patient care. Emergency and disaster medical services in California are rooted in the skills and commitment of the first responders, EMTs, nurses, physicians, and administrators who deliver care to the public and operate the system. In order for high quality services to be delivered efficiently, all aspects of EMS systems must work together, mutually reinforcing and supporting each other for the benefit of the patient. The EMSA plays a central role in improving the quality of emergency medical services available for all Californians by setting standards, building consensus, and providing leadership.

3) **LEMSA:** The EMS Act authorizes each county to develop an EMS program and to designate a LEMSA that oversees the delivery of EMS within that geographic area. This level of governance allows for local control of emergency medical services that is desirable in a state as large and diverse as California. Essential functions performed by local EMS agencies include, among other things: planning, implementing, evaluating, and continually improving local EMS systems including prehospital services and relevant hospital services such as trauma and pediatrics; collaborating with other health officials to ensure a unified, coordinated approach in the delivery of health care; carrying out regulations relative to EMS systems; certifying, accrediting, and authorizing EMS field personnel; developing medical treatment protocols and policies for local EMS service providers (EMTs, paramedics, dispatchers); and designating trauma centers and other specialty care centers.[2]

According to EMSA's website,

> "All 33 LEMSAs (single county or multi county regions) have developed an EMS system and plan, implement, and evaluate their EMS systems in accordance with HSC 1797.204. The LEMSAs submit their EMS plans to the Authority for approval.

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[1] https://www.emsa.ca.gov/caemsa?id=about_us
[2] https://emsaac.org/what-is-a-lemsa/

> The LEMSAs, upon request, evaluate cities and fire districts for compliance with HSC 1797.201, and create exclusive operating areas pursuant to HSC 1797.224 where applicable. The procedures and provisions for carrying out the responsibilities noted above have been specified in state guidelines and county policies and procedures, and adhered to voluntarily over the years.[3]

LEMSAs include Alameda County EMS, Central California EMSA, Coastal Valley EMSA, Contra Costa EMSA, El Dorado County EMSA, Imperial Counties EMSA, Kern County EMSA, Los Angeles County EMSA, Marin County EMSA, Merced County EMSA, Monterey County EMSA, Mountain Counties EMSA, Napa County EMSA, North Coast EMSA, Northern California EMSA, Orange County EMSA, Riverside County EMSA, Sacramento County EMSA, San Benito EMSA, San Diego County EMSA, San Francisco EMSA, San Joaquin EMSA, San Luis Obispo EMSA, San Mateo County Health EMSA, County of Santa Barbara EMSA, County of Santa Clara EMSA, County of Santa Cruz EMSA, Sierra-Sacramento Valley EMSA, Solano County EMSA, Stanislaus County EMSA, Tuolumne County EMSA, Ventura County EMSA, and Yolo County EMSA.

4) **Local Law Enforcement Roles in EMSA:** EMSA and LEMSAs do not usually cover law enforcement officers such as police and sheriff deputies. EMS regulatory agencies cover firefighters, paramedics, EMTs, and other first responders, but law enforcement is not required to maintain licensure through their LEMSA, except where they chose to obtain a Public Safety First Aid Certification to provide basic emergency medical care while performing their job duties.

   To become Public Safety First Aid certified, you must complete an approved Public Safety First Aid and Cardiopulmonary Resuscitation course that meets state standards. The initial course must include at least 21 hours of instruction and cover topics such as scene safety and patient assessment, bleeding control and shock care, medical and trauma emergencies, airway and breathing emergencies, adult, child, and infant cardiopulmonary resuscitation, use of an automated external defibrillator, and relief of choking. Students must successfully demonstrate both knowledge and hands-on skills during the course. Training is typically arranged through your employer or agency. Public Safety First Aid certification is valid for two years from the date of course completion. To continue performing public safety duties that require first aid care, certification must be renewed before it expires.[4]

5) **Law Enforcement Transport to Emergency Departments**: While ambulance transport remains the preferred and standard mode of patient transfer to a hospital, law enforcement officers may transport injured individuals directly in patrol vehicles. This most often occurs in time-critical emergencies where delays in EMS arrival are likely to worsen patient outcomes and reduce survival rates, such as severe trauma, mass casualty, or large emergency or disaster incidents. In these situations, officers on scene must make rapid, high-stakes decisions about whether immediate transport to the nearest appropriate medical facility is preferable to waiting for paramedics, often after providing basic lifesaving

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[3] https://www.emsa.ca.gov/caemsa?id=lemsa
[4] https://www.emsa.ca.gov/caemsa?id=public_safety_personnel

interventions. Although police transport can serve as a viable option in overwhelmed or resource-constrained environments, it is not a substitute for EMS care, as it lacks in-transit medical support, monitoring, and hospital pre-notification. As a result, this type of emergency department transfer is typically guided by situational factors including injury severity, proximity to care, EMS availability, and established local protocols.

6) **Law enforcement to transfer to nearest appropriate emergency department**: This bill requires that any transport by law enforcement to an emergency department for any reason should be to the nearest emergency department. The nearest emergency department is defined as the licensed general acute care hospital emergency department that is closest either geographically or by time to where the peace officer assumed custody.

   The requirement that the emergency department is the nearest does not apply if the transport involves trauma, heart attack, stroke or other conditions that might require a specialty destination.

   The bill also does not limit a peace officer's ability to transport individuals to appropriate alternative sites such as sober center, detox centers, behavioral health crisis centers, psychiatric stabilization units, freestanding psychiatric hospitals, ted or contracted psychiatric emergency facilities.

   This bill also does not limit the authority of a local EMS agency to establish destination policies as described in Comment 3.

7) **Reporting**: This bill requires each law enforcement agency to report quarterly to the EMS authority specified data related to transports by the agency. The EMS authority shall publish annual aggregate reports on its website.

8) **Regulatory oversight:** This bill provides that the EMS authority has regulatory authority over the implementation and compliance with the provisions of this bill. It provides that the EMS authority can take corrective action and impose administrative civil fines not to exceed $25,000 when there is a pattern of violations of the provisions of this bill.

9) **Argument in Support**: According to the *California Hospital Association*: "There is no greater priority for California's hospitals than providing timely, appropriate care to all who come to an emergency department (ED). EDs remain open and provide care to all patients at all times. With ED visits at an all-time high — and approximately 2.1 million Californians estimated to lose health coverage by 2034 because of the One Big Beautiful Bill Act (OBBBA) — ensuring equitable, timely, and consistent access to emergency care is more essential than ever. **On behalf of nearly 400 hospitals and health systems, the California Hospital Association (CHA) supports Assembly Bill (AB) 2405 (Gipson D-Gardena), which would reduce unsafe, inequitable delays in care for vulnerable patients.** Law enforcement agencies are not uniformly guided by statewide medical transport standards, resulting in inconsistent and discretionary practices across California. AB 2405 would clarify practices by requiring that law enforcement officers who transport an individual to an ED go to the nearest appropriate facility, with exceptions for specialized care needs and alternate destinations such as behavioral health facilities, detox centers, or sobering centers. This would ensure patients transported by law enforcement get the care they need as quickly as possible."

10) **Related Legislation**: None

11) **Prior Legislation**: None

REGISTERED SUPPORT / OPPOSITION:

Support

California Hospital Association
Mlk Community Healthcare

Opposition

California Police Chiefs Association
California State Sheriffs' Association

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 21, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2411 (McKinnor) – As Amended April 6, 2026

SUMMARY: Requires the California Olympic and Paralympic Public Safety Command (COPPSC) to negotiate and enter into agreements to facilitate training, mutual cooperation, sharing of information and resources, and the use of law enforcement personnel with other state and local agencies within and outside the state of California for the purposes of ensuring public safety for the 2028 Olympic and Paralympic Games. Specifically, **this bill**:

1) Provides that COPPSC shall negotiate and enter into agreements to facilitate training, mutual cooperation, sharing of information and resources, and the use of law enforcement personnel with other state and local agencies within and outside of the State of California for the purposes of ensuring public safety for the 2028 Olympic and Paralympic Games in Los Angeles.

2) Provides that the agreement that COPPSC enters into shall comply with all of the following:

   a) Law enforcement personnel contracted to support public safety in connection with the 2028 Olympic and Paralympic Games shall do so for a limited period of time that falls within a reasonable timeframe before, during, and after the 2028 Olympic and Paralympic Games.

   b) Law enforcement personnel contracted from an out-of-state agency to augment security function in connection with the 2028 Olympic and Paralympic Games shall obtain a certificate of training from the Commission on Peace Officers Standards and Training (POST), as created by this bill.

   c) That all law enforcement personnel perform their duties in compliance with all state and local laws and ordinances.

3) Provides that POST shall establish a streamlined training program for out-of-state law enforcement personnel that are utilized for purposes of public safety support within a reasonable timeframe before, during, and after the 2028 Olympic and Paralympic Games.

4) Provides that the streamlined training program shall comply with the following:

   a) It shall satisfy the key requirement for qualifications under POST that are necessary for the unique conditions of the 2028 Olympic and Paralympic Games.

   b) It shall be used only for law enforcement personnel who are intended to be utilized of the 2028 Olympic and Paralympic Games.

   c) The streamlined training program shall remain in effect only until January 1, 2029.

5) Makes legislative findings and declarations.

EXISTING LAW:

1) Creates POST to adopt rules establishing minimum standards relating to physical, mental, and moral fitness that shall govern the recruitment of any peace officer in the State, including training and certification of peace officers. (Pen. Code, § 13500 et seq.)

2) Provides that a peace officer shall, prior to exercising the powers of a peace officer, satisfactorily complete the introductory course offered by POST. (Pen. Code, § 832)

3) Sets forth the standards for when a peace officer may use force including that deadly force shall be used only when necessary in the defense of human life. (Pen. Code, § 835a)

4) Allows for mutual aid agreements between public agencies during a time of state, local, or war emergencies. (Gov. Code, § 8615 et seq.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:** According to the author: "AB 2411 is attempting to provide for the public security needs of the Los Angeles 2028 Olympic and Paralympic Games. Concerning equity impacts of this legislation, any out of state law enforcement officers that are contracted to work the games will be required to operate under California law requirements. California has some of the strictest laws in the country regarding officer conduct accountability standards and outside public safety agents will be held to the strictest standards possible."

2) **2028 Olympic games**: On September 13, 2017, the International Olympic Committee officially awarded Los Angeles the 2028 Summer Olympics. It will be the third time Los Angeles has hosted the games, having previously hosted in 1932 and 1984.

3) **Mutual aid agreements with outside agencies:** Under existing law, if an emergency occurs in one area of the state, the local public safety agencies can seek a mutual aid agreement with other agencies in the state to help out during the emergency.

   During the time of the L.A. 2028 Olympics, and a reasonable time before or after, this bill would allow a mutual aid agreement between Los Angeles and other law enforcement agencies in California or outside of California.

4) **POST to develop a streamlined training program**: This bill would require POST to establish a streamlined training program which should focus on the key requirement of POST qualifications that are necessary for the unique situation of the Olympics. This streamlined training shall only be used for law enforcement personnel intended to help with the Olympics.

5) **Out of state officers to take training**: Because California has unique laws and procedures, this bill requires any out of state law enforcement officer who is enlisted Los Angeles law

enforcement with the Olympics to take the streamlined course created by POST and to receive a certification of completion of the course.

6) **Argument in Suppor**t: According to the *Office of Los Angeles Mayor Karen Bass*, the bill's sponsor:" Security in the core security zones including the footprint and immediate vicinity of competition venues will be overseen by the U.S. Secret Service (USSS). However, local law enforcement officers are anticipated to serve as the personnel base for operations in these perimeters surrounding venues. Meanwhile, the City of Los Angeles will remain responsible for the safety and security of the general public citywide, including the millions of tourists and spectators expected to travel to the region during the Games. This also includes supporting the safe operation of public transportation systems and transit routes across the region and securing fan zones and celebration sites. To be prepared for the 2028 Games, the City of Los Angeles, as the host city, needs additional law enforcement resources beyond current capacity.

   "AB 2411 directs the California Olympic and Paralympic Public Safety Command (COPPSC) to create a program to bring in local law enforcement agencies from in- and out-of-state to supplement public safety personnel needs in the region during the 2028 Games. AB 2411 also outlines a streamlined Peace Officer Standards and Training (POST) certification process for out-of-state law enforcement agencies operating in California during the 2028 Games and clarifies that any out-of-state law enforcement providing security services during the 2028 Games must adhere to California state law. These provisions will ensure that California standards and laws are upheld and that public safety personnel are fully staffed during the largest international sporting event in history. As Los Angeles prepares to welcome the world, the City must be fully equipped to meet increased public safety demands. For these reasons, I am proud to **SPONSOR AB 2411 (McKinnor).**"

7) **Argument in Opposition**: According to *Nolympic LA*, "Bringing more cops to the LA area would not make the average Angeleno or Californian safer. In fact, it would put many of our community members at heightened risk.

   "LA already has one of the deadliest police forces in the country, which leaves us with no faith in the standard training programs and certainly no faith in the "streamlined" version proposed in this bill. While our local police are deadly, out-of-state police pose additional threats to our communities, as they lack familiarity with local people and contexts. For example, at the 2024 Republican National Convention in Milwaukee, Wisconsin, police from Ohio killed an unhoused man. The neighborhood's alderman and other local witnesses connected the police officers' lack of familiarity with the area to their fatal actions.1

   "The cost of hiring thousands of out-of-state police would be extravagant and wasteful, at a time when California has so many more urgent financial needs. Additionally, LA and Californians could be on the hook financially for any misconduct lawsuits brought against out-of-state police officers. Although the federal government may contribute to Olympic security funds, the current administration will likely expect and demand something in return for Olympic funding. California should not create another situation in which it is beholden to the current presidential administration. A four-week party is not worth it.

   "Bringing thousands of out-of-state police officers to the LA area will put Angelenos and residents of neighboring cities at increased risk of violence, deportation, and repression. We

strongly urge you to side with what is in the best interest of Californians, especially communities already vulnerable to police violence, and reject AB 2411."

8) **Prior Legislation:**

a) AB 132 (Jones-Sawyer, Ch. 836, Statutes of 2017) established the 2028 Olympic Games and Paralympic Games Act, which authorizes the Governor to execute games support contracts to provide state security.

b) AB 1754 (Jones-Sawyer, Ch. 693, Statutes of 2019) required CalOES to establish the COPPSC to facilitate the planning, resourcing, management, and delivery of safety and security at the 2028 Olympic and Paralympic Games in Los Angeles.

REGISTERED SUPPORT / OPPOSITION:

Support

Office of Los Angeles Mayor - (Sponsor)
California Hotel & Lodging Association
California Travel Association (CALTRAVEL)

Opposition

Erotic Service Providers Legal, Education, and Research Project
Nolympics LA

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 21, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2553 (Petrie-Norris) – As Amended March 16, 2026

As Proposed to be Amended in Committee

SUMMARY: Specifies that for a person who is granted probation for certain convictions relating to crimes involving real property, probation may be extended for one additional year under specified circumstances. Specifically, **this bill**:

1) States that, notwithstanding other specified laws, a defendant may get an additional year of probation under defined circumstances for the following offenses:

   a) Procuring or offering any false or forged instrument to be filed, registered, or recorded in any public office.

   b) Making a false sworn statement to a notary public.

   c) Fraudulently removing his or her property or effects out of this state with intent to defraud, hinder or delay his or her creditors of their rights, claims, or demands.

   d) Theft, embezzlement, forgery, fraud, or identity theft, with respect to the property or personal identifying information of an elder or a dependent adult.

   e) Intent to defraud by signing the name of another person or of a fictitious person.

   f) Alters, falsifies, forges, duplicates or in any manner reproduces or counterfeits any driver's license or identification card issued by a governmental agency with the intent that such driver's license or identification card be used to facilitate the commission of any forgery.

   g) Displays any driver's license or identification card with the intent that the driver's license or identification card be used to facilitate the commission of any forgery.

   h) Possesses or receives, with the intent to pass or facilitate the passage, any forged, altered, or counterfeit items.

   i) Grand theft when money, labor, real property, or personal property taken is of a value exceeding $950.

   j) Falsely personates another in either his or her private or official capacity.

   k) Manufactures, sells, offers for sale, or transfers any document purporting to be a government-issued identification card or driver's license.

l) Willfully obtains personal identifying information of another person, and uses that information for any unlawful purpose, without the consent of that person.

m) Fraudulent conveyance of any lands, tenements, or hereditaments, goods or chattels, or any right or interest issuing the same.

n) Knowingly executes or procures another to execute any instrument purporting to convey any real property, or any right or interest therein, knowing that such person so executing has no right to or interest in such property.

o) Knowingly defrauds any other person of money, labor, or property, whether real or personal, or who causes or procures others to report falsely of his or her wealth or mercantile character.

p) Commits mortgage fraud with the intent to defraud.

q) Selling, bartering, or disposing of any tract of land or town lot, willfully and with intent to defraud previous or subsequent purchasers, to any other person for a valuable consideration.

r) Married or in a registered domestic partnership, who falsely and fraudulently represents himself or herself as competent to sell or mortgage any real estate.

s) Gives, offers, or agrees to give to any director, officer, or employee of a financial institution any thing of value for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person a loan or extension of credit from such financial institution.

t) Negotiates, arranges, or otherwise offers to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee or other compensation paid by the borrower.

2) States that if a defendant is on formal probation, the period of probation may be extended if the probation department files a petition to the court and the court makes a finding that additional time is necessary for programming, in which case the court may order the term of probation to continue as necessary for a period not exceeding one additional year and under the conditions as it shall determine.

3) States that if a defendant is on informal or summary probation, the period of probation may be extended if the court makes a finding that additional time is necessary for programming, in which case the court may order the term of probation to continue as necessary for a period not exceeding one additional year and under the conditions as it shall determine.

4) Establishes that nothing in this law is intended to preclude punishment under any other provision of law, including the white-collar crime enhancement statute.

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) States that 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. (l)(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) 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).)

9) States that a person commits mortgage fraud if, with the intent to defraud, the person does any of the following:

a) Deliberately makes, uses, or facilitates any misstatement, misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process.

b) Receives any proceeds or any other funds in connection with a mortgage loan closing that the person knew resulted from a defined violation.

c) Files or causes to be filed with the recorder of any county in connection with a mortgage loan transaction any document the person knows to contain a material misstatement, misrepresentation, or omission. (Pen. Code, § 532f, subd. (a).)

10) Provides that a mortgage broker or person who originates a loan commits mortgage fraud if, with the intent to defraud, the person does either of the following:

a) Instructs or otherwise deliberately causes a borrower to sign documents reflecting the terms of a business, commercial, or agricultural loan, with knowledge that the borrower intends to use the loan proceeds primarily for personal, family, or household use.

b) Instructs or otherwise deliberately causes a borrower to sign documents reflecting the terms of a bridge loan, with knowledge that the loan proceeds will be not used to acquire or construct a new dwelling. (Pen. Code, § 532f, subd. (b).)

11) Specifies that an offense involving mortgage fraud shall not be based solely on information lawfully disclosed pursuant to federal disclosure laws, regulations, or interpretations related to the mortgage lending process. (Pen. Code, § 532f, subd. (c).)

12) States that, notwithstanding any other provision of law, an order for the production of any or all relevant records possessed by a real estate recordholder may be issued by a judge upon a written ex parte application made under penalty of perjury by a peace officer stating that there are reasonable grounds to believe that the records sought are relevant and material to an ongoing investigation of a felony fraud violation. (Pen. Code, § 532f, subd. (d)(1).)

13) Specifies that fraud involving a mortgage loan may only be prosecuted when the value of the alleged fraud meets the threshold for grand theft, as defined. (Pen. Code, § 532f, subd. (k).)

14) Defines "person" as any individual, partnership, firm, association, corporation, limited liability company, or other legal entity. (Pen. Code, § 532f, subd. (j)(1).)

15) Defines "mortgage lending process" as the process through which a person seeks or obtains a mortgage loan, including, but not limited to, solicitation, application, origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. (Pen. Code, § 532f, subd. (j)(2).)

16) Defines "mortgage loan" as a loan or agreement to extend credit to a person that is secured by a deed of trust or other document representing a security interest or lien upon any interest in real property, including the renewal or refinancing of the loan. (Pen. Code, § 532f, subd. (j)(3).)

17) Defines "real estate recordholder" as any person, licensed or unlicensed, that meets any of the following conditions:

    a) Is a title insurer that engages in the "business of title insurance" as defined, an underwritten title company, or an escrow company.

    b) Functions as a broker or salesperson by engaging in any specified acts.

    c) Engages in the making or servicing of loans secured by real property. (Pen. Code, § 532f, subd. (j)(4).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "State and Federal officials from the Federal Bureau of Investigation to the California Attorney General have recognized the growing problem of crimes related to real estate fraud. For example, scammers take advantage of struggling homeowners and take mortgage payments that should be going to the lender. Perpetrators tend to prey on older victims who are facing financial hardship and target their main source of wealth—their home.

   "If a scammer is convicted of a crime related to real estate fraud, the maximum allowable probation period of one year for a misdemeanor or two years for a felony is often not enough time for the perpetrator to repay victims. This bill lengthens the maximum allowable probation period to five years for a targeted list of crimes relating to real estate fraud. This increased judicial oversight ensures that victims of real estate fraud get the money they are owed."

2) **Effect of the Bill**: AB 2553 would extend the duration of probation terms to a maximum of two years for a misdemeanor and three years for a felony for certain real estate crimes. The extension would only be available under defined circumstances that depend on whether the

person is given formal probation, informal probation or summary probation. For formal probation, the probation department would be able to extend probation for an additional year if the department files a petition with the court and the court finds the extension is necessary for programming. For informal or summary probation, the court could extend probation for an additional year for the same reason.

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. Generally, 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.)

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. (l)(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.

Since AB 1950 (Kamlager, Chapter Statutes of 2020), numerous efforts have been made to establish exceptions to AB 1950's general rule. Data on the effects of probation, however, suggests these extensions may not produce the desired public safety benefits.

California has steadily reduced its incarcerated population for much of the past decade leading to an approximate reduction of 40,000 in incarcerated populations.[1] Extending terms of probation risks unraveling that progress. A 2019 report from the Council of State Governments found that while parole and probation are designed to lower prison populations and help people succeed in their return to the community, certain data show they may have the opposite effect.[2] One effect of longer probation terms could mean more chance for violations and potentially, more time in confinement. The costs of incarcerating a person have also risen dramatically in recent years—from $91,000 per person in 2019 to $133,000 per person in 2024.[3] The passage of Proposition 36 has caused the Legislative Analyst's Office (LAO) to already project an increase of more than 4,000 people in confinement over the next two years.[4] Given data on the impacts of longer probation terms, it is unclear whether pursuing longer terms will have a beneficial public safety benefit.

3) **Committee Amendments**: The amendments to AB 2553 would authorize a one-year extension of probation under specific circumstances. The one-year extension only would be available under the circumstances defined in the bill. Those circumstances depend on whether the person is given formal probation, informal probation or summary probation. For formal probation, the probation department would be able to extend probation for an additional year if the department files a petition with the court and the court finds the extension is necessary for programming. For informal or summary probation, the court could extend probation for an additional year for the same reason.

4) **Argument in Support**: According to the *California District Attorneys Association*, "Real estate fraud schemes—such as deed fraud, mortgage fraud, and foreclosure scams—often result in significant financial losses to victims, including the loss of homes or life savings. While courts routinely order restitution in these cases, current law limits probation terms to one or two years in most cases, which is often insufficient time for offenders to fully repay victims. As a result, once supervision ends, many perpetrators stop making restitution payments, leaving victims without meaningful recourse.

"AB 2553 provides a targeted and practical solution by extending the maximum probation period for specified real estate fraud offenses to up to five years. This additional time ensures that courts retain jurisdiction long enough to enforce restitution orders and hold offenders accountable for the financial harm they have caused. Importantly, the bill focuses on a defined set of offenses and does not broadly expand probation for unrelated crimes.

"From a public safety and victim protection perspective, this measure is critical. Real estate fraud can devastate individuals and families, and ensuring restitution is a key component of justice. AB 2553 strengthens accountability, reinforces deterrence, and helps restore

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[1] *Spring 2025 Population Projections* (May 2025) California Department of Corrections and Rehabilitation <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2025/05/Spring-2025-Population-Projections_May_2025_revised-1.pdf> [as of Apr. 9, 2026].
[2] *Confined and Costly: How Supervision Violations are Filling Prisons and Burdening Budgets* (2019) The Council of State Governments Justice Center <https://csgjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf /> [as of Apr. 9, 2026].
[3] Harris, et al., *California's Prison Population* (Sept. 2024) Public Policy Institute of California <https://www.ppic.org/publication/californias-prison-population/> [as of Apr. 9, 2026].
[4] *The 2025-26 Budget: California Department of Corrections and Rehabilitation* (Feb. 25, 2025) Legislative Analyst's Office <https://lao.ca.gov/Publications/Report/4986> [as of Apr. 9, 2026].

confidence that those who commit these crimes will be required to repay what they have taken."

5) **Argument in Opposition**: According to the *Sister Warriors Freedom Coalition*, "California has implemented various criminal justice reforms, shifting state resources away from a legacy of over-incarceration and towards prevention, intervention, and treatment. However, efforts to extend probationary periods contain many issues that are antithetical to this recent trend. A few years ago, this legislature 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 2553 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.1 The study revealed that 24% of prison admissions in California are the result of supervised violations,2 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.3 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.4 Prior to the AB 1950 reform, incarceration for supervision revocations cost California taxpayers at least $2 billion annually.5 We encourage the legislature to allow for the recent reform to continue taking effect before we make any further changes."

6) **Related Legislation**:

   a) AB 1816 (Davies) would require an offender, who has to register as a sex offender as a condition of probation, if the probation department files a petition to the court and the court makes a finding the defendant has not successfully completed probation and additional time is necessary for programming, authorize the court to order the term of probation to continue for a period not exceeding one additional year. AB 1816 is pending hearing in the Assembly Appropriations Committee.

   b) AB 1886 (Elhawary) would remove the exclusion of wards that have been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements from the 12-month limitation. AB 1886 is pending hearing in the Assembly Public Safety Committee.

   c) AB 2237 (Patterson) would authorize a court to impose punishment in misdemeanor cases to suspend the sentence for a period of time not exceeding 3 years for an individual granted probation and ordered to register as a sex offender. AB 2237 failed passage in this committee and was granted reconsideration.

7) **Prior Legislation**:

a) AB 1316 (Bonta), Chapter 575, Statutes of 2025, among other things, limited to 12 months the period of time a ward may remain on probation, except that a court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest. The bill would require the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing.

b) AB 2106 (McCarty), Chapter 1007, Statutes of 2024, required, in instances where a defendant is charged with a controlled substance offense and granted probation, the court to order a drug treatment program or drug education, if an appropriate program with capacity to accept the defendant has been identified by the probation officer.

c) AB (Petrie-Norris), Chapter 264, Statutes of 2023, authorized a court, for entities with more than 10 employees, to impose a period of probation for a maximum period of 5 years in specified crimes relating to, among other things, dumping in waterways, pesticides, oil dumping and spills, waste management, and animal cruelty.

d) AB 890 (Patterson), Chapter 818, Statutes of 2023, required the court to order a person granted probation for a violation of specified laws involving any amount of controlled substances, to successfully complete a fentanyl and synthetic opiate education program, if one is available.

e) AB 503 (Stone), of the 2021-22 Legislative Session, would have limited to 6 months the period of time a ward may remain on probation, except that a court may extend the probation period for a period not to exceed increments of 6 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's best interest. AB 503 was vetoed by the Governor.

f) AB 1753 (Gallagher), of the 2021-22 Legislative Session, would have prohibited the period of probation from exceeding 3 years if the court grants probation to a person punished for crimes involving the sale or purchase of specified animals. AB 1753 was held in the Assembly Wildlife, Parks, and Water Committee.

g) SB 73 (Wiener), Chapter 537, Statutes of 2021, authorized the prohibitions on probation to be waived by a court in the interests of justice for defined crimes relating to controlled substances.

h) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, restricted the period of probation for a felony top 2 years and for misdemeanor to no longer than one year, except as specified.

i) AB (Jones-Sawyer), Chapter 574, Statutes of 2019, made the imposition of the 180-day confinement condition on probation permissive rather than mandatory for a person who is granted probation after being convicted of furnishing or transporting specified controlled substances.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Realtors (Sponsor)
California District Attorneys Association
Chief Probation Officers' of California (CPOC)
Office of the District Attorney of Orange County
Orange County Realtors

Opposition

ACLU California Action
California Coalition for Women Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
Sister Warriors Freedom Coalition
1 Private Individual

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

Amended Mock-up for 2025-2026 AB-2553 (Petrie-Norris (A))

Mock-up based on Version Number 98 - Amended Assembly 3/16/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 1203.094 is added to the Penal Code, to read:

1203.094. (a)**(1)** Notwithstanding Section 1203.1 or 1203a, if a defendant is granted probation upon a conviction listed in subdivision (b) that is related to the purchase or sale of real property, a mortgage involving real property, the recording or attempted recording of a real estate instrument, or a home loan modification, the term of probation **may be extended for up to one year.** ~~shall be up to five years for either a misdemeanor or felony conviction. The term of probation may include a period of summary probation as appropriate.~~

(2) If a defendant is on formal probation, the period of probation may be extended if the probation department files a petition to the court and the court makes a finding that additional time is necessary for programming, in which case the court may order the term of probation to continue as necessary for a period not exceeding one additional year and under the conditions as it shall determine.

(3) If a defendant is on informal or summary probation, the period of probation may be extended if the court makes a finding that additional time is necessary for programming, in which case the court may order the term of probation to continue as necessary for a period not exceeding one additional year and under the conditions as it shall determine.

(b) (1) Subdivision (a) of Section 115.

(2) Subdivision (b) of Section 115.5.

(3) Subdivision (a) of Section 154.

(4) Subdivision (d) or (e) of Section 368.

(5) Section 470.

(6) Section 470a.

(7) Section 470b.

(8) Section 475.

(9) Subdivision (a) of Section 487.

(10) Section 529.

(11) Section 529.5.

(12) Section 530.5.

(13) Section 531.

(14) Section 531a.

(15) Section 532.

(16) Section 532f.

(17) Section 533.

(18) Section 534.

(19) Section 639.

(20) Section 2944.7 of the Civil Code.

(21) A violation pursuant to Chapter 2.5 (commencing with Section 1695) of Title 5 of Part 2 of Division 3 of the Civil Code.

(22) A violation pursuant to Article 1.5 (commencing with Section 2945) of Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code.

(23) A violation pursuant to Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of the Government Code.

(24) Section 27204 of the Government Code.

(c) Nothing in this section is intended to preclude punishment under any other provision of law, including as provided by subparagraph (B) of paragraph (1) of subdivision (h) of Section 186.11.

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.

Date of Hearing: April 21, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2605 (Arambula) – As Amended April 8, 2026

SUMMARY: Requires the board of supervisors for any county that has established the office of the public defender to collect specified information on public defense services provided in the county and to submit that information to the State Public Defender every two years. Specifically, **this bill**:

1) Provides that the board of supervisors each county specify a contact person for the office of the public defender and collect the following information from the office every two years:

   a) Type of primary and conflict public defense systems used.

   b) Method and timing of case assignment.

   c) Budget and expenditures on public defense.

   d) Funded and filled public defense positions by type.

   e) The number of cases assigned to the public defense system.

2) Provides that the data collected by a county shall be reported to the Office of the State Public Defender every two years beginning on January 1, 2029.

3) Provides that the Office of the State Public Defender shall create and post on its internet website a summary report of the information reported to it pursuant to this bill.

EXISTING LAW:

1) Provides that the Governor shall appoint a State Public Defender, subject to confirmation by the Senate and sets forth the eligibility requirements and duties of the State Public Defender. (Gov. Code, § 15400 et seq.)

2) Provides that the board of supervisors of any county may establish the office of public defender for the county and sets for the duties for a county public defender. (Gov. Code, § 27700, et seq)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:** According to the author: "California's longstanding issues providing public defense to individuals accused of crimes has a real cost to some of the state's poorest and most under-resourced counties. Though the Sixth Amendment enshrines the right to

counsel for defendants in criminal prosecution, the state does not currently collect data on how this public defense is provided at a county level. Most other states appropriate significant funding for public defense services and California is an outlier in shifting this responsibility to the local level. This has created an overburdened and underfunded system wherein rural, low-income communities are overlooked and defendants are routinely convicted without appropriate investigation into the charges being made. AB 2605 requires that the Office of the State Public Defender work with counties to collect data on the type of primary and conflict public defense system used, number of cases assigned to the public defense system, method and timing of case assignment, funded and filled public defense positions by type, and budget/expenditure information."

2) **AB 625 (Arambula) Report:** AB 625 (Arambula) Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report no later than January 1, 2024. The report found that while "the vast majority of California's public defense attorneys are devoted to their profession" they are "almost universally burdened by excessive workloads" and "lack support staff-investigators, social workers, paralegals and administrative assistants-necessary to efficiently and effectively represent their clients." The report also found that the "situation is often worse in less populous more rural counties."

   The report made a number of recommendations including: limiting attorney workloads; requiring appropriate staffing; and providing attorney recruitment and retention support, particularly in rural counties.

   The report also specifically suggested that to "assess public defense workloads and staffing sufficiency, the state must regularly collect reliable data on public defense. At present, the state collects some staffing data from counties with public defender offices, but no staffing data from counties relying on contract or assigned counsel public defense systems. And the state collects no data at all on public defense caseloads. To better understand and assess California's public defense systems, the state should regularly collect data on public defense services from all counties:

   - Require counties to submit annual public defense plans that detail how the county provides defense services and reports staffing levels.

   - Provide funding to increase data collection capacity and enable compliance with data reporting requirements.

   - Increase the data reporting requirements over time to include caseloads by case type categories.

   - Make aggregated data available to the public. (California Public Defense Workloads and Staffing, SMU Dedman School of Law p. 2-5)

3) **Information on Public Defender services**: The Public Defender of a county is appointed by the board of supervisors to provide criminal defense services to people who are not able to financially employ counsel. (Gov. Code, § 27706) Some counties the public defender is a county employee in other counties the Board of Supervisors contracts with a private firm to

provide public defender services. Counties also have either a list of attorneys or a second office to deal with issues where the Public Defender's Office can't take a case because of a conflict.

This bill requires county public defenders to provide information on what type of primary and conflict systems used; method and timing of case assignment; budget and expenditures on public defense; funded and filled defense positions by type; and the number of cases assigned to the public defense system. The information will be provided to the state public defender every two years.

Most of the information required to be submitted addresses issues with the type of office and budget or caseload. It is unclear why data on method of case assignment would be relevant for data collection and how an office would even report that information.

4) **Data collected submitted to Office of the State Public Defender and released online:** The information required to be submitted by the county must be submitted to the State Public Defender and then the State Public Defender shall report a summary of the information on their website.

The State Public Defender focuses on post-conviction proceedings in criminal cases. Are they the proper collector of this information? It was recommended in the Report on Public Defense Workloads that data collected be made public but what is meant to be gained by posting this information online? Does it help the general public?

5) **Argument in Support:** According to *The Wren Collective*,

"**AB 2605 is essential to reforming our public defense system**
"Our extensive research on California public defense shows that AB 2605 does two key things: 1) it provides a uniform way of tracking public defense caseloads throughout the state and, 2) does so in a way that places minimal to no burdens on local practice.

"**Caseload data is urgently needed**
"Uniform and reliable caseload data is urgent. As outlined below, many counties actually do have this information in some form, but it is not uniformly collected or reported. Our own research has found counties operating where lawyers have, by our best estimates, over 400 or 500 cases a year, including full felony caseloads. Recent reports by the Office of the State Public Defender, the Sixth Amendment Center, and a recent CalMatters exposé all found evidence of disturbingly high caseloads in at least 6 specific counties. The AB 625 Report cited 7 counties that had so many cases that their defense institutions had to decline new clients (p. 156).

"And that report was not the first warning that a lack of consistent caseload data collection was a problem. The Legislative Analyst's Office raised the same issue in 2022 (p 8). The California Commission on the Fair Administration of Justice, made up of top law enforcement officials around the state, did so in 2008 (p. 96-98). The State Bar of California raised the issue in 2006 (p. 33). And it has long been a tenant of the American Bar Association and National Legal Aid & Defender Association.

"**The law places minimal burdens on counties**

"*The law is also crafted to be modest, with due consideration of the existing burdens of counties. The AB 625 Report recommended 9 specific data points for collection (p. 85-86), while AB 2605 is limited to 5, several of which counties already track yearly as part of their budgeting process.* The caseload data exists in some non-uniform way in most counties. Counties in California that have institutional defenders and many jurisdictions that rely on private contractors, use case management systems where reporting the total number of cases would be straightforward.

"Those counties that do not have those systems would *not* be required to implement them to comply with AB 2605, because they either 1) are collecting that data in the form of monthly or quarterly or annual reports on opened or closed cases or 2) the terms of their contracts with private attorneys require those lawyers to either track their caseloads or not take on excessive cases, and make their records subject to county audits. Attorneys, writ large, are responsible under existing ethical rules for managing their own caseloads and ensuring they are not handling excessive caseloads. This applies to private contractors under every indigent defense contract in the state, such that the cost of reporting that information is largely already borne by the contractors, in those cases where the data is not already readily accessible, discussed above.

"Simply put, AB 2605 would be an important step forward to bringing our public defense system up to code by implementing a uniform caseload reporting system that is long overdue.

"Public defenders are vital to protecting the civil rights of all Californians. And in an environment where the federal government is using low-level criminal charges to widen the net of its horrific mass deportation, even for those who have been in the country for decades with lawful status, it is urgent that we shore up public defense in our state."

6) **Argument in Opposition:** The *California State Association of Counties*, "The California and U.S. Constitution enshrine the right to effective assistance of legal counsel and equal protection through due process for all criminal defendants. Thus, the government is required to provide access to attorneys and pay for the cost of representation for those who cannot afford counsel. In California, the state has delegated to counties the responsibility of both funding and administering indigent defense services at the trial court level. Counties have the authority and flexibility to design systems that best suit local needs. However, California is one of only four states that do not provide full or partial funding to counties for the delivery of this constitutionally mandated service. Counties, particularly small and rural counties, simply cannot absorb additional ongoing state-mandated costs without state funding.

"AB 2605 would impose new reporting requirements on counties regarding the type of public defense system utilized, detailed information on case assignments, budgeting and expenditures, employment data, and case management data, creating additional administrative burdens without providing the necessary resources to support compliance. While data is critical in evaluating the efficacy of any program or system, these new requirements would divert limited local resources away from essential county services, including the provision of constitutionally mandated legal representation.

"Local government budgets are increasingly constrained by a combination of effectively static or decreasing local revenues and ever-rising local costs and unfunded state mandates. Most notably, counties are also facing a looming fiscal crisis associated with the

implementation of H.R. 1, which is expected to increase demands on county safety net programs and indigent health services in the tune of up to $9.5 billion annually for counties alone. H.R. 1 and other state and federal policy decisions, over which local governments have no control, are crippling the ability of counties to continue to deliver high quality services on behalf of the state and federal government. While a portion of these costs may be recovered through the Commission on State Mandates, the process is lengthy, requires significant staff time and resources, and if approved by the commission, counties are rarely funded at an adequate level. As such, we respectfully request this bill be amended to include an appropriation of funds sufficient to cover the full costs that local governments will incur for implementation.

"For these reasons, RCRC, CSAC, and UCC must oppose AB 2605 as currently drafted. If you should have any questions, please do not hesitate to contact us."

7) **Prior Legislation:** AB 625 (Arambula) Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report no later than January 1, 2024.

REGISTERED SUPPORT / OPPOSITION:

Support

Wren Collective

Opposition

California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)
Urban Counties of California (UCC)

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 21, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2624 (Bonta) – As Amended April 9, 2026

As Proposed to be Amended in Committee

SUMMARY: Establishes a new address confidentiality opportunity within the Secretary of State's (SOS) Safe At Home (SAH) program and new online privacy protections for a designated immigration support services (DISS) provider, employee, or volunteer, as specified. Specifically, **this bill**:

1) Defines all of the following for purposes of the bill:

   a) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

   b) "Designated immigration support services (DISS)" means services provided to the immigrant population, including, but not limited to, legal representation, legal assistance, advocacy, case management, humanitarian relief, immigration resources, referrals, translation services, counseling services, and healthcare.

   c) "DISS provider, employee, or volunteer" means a person who provides, assists in providing, or receives immigration support services at a designated immigration support services facility.

   d) "DISS facility" means a facility where immigration support services are provided, including, but not limited to, nonprofit organization offices, Department of Justice-recognized entities, community legal clinics, law offices, accredited representative sites that provide immigration legal services, and health care facilities.

   e) "Domicile" means a place of habitation, as defined in the Elections Code.

   f) "Harassment" is repeated, unreasonable, and unwelcome conduct directed at a targeted individual that would cause a reasonable person to fear for their own safety or the safety of a household member. Harassing conduct may include, but is not limited to, following, stalking, telephone calls, or written correspondence.

   g) "Image" includes, but is not limited to, a photograph, video footage, sketch, or computer-generated image that provides a means to visually identify the person depicted.

   h) "Personal information" means information that identifies, relates to, describes, or is capable of being associated with a designated immigration support services provider, employee, or volunteer, including, but not limited to, their name, signature, social security number, physical characteristics or description, address, telephone number,

passport number, driver's license or state identification card number, license plate number, employment, employment history, and financial information.

i) "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

Safe at Home program

1) Authorizes a DISS provider, employee, volunteer, parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as specified, who is domiciled in California, to apply to the SOS SAH program to have an address designated by the SOS to serve as the person's address or the address of the minor or incapacitated person.

2) Requires the application process to include a requirement that the applicant meet with a counselor and receive orientation information about the SAH program.

3) Mandates the SOS to approve an application if it is filed in the manner for, and on the form prescribed by, the SOS and it contains all of the following:

   a) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a DISS provider, employee, or volunteer is fearful for their safety or the safety of their family because of their affiliation with a DISS facility, and the application is accompanied by all of the following:

      i) Documentation showing that the individual is to commence employment or is currently employed as a provider or employee at a designated immigration support services facility or is volunteering at a DISS facility;

      ii) One of the following:

         (1) A certified statement signed by a person authorized by that designated immigration support services facility stating that the facility or any of its providers, employees, or volunteers is or was the target of threats, harassment, or acts of violence or harassment within one year of the date of the application. Makes a person who willfully certifies as true any material pursuant to this provision that the person knows to be false guilty of a misdemeanor;

         (2) A certified statement signed by the DISS provider or employee of, or volunteer for, the DISS facility stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their association with the designated support services facility. Makes a person who willfully certifies as true any material pursuant to this provision that the person knows to be false guilty of a misdemeanor;

         (3) A workplace violence restraining order, as specified in existing law or a civil restraining order, as specified in existing law, protecting the applicant or the minor or incapacitated person on whose behalf the application is made.

iii) A sworn statement that the applicant fears for their safety or the safety of their family, or the safety of the minor or incapacitated person on whose behalf the application is made due to their affiliation with the DISS facility authorized to provide the declaration, as specified.

b) Requires the application to be accompanied by documentation by the DISS facility showing the length of time a volunteer requesting inclusion in the SAH program has committed to working at the facility in addition to the documents specified above, if the applicant alleges that the basis for the application is that the applicant is a DISS facility volunteer.

c) A designation of the SOS as agent for purposes of service of process and for the purpose of receipt of mail.

i) Requires service on the SOS of any summons, writ, notice, demand, or process to be made by delivering to the address confidentiality program personnel of the office of the SOS two copies of the summons, writ, notice, demand, or process.

ii) Requires the SOS to immediately cause a copy of a summons, writ, notice, demand, or process served on the SOS to be forwarded to the program participant at the address shown on the records of the SAH program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the SOS having received it.

iii) Requires the SOS to keep a record of all summonses, writs, notices, demands, and processes served upon the SOS under this new DISS addition to the SAH and record the time of that service and the SOS' action.

iv) Holds the office of the SOS and any agent or person employed by the SOS harmless from any liability in any action brought by a person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

d) The mailing address where the applicant can be contacted by the Secretary of State, and the telephone number or numbers where the applicant can be called by the Secretary of State.

e) The address or addresses that the applicant requests not to be disclosed for the reason that disclosure will increase the risk of threat or acts of violence or harassment toward the applicant.

f) The signature of the applicant and of any individual or representative of any office designated in writing who assisted in the preparation of the application, and the date on which the applicant signed the application.

4) Requires applications to be filed with the office of the SOS applications to be accompanied by payment of a fee to be determined by the SOS.

5) Prohibits the fee from exceeding the reasonable costs of enrolling in DISS SAH program and allows annual fees to be assessed by the SOS to defray the reasonable costs of maintaining the DISS SAH program.

6) Requires annual fees assessed by the SOS to also be used to reimburse the General Fund for any amounts expended from that fund for the purposes of this new program.

7) Mandates the SOS to certify the applicant as a DISS SAH participant upon filing a properly completed application.

8) Requires applicants, with the exception of DISS facilities volunteers, to be certified for four years following the date of filing unless the certification is withdrawn, or invalidated before that date.

9) Requires DISS facility volunteers to be certified until six months from the last date of volunteering with the facility.

10) Mandates the SOS establish a renewal procedure in regulations and allows a minor program participant who reaches 18 years of age to renew as an adult following the renewal procedures.

11) Makes a person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's family or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, guilty of a misdemeanor.

12) Mandates a notice to be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties, as specified.

13) Requires the SOS to cancel certification of a program participant who fails to disclose a change in employment status, or termination as a provider or volunteer.

14) Requires the SOS to retain records upon termination of a program participant's certification as follows:

    a) Except as specified, any records or documents pertaining to a DISS SAH program participant shall be held confidential.

    b) All records or documents pertaining to a program participant shall be retained for a period of three years after termination of certification and then destroyed without further notice.

15) Authorizes a DISS SAH program participant to withdraw from program participation by submitting to the SOS written notification of withdrawal and their current identification card and certification to be terminated on the date of the receipt of this notification.

16) Authorizes the SOS to terminate a program participant's certification and invalidate the participant's authorization card for any of the following reasons:

    a) The program participant's certification term has expired, and certification renewal has not been completed;

    b) The SOS has determined that false information was used in the application process to qualify as a program participant or that participation in the program is being used as

subterfuge to avoid detection or illegal or criminal activity or apprehension by law enforcement;

c) The program participant no longer resides at the residential address provided to the SOS, and has not provided at least seven days' prior notice in writing of a change in address;

d) A service of process document or mail forwarded to the program participant by the SOS is returned as non-deliverable;

e) The program participant who is a provider, employee, or volunteer fails to disclose a change in employment, or termination as volunteer or provider;

f) The program participant, who reaches 18 years of age during their certification term, has not renewed their certification within 60 days of them reaching 18 years of age.

17) Allows the SOS to refuse to renew a program participant's certification if the adult program participant or the parent or guardian acting on behalf of a minor or incapacitated person has abandoned their domicile in this state.

18) Requires the SOS to send written notification of the intended termination to the program participant if termination is based on false attestation.

19) Grants the DISS SAH program participant 30 business days in which to appeal the termination under procedures developed by the SOS.

20) Requires the SOS to notify in writing the county elections official and authorized personnel of the appropriate county clerk's office and the county recording office of the program participant's certification withdrawal, invalidation, expiration, or termination.

21) Requires authorized personnel, upon receipt of this termination notification, to transmit to the SOS all appropriate administrative records pertaining to the DISS SAH participant and the record transmitting agency is no longer responsible for maintaining the confidentiality of a terminated program participant's record.

22) Authorizes the SOS to disclose information contained in the participant's application following termination of program participant certification, as specified.

23) Authorizes a DISS SAH program participant to request that state and local agencies use the address designated by the SOS as the participant's address.

24) Requires state and local agencies to accept the address designated by the SOS as a program participant's substitute address when creating a public record, unless the SOS has determined both of the following:

a) The agency has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under this chapter;

b) The address will be used only for those statutory and administrative purposes and shall not be publicly disseminated.

25) Authorizes a program participant to request that state and local agencies use the address designated by the SOS as the DISS SAH program participant's address.

26) States that when modifying or maintaining a public record, excluding the record of a birth, fetal death, death, or marriage registered under the relevant Health and safety Code sections, a state and local agency must accept the address designated by the SOS as a program participant's substitute address, unless the SOS has determined both of the following:

    a) The agency has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under this chapter;

    b) This address will be used only for those statutory and administrative purposes and shall not be publicly disseminated.

27) Authorizes a DISS SAH program participant to use the address designated by the SOS as the participant's work address.

28) Requires the SOS to forward all first-class mail and all mail sent by a governmental agency to the appropriate program participants.

29) Authorizes the office of the SOS, in its discretion, to refuse to handle or forward packages regardless of size or type of mailing.

30) States that, notwithstanding the requirement that state and local agencies accept the SOS DISS SAH program address, a program participant must comply with the provisions specified in the Vehicle Code if requesting suppression of DMV records.

31) Requires DISS SAH program participants to also comply with all other provisions of the Vehicle Code relating to providing current address information to the DMV.

32) Authorizes a program participant who is otherwise qualified to vote to seek to register and vote in a confidential manner, as specified.

33) Prohibits the SOS from making a program participant's address, other than the address designated by the SOS, available for inspection or copying, except under any of the following circumstances:

    a) If requested by a law enforcement agency, to the law enforcement agency;

    b) If directed by a court order, to a person identified in the order.

    c) If certification has been terminated as specified.

34) Requires the SOS to designate a state and local agency and nonprofit agency that may assist persons applying to be DISS SAH program participants.

35) Specifies that any assistance and counseling rendered by the SOS or its designees to applicants shall in no way be construed as legal advice.

36) Authorizes the SOS to adopt rules to facilitate the administration of this program by state and local agencies.

37) Requires the SOS to administer this chapter together with and in the same manner as the address confidentiality programs for domestic violence and stalking survivors.

38) Mandates the SOS to provide each DISS SAH program participant a notice in clear and conspicuous font that contains all of the following:

    a) The program participant is authorized by law to request to use the participant's address designated by the SOS on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home;

    b) The program participant may create a revocable living trust and place their real property into the trust to protect their residential street address from disclosure in real property transactions;

    c) The program participant may obtain a change of their legal name to protect their anonymity;

    d) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, state and local agencies, or other nonprofit organizations that may be able to assist program participants.

39) Requires the SOS to submit to the Legislature, no later than January 10 of each year, a report that includes the total number of applications received for the program established by this chapter.

40) Mandates the report disclose the number of DISS SAH program participants within each county and to also describe any allegations of misuse relating to election purposes.

41) Requires the SOS to commence accepting applications for the DISS SAH program by July 1, 2027.

42) Requires the SOS to submit to the Legislature by January 1, 2030, a report that includes the total number of pieces of mail forwarded to program participants, the number of program participants during the program's duration, the average length of time a participant remains in the program, and the targeted code change needed to improve the program's efficiency and cost-effectiveness.

Online Privacy

43) Prohibits a person, business, or association from publicly posting or publicly displaying on the internet the home address of a program participant who makes a written demand of that person, business, or association to not disclose the home address of the DISS SAH program participant.

44) Prohibits a person, business, or association from knowingly posting the home address of a DISS SAH program participant, or of the program participant's residing spouse or child, on the internet knowing that person is a DISS SAH program participant and intending to cause

imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

45) Exempts interactive computer services or access software providers, as specified in federal law, unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to a program participant.

46) Prohibits a person, business, or association from knowingly publicly posting or publicly displaying, disclosing, or distributing on an internet website, the personal information or image of any DISS provider, employee, or volunteer, or other individual residing at the same home address, with the intent to do either of the following:

   a) Incite a third person to cause imminent great bodily harm to the DISS provider, employee, or volunteer identified in the posting or display, or to a co-resident of that person, where the third person is likely to commit this harm;

   b) Threaten the designated support services provider, employee, or volunteer identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.

47) Authorizes a DISS provider, employee, or volunteer whose personal information or image is made public or any individual entity or organization authorized to act on their behalf, to do either of the following:

   a) Bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. Authorizes a jury or court that finds that a violation has occurred to grant injunctive or declarative relief and award the successful plaintiff court costs and reasonable attorney's fees.

   b) Bring an action for money damages in any court of competent jurisdiction. In addition to any other legal rights or remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than $4,000.

48) Prohibits a person, business, or association from publicly posting, displaying, disclosing, or distributing on an internet website, the personal information or image of a DISS provider, employee, or volunteer, if that individual, or any individual, entity, or organization authorized to act on their behalf, has made a written demand of that person, business, or association to not disclose the personal information or image.

49) Mandates a written demand include a statement declaring that the individual is subject to the protection of the DISS SAH program and describing a reasonable fear for the safety of that individual or of any person residing at that individual's home address.

50) States a demand made not to disclose the personal information or image effective for four years, regardless of whether or not the individual's affiliation with a designated immigration support services facility has expired prior to the end of the four-year period.

51) Authorizes a DISS provider, employee, or volunteer whose personal information or image is made public as a result of a failure to honor a demand, as specified, or any individual, entity,

or organization authorized to act on their behalf, to bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.

52) Exempts a person or entity defined as a news organization or employee of a news organization, as specified, from the prohibitions against disclosure.

53) Prohibits a person, business, or association from soliciting, selling, or trading on the internet the personal information or image of a designated immigration support services provider, employee, or volunteer with the intent to do either of the following:

   a) Incite a third person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.

   b) Threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.

54) Authorizes a DISS provider, employee, or volunteer whose personal information or image is made public as a result of a failure to honor a demand not to disclose or any individual, entity, or organization authorized to act on their behalf, to bring an action in any court of competent jurisdiction. In addition to any other legal rights and remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than $4,000.

55) Exempts an internet computer service or access software provider, as defined, from liability under the requirements of this bill unless the service or provider intends to abet or cause bodily harm that is likely to occur or threatens to cause bodily harm to a designated immigration support services provider, employee, or volunteer, or any person residing at the same home address.

56) States it is unlawful for a person to post on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a designated immigration support services provider, employee, or volunteer, or other individuals residing at the same home address, the personal information or image of a DISS provider, employee, or volunteer, or other individuals residing at the same home address.

57) Specifies the prohibitions and penalties specified in this bill do not preclude punishment under any other provision of law.

EXISTING LAW:

1) Establishes the SAH confidentiality program within the office of the SOS in order to enable state and local agencies to both accept and respond to requests for public records without disclosing the changed name or address of a victim of domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse. (Gov. Code, § 6205.)

2) Makes legislative findings that persons attempting to escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse frequently establish new names or addresses to prevent their assailants or probable assailants from finding them. (Gov. Code, § 6205.)

3) Allows reproductive health care and gender affirming care providers, employees, volunteers, and patients to apply to the SAH address confidentiality program through a community-based victims' assistance program, as specified. (Gov. Code, § 6215, et seq.)

4) Requires an applicant, as part of their application, to provide the following to qualify for the health care provider address confidentiality program:

   a) Documentation showing that the individual is to commence employment or is currently employed as a provider or employee at a designated health care services facility or is volunteering at a designated health care services facility.

   b) A certified statement signed by a person authorized by the designated health care services facility stating that the facility or any of its providers, employees, volunteers, or patients is or was the target of threats or acts of violence within one year of the date of the application; and provides that a person who willfully certifies as true any material matter pursuant to this section which he or she knows to be false is guilty of a misdemeanor.

   c) A sworn statement that the applicant fears for their safety or the safety of their family, or the safety of the minor or incapacitated person on whose behalf the application is made due to their affiliation with the designated health care services facility providing the declaration described in 4b). (Gov. Code, § 6215.2, subd. (a)(1).)

5) Provides that if the applicant alleges that the basis for the application is that the applicant is a designated health care services facility volunteer, the application must, in addition to the documents specified above, be accompanied by designated health care services facility documentation showing the length of time the volunteer has committed to working at the facility. (Gov. Code, § 6215.2, subd. (a)(2).)

6) Requires that the SOS certify a successful applicant as a program participant for four years following the date of filing, unless the certification is withdrawn or invalidated before that date, except designated health care services facilities volunteers shall be certified until six months from the last date of volunteering with the facility. Provides that the SOS shall establish a renewal procedure. (Gov. Code §§ 6206, subd. (c), 6215.2, subd. (e).)

7) Allows a participant to withdraw from the Safe at Home program. Provides the SOS with the authority to cancel a program participant's certification for specified reasons. (Gov. Code, §§ 6206.5, 6206.7, 6215.3, 6215.4.)

8) Provides that a person, business, or association may not solicit, sell, or trade on the internet or social media the personal information or image of a designated health care services patient, provider, or assistant with the intent to do either of the following:

   a) Incite a third person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.

b) Threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety. (Gov. Code, § 6218, subd. (a)(1).)

9) Allows a designated health care services patient, provider, or assistant whose personal information or image is solicited, sold, or traded, or any individual, entity, or organization authorized to act on their behalf, to bring an action for damages up to a maximum of three times the actual damages, but in no case less than $4,000. (Gov. Code, § 6218, subd. (a)(2).)

10) Prohibits a person, business, or association from publicly posting or publicly displaying, disclosing, or distributing, on internet websites or social media, the personal information or image of a designated health care services patient, provider, or assistant if that individual, or any individual, entity, or organization authorized to act on their behalf, has made a written demand of that person, business, or association to not disclose the personal information or image. (Gov. Code, § 6218, subd. (b)(1).)

a) Requires that a written demand shall include a statement declaring that the individual is subject to the protection of this section and describing a reasonable fear for the safety of that individual or of any person residing at the individual's home address.

b) Specifies that a demand shall be effective for four years, regardless of whether the individual's affiliation with a designated health care services facility has expired prior to the end of the four-year period.

c) Provides that a designated health care services patient, provider, or assistant whose personal information or image is made public as a result of a failure to honor a demand, or any individual, entity, or organization authorized to act on their behalf, may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.

d) Clarifies that an interactive computer service or access software provider (which is exempt from liability for third party content under federal law shall not be liable under this section unless the service or provider intends to abet or cause bodily harm that is likely to occur or threatens to cause bodily harm to a designated health care services patient, provider, or assistant, or any person residing at the same home address. (Gov. Code, § 6218, subd. (a)-(d).)

11) Provides that any reproductive health service provider, employee, volunteer, or patient who is placed in reasonable fear by the posting of their home address and phone number on an Internet website may make a written demand that such information be removed from the website, so long as the demand includes a sworn statement describing the reasonable fear and attesting that the person is a member of the group protected by the statute. Provides injunctive relief. (Gov. Code, § 6281, subd. (b).)

12) Makes it a misdemeanor, punishable by up to 6 months in a county jail, a fine of not more than $2,500, or both that fine and imprisonment, to post the home address, telephone number, or personally identifying information about a provider, employee, volunteer, or patient of a

reproductive health service facility or other individuals residing at the same home address with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against that person or entity. If the violation leads to bodily injury of the person, it is a misdemeanor punishable by up to one year in a county jail, a fine of up to $5,000, or both that fine and imprisonment. (Gov. Code, § 6218.01.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2624 strengthens protections for individuals working in immigrant service roles, including nonprofit staff, volunteers, and legal services providers, who may face risks such as doxxing, harassment, or threats due to the nature of their work. By extending the Safe at Home Program protections, the bill allows eligible participants to keep their personal information confidential in public records, helping reduce exposure to harm while supporting the continued delivery of legal, social, and humanitarian services. This proposal promotes safety, privacy, and continuity of essential services, reinforcing public confidence and ensuring that those serving communities across California can carry out their responsibilities effectively and securely."

2) **SAH**: The SAH program, created by SB 489 (Alpert, Ch. 1005, Stats. 1998) allows victims of domestic violence or stalking to apply to the Secretary of State to request an alternate address to be used in public records. The purpose of that program is to "enable state and local agencies to respond to requests for public records without disclosing the changed name or location of a victim of domestic violence or stalking . . ." (Gov. Code, § 6205.)

   The Secretary of State is tasked with providing a substitute, publicly accessible address for these victims while protecting their actual residences or locations. The Secretary also acts as the program participants' agent for service of process and forwards mail received at the substitute address provided. A program participant, once certified, may stay in the program for four years, after which re-certification is required.

   In 2002, the Safe at Home program was expanded to include reproductive health care services providers, employees, volunteers, and patients with the purpose of preventing potential acts of violence from being committed against providers, employees, and volunteers who assist in the provision of reproductive health care services and the patients seeking those services. (See AB 797 (Shelley) Ch. 380, Stats. 2002).) According to the Safe at Home 2009 Legislative Report, there are 2,437 active participants in the program, and 4,974 participants have been served since the program's inception in 1999.

   In 2022, as the result of AB 1131 (Newman), Chapter 554, Statutes of 2022, the SAH program for reproductive service providers, employees, volunteers and patients was expanded to include a person who is employed by or performs work pursuant to a contract with a public entity and faces threats of violence or violence or harassment from the public because of their work for the public entity. (See Gov. Code, § 6215, subd. (b).) In response to increasing threats against professionals that provide gender-affirming care the Legislature once again expanded the SAH program to capture gender-affirming health care providers, employees, or volunteers (AB 82 (Ward) Ch. 679, Stats. 2025).

Government Code section 6208.2 sets out criminal penalties for posting personal information about a person in the SAH program who is "escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, child abduction, or elder or dependent adult abuse." If a person posts personal information with the intent that another person imminently use that information to commit a crime involving violence, a threat of violence against, or to intimidate the participant or the program participant's family members who are participating in the program, that person may be punished by up to six months in county jail. If posting the personal information results in bodily injury, the person may be sentenced to up to one year in county jail.

3) **Online Privacy for Reproductive Health Services Providers:** In 2006, AB 2551 (Evans), Chapter 486, was enacted to address online privacy concerns for reproductive healthcare providers. Government Code section 6218, subdivision (a)(1) stated: "No person, business, or association shall knowingly publicly post or publicly display on the Internet the home address, home telephone number, or image of any provider, employee, volunteer, or patient of a reproductive health services facility or other individuals residing at the same home address." It also provided reproductive health services providers, employees, volunteers, and patients the right to make a written demand for the removal of their names and addresses from any Internet website that posts or displays personal information. (Gov. Code, § 6218, subd. (b)(1) (Stat. 2006).)

The stated need for AB 2551 was as follows: "This bill is a response to the tactics of militant anti-abortion activists who have used the Internet to harass and intimidate reproductive healthcare service providers, employees, volunteers, and patients." However, it had First Amendment concerns as it may not meet the true threats test. However, the stated penalty for posting an address or telephone number was a civil remedy.

In 2011, SB 636 (Corbett), Chapter 200, updated the online privacy rights to include "personally identifying information" rather than just an address and telephone number and added following:

> No person shall post, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against the participant or the program participant's family members who are participating in the program on the Internet the home address, phone number, or personal identifying information of a program participant or family members who are participating in the program. A violation of this provision would be a misdemeanor, punishable by a fine of up to $2,500, jail for up to six months, or both; violations that lead to the bodily injury of a participant or their family members would be a misdemeanor, punishable by a fine of up to $5,000, jail up to one year, or both."

In 2021, AB 1356 (Bauer-Kahan), Chapter 191, Statutes of 2021, substantially increased, the criminal penalty for posting personal identifying information online from a misdemeanor to an alternate felony-misdemeanor punishable by either one year as a misdemeanor or 16 months, or two or three years as a county jail/state prison felony, a fine of up to $10,000, or both that fine and imprisonment. If bodily injury occurs, the penalty was a straight felony

punishable by 16 months, two, or three years in either state prison or county jail, a fine of up to $50,000, or both that fine and imprisonment.

4) **First Amendment True Threats**: This bill has the same First Amendment concerns as its reproductive healthcare counterpart. First Amendment doctrine has evolved in the internet age to what is known as the "true threats" test.

The First Amendment to the United States Constitution provides that, "Congress shall make no law . . . abridging the freedom of speech." (U.S. Const., 1st Amend.) The California Constitution also protects free speech. "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press." (Cal. Const., art. I, § 2.) "[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *(Ashcroft v. American Civil Liberties Union* (2002) 535 U.S. 564, 573.)

> "To achieve First Amendment protection, a plaintiff must show that [t]he[y] possessed: (1) a message to be communicated; and (2) an audience to receive that message, regardless of the medium in which the message is to be expressed." (*Hurley v. Irish-American Gay, Lesbian & Bisexual Group* (1995) 515 U.S. 557.) Legislation that regulates the content of protected speech is subject to strict scrutiny, sometimes referred to by the courts as "exacting scrutiny" in this context. (*Reed v. Town of Gilbert, Ariz.* (2015) 135 S.Ct. 2218, 2226.) To survive strict scrutiny, state action must be narrowly tailored to address a compelling government interest. (*Ibid.*) However, true threats of violence are outside the bounds of First Amendment protection and punishable as crimes. (See generally, *Brandenburg v. Ohio* (1969) 395 U.S. 444, 447; *Virginia v. Black* (2003) 538 U.S. 343, 359.)

True threats is defined by the court as "serious expression[s]" conveying that a speaker means to "commit an act of unlawful violence." (See *Black*, 538 U. S., at p. 359.) Whether the speaker is aware of, or intends to convey, the threatening aspect of the message is not part of what makes a statement a threat, as this Court recently explained. (See *Elonis v. United States* (2015) 575 U. S. 723, 733.). The existence of a threat depends not on "the mental state of the author," but on "what the statement conveys" to the person on the other end. (*Ibid.*")

> "When the statement is understood as a true threat, all the harms that have long made threats unprotected naturally follow. True threats subject individuals to 'fear of violence' and to the many kinds of 'disruption that fear engenders.'" (See *Black*, 538 U. S., at 360.)

Most recently, in *Counterman v. Colorado,* the U.S. Supreme Court refined the true threats test in determining whether the state must show a subjective understanding by the defendant that the statements constituted a threat. The Court held the state must show the defendant's subjective intent to threaten in order to impose criminal penalties, however, a showing of a

mental state of recklessness is sufficient. (See *Counterman v. Colorado* (2023) 143 S.Ct. 2106, 2112.)

> "Again, guided by our precedent, we hold recklessness standard is enough. Given that a subjective standard here shields speech not independently entitled to protection – and indeed posing real dangers – we do not require that the State prove the defendant had any more specific intent to threat the victim." (*Counterman*, *supra*, at 143 S.Ct. at 2113.)

While threats of violence are clear exceptions to the First Amendment, this bill makes it unlawful to post on the internet, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a DISS provider, employee, or volunteer or other individuals residing at the same address. However, give the broad classification of people for whom this bill may apply, it is unclear whether a court will have trouble with an as applied challenge if the defendant commits a crime, but it is incidental that the person is a DISS provider, employee, volunteer or a person residing at the same address.

5) **Argument in Support**: According to the *Coalition for Humane Immigrant Rights*, a co-sponsor, "Immigrant support providers, whether working in legal assistance, advocacy, education or community support, are operating under heightened risk in the current political climate. Many have experienced harassment, threats, doxxing, and targeted intimidation due to their work. These incidents have escalated significantly in recent years and are likely to continue given the current climate surrounding immigration policy. Such threats jeopardize the safety of advocates and staff and disrupt the vital services they provide to immigrant communities. Advocates and staff should not have to fear that sensitive personal information, such as their home addresses, can be weaponized against them by anti-immigrant vigilantes.

"Currently, the law does not offer these individuals the same confidentiality protection that exists for other groups under the Safe at Home Program, leaving them at risk of danger. AB 2624 addresses this gap by allowing those serving immigrant populations to access the critical privacy safeguards, helping them work without fear for their safety. The Safe at Home Program has a long history of protecting people in vulnerable situations. Originally designed for survivors of domestic violence, it has been expanded over the years to include victims of stalking, reproductive health workers, and gender-affirming health care providers.

"AB 2624 extends these protections to the immigration services sector, ensuring that personal information remains confidential and that threats of harassment can be legally addressed under existing civil and criminal frameworks. The expansion of these protections strengthens the broader support ecosystem, preserving the integrity and continuity of services offered by immigrant support organizations. By shielding staff and volunteers from exposure to online harassment and physical threats, AB 2624 allows organizations to continue providing legal guidance, advocacy, and community resources safely and effectively. Protecting those who serve immigrants ultimately helps immigrant communities live with dignity and access the support they need in California."

6) **Argument in Opposition**: According to the *California Baptists for Biblical Values*, "We strongly oppose Assembly Bill 2624, authored by Assembly Member Bonta. This bill would establish a broad address confidentiality program that protects immigration support service providers, staff, and volunteers from public exposure. It would also introduce civil and criminal penalties for anyone sharing their personal information online. Although presented as a safety measure, AB 2624 would serve as a powerful tool for organizations to hide their activities from public scrutiny, including from investigative journalists exposing fraud and abuse in California's immigration sector. The First Amendment guarantees free speech and a free press — essential rights that allow citizens and journalists to reveal misconduct, hold institutions accountable, and speak truth to power. The sweeping ban on publicly sharing the personal details of any immigration worker, under threat of criminal and civil penalties, would deter legitimate reporting and accountability efforts.

"No one should be beyond public oversight by legislative action. As people of faith, we believe that truth and transparency are the foundations of justice. Proverbs 12:17 (KJV) states: "*An honest witness delivereth souls: but a deceitful witness speaketh lies.*" California's communities deserve honest witnesses — reporters, watchdogs, and citizens — who must be free to investigate and expose deception without fear of prosecution. AB 2624 would silence these witnesses and protect wrongdoers from accountability."

7) **Prior Legislation**:

a) SB 805 (Pérez), Chapter 126, Statutes of 2025, required law enforcement agencies to adopt policies on visible display of identification; requires specified law enforcement officers operating in California who are not uniformed to visibly display identification that includes either a name or badge number to the public when performing their duties; and expands the crime of false personation of a peace officer.

b) AB 2099 (Bauer-Kahan), Chapter 821, Statutes of 2024, increased the penalty, among other things, for a misdemeanor offense of posting on the internet or social media, threats of violence with the intent that another person imminently use that information to commit a violent crime against a reproductive healthcare worker to an alternate misdemeanor-felony punishable by up to one year in the county jail or three years in the county jail.

c) AB 1356 (Bauer-Kahan), Chapter 191, Statutes of 2021, created crimes under the California Freedom of Access to Clinic Act (Act) directed at videotaping, photographing, or recording patients or providers within 100 feet of the facility ("buffer" zone) or disclosing or distributing those images; increases misdemeanor penalties for violations of the Act; and updates and expands online privacy laws and peace officer trainings relative to anti-reproduction-rights offenses.

d) AB 3140 (Bauer-Kahan), of the 2019-2020 Legislative Session, would have created additional crimes under the Act and increased penalties. AB 3140 was not heard in this committee.

e) AB 2251 (Evans), Chapter 486, Statutes of 2006, sought to protect the personal safety of reproductive healthcare providers, employees, volunteers, and patients by prohibiting the posting of such people's personal information on the Internet under specified

circumstances.

f) SB 603 (Ortiz), Chapter 481, Statutes of 2006, required the Commission on the Status of Women to convene an advisory committee that would be responsible for reporting, as specified, to the Legislature and specified agencies on the implementation of the Reproductive Rights Law Enforcement Act and the effectiveness of the plan developed by the Attorney General.

g) SB 780 (Ortiz), Chapter 899, Statutes of 2001, created the California FACCE Act, which provided state criminal and civil penalties for interference with rights to reproductive health services and religious worship.

REGISTERED SUPPORT / OPPOSITION:

Support

Women's Foundation of California, Dr. Beatriz Maria Solis Policy Institute (SPI) (Sponsor)
Coalition for Humane Immigrant Rights (CHIRLA) (Co-Sponsor)
Access Reproductive Justice
Asian Americans Advancing Justice-southern California
Cair California
California Association of Nonprofits
California Domestic Workers Coalition
California Initiative for Technology & Democracy, a Project of California Common CAUSE
California Teachers Association
Cft – a Union of Educators & Classified Professionals, Aft, Afl-cio
Courage California
Education and Leadership Foundation
Equal Rights Advocates
Grace Institute - End Child Poverty in CA
Inland Coalition for Immigrant Justice
Parent Voices California
Power California Action
San Diego Immigrant Rights Consortium
Southeast Asia Resource Action Center
Todec Legal Center
Unidosus
Vision Y Compromiso (UNREG)
Western Center on Law & Poverty, INC.

Opposition

California Baptist for Biblical Values
The California Baptist Capitol Ministry
2 Private individuals

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

Amended Mock-up for 2025-2026 AB-2624 (Bonta (A))

Mock-up based on Version Number 97 - Amended Assembly 4/9/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Chapter 3.26 (commencing with Section 6218.10) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 3.26. Privacy for Immigration Service Providers

6218.10. The Legislature finds and declares the following:

(a) Persons providing support services to the immigrant community have been subject to harassment, threats, and intimidation for their work.

(b) Persons working in the organizations that provide immigration support services have faced doxxing, courthouse targeting, online harassment, anti-immigrant vigilante threats, and coordinated campaigns and death threats. These acts have risen to alarming levels in 2025 and will continue due to the current federal administration's anti-immigration attitude and policies.

6218.11. For purposes of this chapter, all of the following definitions apply:

(a) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(b) "Designated immigration support services" means services provided to the immigrant population, including, but not limited to, legal representation, legal assistance, advocacy, case management, humanitarian relief, immigration resources, referrals, translation services, counseling services, and health care.

(c) "Designated immigration support services provider, employee, or volunteer" means a person who provides, assists in providing, or receives immigration support services at a designated immigration support services facility.

(d) "Designated immigration support services facility" means a facility where immigration support services are provided, including, but not limited to, nonprofit organizations offices, Department of

Justice-recognized entities, community legal clinics, law offices, accredited representative sites that provide immigration legal services, and health care facilities.

(e) "Domicile" means a place of habitation, as defined in Section 349 of the Elections Code.

(f) "Harassment" is repeated, unreasonable, and unwelcome conduct directed at a targeted individual that would cause a reasonable person to fear for their own safety or the safety of a household member. Harassing conduct may include, but is not limited to, following, stalking, telephone calls, or written correspondence.

(g) "Image" includes, but is not limited to, a photograph, video footage, sketch, or computer-generated image that provides a means to visually identify the person depicted.

(h) "Personal information" means information that identifies, relates to, describes, or is capable of being associated with a designated immigration support services provider, employee, or volunteer, including, but not limited to, their name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, license plate number, employment, employment history, and financial information.

~~**(i) "Public entity" means a federal, state, or local governmental agency.**~~

~~(j)~~ **(i)** "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

~~**(k) "Work for a public entity" means work performed by an employee of a public entity, or work performed for a public entity by a person pursuant to a contract with the public entity.**~~

6218.12. (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State to serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based assistance program designated by the Secretary of State. The application process shall include a requirement that the applicant shall meet with a counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a designated immigration support services provider, employee, or volunteer who is fearful for their safety or the safety of their family because of their affiliation with a designated immigration support services facility, the application shall be accompanied by all of the following:

(A) Documentation showing that the individual is to commence employment or is currently employed as a provider or employee at a designated immigration support services facility or is volunteering at a designated immigration support services facility.

(B) One of the following:

(i) A certified statement signed by a person authorized by the designated immigration support services facility stating that the facility or any of its providers, employees, or volunteers is or was the target of threats, harassment, or acts of violence or harassment within one year of the date of the application. A person who willfully certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(ii) A certified statement signed by the provider or employee of, or volunteer for, the designated immigration support services facility stating that they have been the target of threats, harassment, or acts of violence within one year of the date of the application because of their association with the designated immigration support services facility. A person who willfully certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(iii) A workplace violence restraining order described in Section 527.8 of the Code of Civil Procedure, issued after a noticed hearing, or a civil restraining order described in Section 527.6 of the Code of Civil Procedure, issued after a noticed hearing, protecting the applicant or the minor or incapacitated person on whose behalf the application is made. The order must be based upon threats or acts of violence to the applicant or the minor or incapacitated person on whose behalf the application is made and connected with the designated immigration support services facility.

(C) A sworn statement that the applicant fears for their safety or the safety of their family, or the safety of the minor or incapacitated person on whose behalf the application is made due to their affiliation with the designated immigration support services facility authorized to provide the declaration described in subparagraph (B).

(2) If the applicant alleges that the basis for the application is that the applicant is a designated immigration support services facility volunteer, the application shall, in addition to the documents specified in paragraph (1), be accompanied by documentation by the designated immigration support services facility showing the length of time the volunteer has committed to working at the facility.

~~**(3) If the applicant alleges that the basis of the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a person who is or has been the target of threats or acts of violence because the applicant is obtaining or seeking to obtain services at a designated immigration support services facility within one year of the date of the application, the application shall be accompanied by both of the following:**~~

~~**(A) A sworn statement that the applicant has good reason to fear for their safety or the safety of their family.**~~

~~(B) Any police, court, or other governmental agency records or files that show any complaints of the alleged threats or acts of violence.~~

(4) A designation of the Secretary of State as agent for purposes of service of process and for the purpose of receipt of mail.

(A) Service on the Secretary of State of any summons, writ, notice, demand, or process shall be made by delivering to the address confidentiality program personnel of the office of the Secretary of State two copies of the summons, writ, notice, demand, or process.

(B) If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately cause a copy to be forwarded to the program participant at the address shown on the records of the address confidentiality program so that the summons, writ, notice, demand, or process is received by the program participant within three days of the Secretary of State having received it.

(C) The Secretary of State shall keep a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State under this section and shall record the time of that service and the Secretary of State's action.

(D) The office of the Secretary of State and any agent or person employed by the Secretary of State shall be held harmless from any liability in any action brought by any person injured or harmed as a result of the handling of first-class mail on behalf of program participants.

(5) The mailing address where the applicant can be contacted by the Secretary of State, and the telephone number or numbers where the applicant can be called by the Secretary of State.

(6) The address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of threats or acts of *violence* or harassment toward the applicant.

(7) The signature of the applicant and of any individual or representative of any office designated in writing who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the Secretary of State.

(c) Submitted applications shall be accompanied by payment of a fee to be determined by the Secretary of State. This fee shall not exceed the reasonable costs of enrolling in the program. In addition, annual fees may also be assessed by the Secretary of State to defray the reasonable costs of maintaining this program. Annual fees assessed by the Secretary of State shall also be used to reimburse the General Fund for any amounts expended from that fund for the purposes of this chapter.

(d) The Address Confidentiality for Immigration Support Services Fund is hereby created in the General Fund. Upon appropriation by the Legislature, moneys in the fund are available for the administration of the program established pursuant to this chapter.

(e) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Applicants, with the exception of designated immigration support services facilities volunteers, shall be certified for four years following the date of filing unless the certification is withdrawn, or invalidated before that date. Designated immigration support services facility volunteers shall be certified until six months from the last date of volunteering with the facility. The Secretary of State shall by rule establish a renewal procedure. A minor program participant, who reaches 18 years of age, may renew as an adult following the renewal procedures established by the Secretary of State.

(f) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's family or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a misdemeanor. A notice shall be printed in bold type and in a conspicuous location on the face of the application informing the applicant of the penalties under this subdivision.

6218.13. (a) The Secretary of State shall cancel certification of a program participant who fails to disclose a change in employment status, or termination as a provider or volunteer.

(b) Upon termination of a program participant's certification, the Secretary of State shall retain records as follows:

(1) Except as provided in subdivision (g) of Section 6218.14 or subdivision (a) of Section 6218.17, any records or documents pertaining to a program participant shall be held confidential.

(2) All records or documents pertaining to a program participant shall be retained for a period of three years after termination of certification and then destroyed without further notice.

6218.14. (a) A program participant may withdraw from program participation by submitting to the Secretary of State written notification of withdrawal and their current identification card. Certification shall be terminated on the date of receipt of this notification.

(b) The Secretary of State may terminate a program participant's certification and invalidate the participant's authorization card for any of the following reasons:

(1) The program participant's certification term has expired and certification renewal has not been completed.

(2) The Secretary of State has determined that false information was used in the application process to qualify as a program participant or that participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement.

(3) The program participant no longer resides at the residential address provided to the Secretary of State, and has not provided at least seven days' prior notice in writing of a change in address.

(4) A service of process document or mail forwarded to the program participant by the Secretary of State is returned as nondeliverable.

(5) The program participant who is a provider, employee, or volunteer fails to disclose a change in employment, or termination as volunteer or provider.

(6) The program participant, who reaches 18 years of age during their certification term, has not renewed their certification within 60 days of them reaching 18 years of age.

(c) The Secretary of State may refuse to renew a program participant's certification if the adult program participant or the parent or guardian acting on behalf of a minor or incapacitated person has abandoned their domicile in this state.

(d) If termination is based on any of the reasons under subdivision (b) or (c), the Secretary of State shall send written notification of the intended termination to the program participant. The program participant shall have 30 business days in which to appeal the termination under procedures developed by the Secretary of State.

(e) The Secretary of State shall notify in writing the county elections official and authorized personnel of the appropriate county clerk's office and the county recording office of the program participant's certification withdrawal, invalidation, expiration, or termination.

(f) Upon receipt of this termination notification, authorized personnel shall transmit to the Secretary of State all appropriate administrative records pertaining to the program participant and the record transmitting agency is no longer responsible for maintaining the confidentiality of a terminated program participant's record.

(g) Following termination of program participant certification as a result of paragraph (2) of subdivision (b), the Secretary of State may disclose information contained in the participant's application.

6218.15. (a) A program participant may request that state and local agencies use the address designated by the Secretary of State as the participant's address. When creating a public record, state and local agencies shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State has determined both of the following:

(1) The agency has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under this chapter.

(2) This address will be used only for those statutory and administrative purposes and shall not be publicly disseminated.

(b) A program participant may request that state and local agencies use the address designated by the Secretary of State as the participant's address. When modifying or maintaining a public record, excluding the record of any birth, fetal death, death, or marriage registered under Division 102 (commencing with Section 102100) of the Health and Safety Code, state and local agencies shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State has determined both of the following:

(1) The agency has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under this chapter.

(2) This address will be used only for those statutory and administrative purposes and shall not be publicly disseminated.

(c) A program participant may use the address designated by the Secretary of State as the participant's work address.

(d) The office of the Secretary of State shall forward all first-class mail and all mail sent by a governmental agency to the appropriate program participants. The office of the Secretary of State may, in its discretion, refuse to handle or forward packages regardless of size or type of mailing.

(e) Notwithstanding subdivision (a), program participants shall comply with the provisions specified in subdivision (d) of Section 1808.21 of the Vehicle Code if requesting suppression of the records maintained by the Department of Motor Vehicles. Program participants shall also comply with all other provisions of the Vehicle Code relating to providing current address information to the department.

6218.16. A program participant who is otherwise qualified to vote may seek to register and vote in a confidential manner pursuant to Section 2166.5 of the Elections Code.

6218.17. (a) The Secretary of State may not make a program participant's address, other than the address designated by the Secretary of State, available for inspection or copying, except under any of the following circumstances:

(1) If requested by a law enforcement agency, to the law enforcement agency.

(2) If directed by a court order, to a person identified in the order.

(3) If certification has been terminated pursuant to paragraph (2) of subdivision (b) of Section 6218.14.

(b) The Secretary of State shall designate state and local agencies and nonprofit agencies that may assist persons applying to be program participants. Any assistance and counseling rendered by the office of the Secretary of State or its designees to applicants shall in no way be construed as legal advice.

(c) The Secretary of State may adopt rules to facilitate the administration of this chapter by state and local agencies. The Secretary of State shall administer this chapter together with and in the same manner as the address confidentiality programs in Chapter 3.1 (commencing with Section 6205) and Chapter 3.2 (commencing with Section 6215).

(d) The Secretary of State shall provide each program participant a notice in a clear and conspicuous font that contains all of the following information:

(1) The program participant is authorized by law to request to use the participant's address designated by the Secretary of State on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.

(2) The program participant may create a revocable living trust and place their real property into the trust to protect their residential street address from disclosure in real property transactions.

(3) The program participant may obtain a change of their legal name to protect their anonymity.

(4) A list of contact information for entities that the program participant may contact to receive information on, or receive legal services for, the creation of a trust to hold real property or obtaining a name change, including county bar associations, legal aid societies, state and local agencies, or other nonprofit organizations that may be able to assist program participants.

(e) (1) The Secretary of State shall submit to the Legislature, no later than January 10 of each year, a report that includes the total number of applications received for the program established by this chapter. The report shall disclose the number of program participants within each county and shall also describe any allegations of misuse relating to election purposes.

(2) The Secretary of State shall commence accepting applications under this program on ~~**April**~~ **July** 1, 2027.

(3) The Secretary of State shall submit to the Legislature by ~~**July 1**~~ **January 1**, 2030, a report that includes the total number of pieces of mail forwarded to program participants, the number of program participants during the program's duration, the average length of time a participant remains in the program, and the targeted code changes needed to improve the program's efficiency and cost-effectiveness.

6218.18. (a) A person, business, or association shall not publicly post or publicly display on the internet the home address of a program participant who has made a written demand of that person, business, or association to not disclose the home address of the program participant.

(b) A person, business, or association shall not knowingly post the home address of a program participant, or of the program participant's residing spouse or child, on the internet knowing that person is a program participant and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

(c) This section shall not apply to an interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to a program participant.

6218.19. (a) (1) A person, business, or association shall not knowingly publicly post or publicly display, disclose, or distribute on the internet the personal information or image of any designated immigration support services provider, employee, or volunteer, or other individuals residing at the same home address, with the intent to do either of the following:

(A) Incite a third person to cause imminent great bodily harm to the designated immigration support services provider, employee, or volunteer identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.

(B) Threaten the designated immigration support services provider, employee, or volunteer identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.

(2) A designated immigration support services provider, employee, or volunteer whose personal information or image is made public as a result of a violation of paragraph (1), or any individual entity or organization authorized to act on their behalf, may do either or both of the following:

(A) Bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.

(B) Bring an action for money damages in any court of competent jurisdiction. In addition to any other legal rights or remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars ($4,000).

(b) (1) A person, business, or association shall not publicly post or publicly display, disclose, or distribute, on the internet the personal information or image of a designated immigration support services provider, employee, or volunteer if that individual, or any individual, entity, or organization authorized to act on their behalf, has made a written demand of that person, business, or association to not disclose the personal information or image. A written demand made under this paragraph shall include a statement declaring that the individual is subject to the protection of this section and describing a reasonable fear for the safety of that individual or of any person residing at the individual's home address, based on a violation of subdivision (a). A demand made under this paragraph shall be effective for four years, regardless of whether or not the individual's affiliation with a designated immigration support services facility has expired prior to the end of the four-year period.

(2) A designated immigration support services provider, employee, or volunteer whose personal information or image is made public as a result of a failure to honor a demand made pursuant to paragraph (1), or any individual, entity, or organization authorized to act on their behalf, may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the successful plaintiff court costs and reasonable attorney's fees.

(3) This subdivision does not apply to a person or entity defined in Section 1070 of the Evidence Code.

(c) (1) A person, business, or association shall not solicit, sell, or trade on the internet the personal information or image of a designated immigration support services provider, employee, or volunteer with the intent to do either of the following:

(A) Incite a third person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, where the third person is likely to commit this harm.

(B) Threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for their personal safety.

(2) A designated immigration support services provider, employee, or volunteer whose personal information or image is solicited, sold, or traded in violation of paragraph (1), or any individual, entity, or organization authorized to act on their behalf, may bring an action in any court of competent jurisdiction. In addition to any other legal rights and remedies, if a jury or court finds that a violation has occurred, it shall award damages to that individual in an amount up to a maximum of three times the actual damages, but in no case less than four thousand dollars ($4,000).

(d) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this section unless the service or provider intends to abet or cause bodily harm that is likely to occur or threatens to cause bodily harm to a designated immigration support services provider, employee, or volunteer, or any person residing at the same home address.

(e) This section does not preclude punishment under any other provision of law.

6218.20. (a) (1) ~~A person shall not~~ *It is unlawful for a person* to post on the internet, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a designated immigration support services provider, employee, or volunteer, or other individuals residing at the same home address, the personal information or image of a designated immigration support services provider, employee, or volunteer, or other individuals residing at the same home address.

~~(2) A violation of this subdivision is punishable by a fine of up to ten thousand dollars ($10,000) per violation, imprisonment of either up to one year in a county jail or pursuant to subdivision (h) of Section 1170 of the Penal Code, or by both that fine and imprisonment.~~

~~(3) A violation of this subdivision that leads to the bodily injury of a designated immigration support services provider, employee, or volunteer, or other individuals residing at the same home address, is a felony punishable by a fine of up to fifty thousand dollars ($50,000), imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by both that fine and imprisonment.~~

(b) Nothing in this section shall preclude prosecution under any other provision of law.

SEC. 2. The Legislature finds and declares that this act imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Individuals providing support services to the immigrant community have become increasingly subjected to violent threats, harassment, and intimidation. In order to prevent acts of violence from being committed against those individuals, it is necessary for the Legislature to ensure that the home addresses of these individuals are kept confidential.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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 the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2636 (Pacheco) – As Amended March 16, 2026

SUMMARY: Requires the court to consider, for purposes of determining suitability of a minor for deferred entry of judgement (DEJ), whether the minor is charged with an offense of carrying a loaded firearm in public.

EXISTING LAW:

1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

2) Requires, whenever a case is before the juvenile court for a determination of whether a minor may be adjudicated as a ward because of the commission of a felony offense, the minor to be considered DEJ if all of the following circumstances apply:

   a) The minor has not previously been declared to be a ward of the court for the commission of a felony offense;

   b) The offense charged is not one of the offenses enumerated in subdivision (b) of Section 707;

   c) The minor has not previously been committed to the custody of the Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Facilities;

   d) The minor's record does not indicate that probation has ever been revoked without being completed;

   e) The minor is at least 14 years of age at the time of the hearing;

   f) The minor is eligible for probation; and,

   g) The offense charged is not rape, sodomy, oral copulation, or an act of sexual penetration when the victim was prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim was at the time incapable, because of mental disorder or developmental or physical disability, of giving consent, and that was known or reasonably should have been known to the minor at the time of the offense. (Welf. & Inst. Code, § 790, subd. (a).)

3) Requires the prosecuting attorney to review their file to determine whether the minor is eligible for DEJ based on the factors listed above, and if so determined, requires the

prosecuting attorney to file a declaration with the court or state for the record the grounds upon which the determination is based, and shall make this information available to the minor and their attorney. (Welf. & Inst. Code, § 790, subd. (b).)

4) States that upon a finding that the minor is also suitable for DEJ and would benefit from education, treatment, and rehabilitation efforts, the court may grant DEJ. The court shall make these findings on the record. (Welf. & Inst. Code, § 790, subd. (b).)

5) States that a person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city, city and county, or in any public place or on any public street in a prohibited area of an unincorporated area of a county or city and county. (Pen. Code, § 25850, subd. (a).)

6) Punishes the crime of carrying a loaded firearm in public as follows:

   a) Where the person previously has been convicted of any felony, or of any specified firearm-related offenses, as a felony.

   b) Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

   c) Where the person is an active participant in a criminal street gang, as defined.

   d) Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from possessing or acquiring a firearm, as a felony.

   e) Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, as an alternate felony-misdemeanor (hereinafter "wobbler").

   f) Where the person is not listed with the Department of Justice (DOJ) as the recorded owner of the handgun, as a wobbler.

   g) In all cases other than those specified above, as a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one $1,000, or by both that imprisonment and fine. (Pen. Code, § 25850, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California continues to face a serious challenge with youth access to firearms. In recent years, juvenile violent crime arrests have increased, and firearms remain a leading cause of death among children and adolescents, underscoring the urgency of this issue. Existing law prohibits minors from possessing firearms. However, these cases still are eligible for Deferred Entry of Judgment (DEJ), a program intended for first-time, low-level offenses to provide an offramp from further justice involvement by allowing a court to order programming or treatment to address the

underlying criminal factors. This bill requires courts, when determining suitability for Deferred Entry of Judgement (DEJ), to consider whether the offense charged is possession of a loaded firearm, a violation of Penal Code 25850. AB 2636 represents a balanced and necessary change to ensure that courts are giving consideration to this specific offense of carrying a loaded firearm, which has significant impact and consequence to our communities, when looking at the appropriate disposition for these cases. This ensures that conduct posing a significant risk to public safety is addressed with appropriate rehabilitative and accountability interventions. AB 2636 prioritizes public safety while preserving rehabilitative opportunities for youth that promote community safety."

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

3) **Deferred Entry of Judgment (DEJ)**: DEJ is a post-adjudication, pre-disposition diversion program. Under existing law, certain juvenile offenders are eligible for DEJ. (Welf. & Inst. Code, § 790.) With DEJ, a minor must admit each allegation in the petition, and the judgment is deferred while the minor is placed on probation for one to three years. (Welf. & Inst. Code, § 791.) While on probation, certain terms and conditions related to the minor's treatment and rehabilitation are imposed. Upon the successful completion of the terms of probation, the charge or charges against the minor are dismissed, the arrest upon which the judgment was deferred is deemed never to have occurred, and any records in the possession of the juvenile court are required to be sealed, except as specified. (Welf. & Inst. Code, § 793, subd. (c).) If it appears to the prosecuting attorney, the court, or the probation department that the minor is not performing satisfactorily in the assigned program or is not complying with the terms of the probation, or that the minor is not benefiting from education, treatment, or rehabilitation,

the deferred entry of judgment is lifted and the court will schedule a dispositional hearing. (Welf. & Inst. Code, § 793, subd. (a).)

In order to be eligible for DEJ, a minor must meet the following requirements: (1) the minor has not previously been declared to be a ward of the court for the commission of a felony offense; (2) the offense charged is not a serious or violent felony listed in Welfare and Institutions Code section 707 (b); (3) the minor has not previously been committed to the custody of the Division of Juvenile Justice; (4) the minor's record does not indicate that probation has ever been revoked without being completed; (5) the minor is at least 14 years of age at the time of the hearing; (6) the minor is eligible for probation under Penal Code section 1203.06; and (7) the offense charged is not one of several specified sex offenses. (Welf. & Inst. Code, § 790, subd. (a).)

The prosecuting attorney is required to make a determination regarding a minor's eligibility for DEJ, and if the minor is eligible, the prosecuting attorney must notify the court, the minor, and the minor's attorney. (Welf. & Inst. Code, § 790, subd. (b).)

The juvenile court must then decide if the minor is suitable for DEJ. A minor is suitable for DEJ if the judge finds that the minor would benefit from court-ordered education, rehabilitation, and treatment efforts. (*Id*).

Under existing law, a person who personally used a firearm during the commission or attempted commission of specified offenses is ineligible for DEJ. (Welf. & Inst. Code, § 790, subd. (b); Pen. Code, § 1203.06.) This bill does not add to the offenses that would make the minor ineligible for DEJ. Instead, it would require the court in making its suitability determination whether the offense charged is an offense of carrying a loaded firearm in public. Existing law does not enumerate specified factors for the court to consider in its suitability determination. Thus, it appears the court has wide discretion to grant when the court makes a finding that the minor would benefit from education, treatment, and rehabilitation efforts. It is unclear whether this new consideration is to be made in conjunction with the court's determination that the minor would benefit from education, treatment, and rehabilitation efforts, or if it is to be considered wholly separately and how the court is to weigh that fact in its determination.

By adding this additional consideration, courts may read the language to signal legislative intent that those charged with carrying a loaded firearm in public are less suitable for diversion. This may in turn raise the question of what other offenses that are perhaps more serious should be added to the list for consideration.

4) **Proposition 21**: Proposition 21, the Gang Violence and Juvenile Crime Prevention Act, was approved by voters on March 7, 2000 at the statewide primary election. The initiative made various changes affecting juveniles including increasing punishment for specified offenses, adding offenses to the serious and violent felony lists, and requiring juveniles 14 years or older charged with murder or specified sex offenses to be tried in adult court. Relevant to this bill, the initiative also prohibited informal probation for a juvenile charged with a felony and created a new sanction of DEJ for first-time juvenile offenders charged with felonies. According to the Legislative Analyst's Office: "This measure generally prohibits the use of informal probation for any juvenile offender who commits a felony. Instead, it requires that these offenders appear in court, but allows the court to impose a newly created sanction

called 'deferred entry of judgment.' Like informal probation, this sanction would result in the dismissal of charges if an offender successfully completes the term of probation."[1]

Because Proposition 21 was a voter initiative, the Legislature may not amend the statute without subsequent voter approval unless the initiative permits such amendment, and then only upon whatever conditions the voters attached to the Legislature's amendatory powers. (*People v. Superior Court (Pearson)* (2010) 48 Cal.4th 564, 568; see also Cal. Const., art. II, § 10, subd. (c).) The California Constitution states, "The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval." (Cal. Const., art. II, § 10, subd. (c).) Therefore, unless the initiative expressly authorizes the Legislature to amend, only the voters may alter statutes created by initiative.

The purpose of California's constitutional limitation on the Legislature's power to amend initiative statutes is to protect the people's initiative powers by precluding the Legislature from undoing what the people have done, without the electorate's consent. Courts have a duty to jealously guard the people's initiative power and, hence, to apply a liberal construction to this power wherever it is challenged in order that the right to resort to the initiative process is not improperly annulled by a legislative body. (*Proposition 103 Enforcement Project v. Quackenbush* (1998) 64 Cal.App.4th 1473.)

As to the Legislature's authority to amend the initiative, Proposition 21 states: "The provisions of this measure shall not be amended by the Legislature except by a statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters." (See Voter Information Guide, *supra*, p. 131.)

This bill adds a specified factor for the court to consider when determining a minor's suitability for DEJ. It has been keyed majority vote. Arguably, since it amends a statute which was added by Proposition 21, it should be keyed 2/3. Comparing prior legislation that made changes to this same section, SB 383 (Cortese), Chapter 603, Statutes of 2021, deleted the requirement that a prosecutor provide written notification to the minor about their DEJ suitability and added the ability for a court to transfer a minor who is eligible for DEJ to another county where the minor resides. SB 383 was keyed 2/3 vote. Similarly, SB 1626 (Ashburn), Chapter 675, Statutes of 2006, removed the provision requiring the agreement of the attorneys and the judge and instead provided that upon a finding that a minor is eligible for DEJ and would benefit from education, treatment, and rehabilitation efforts, the court may grant DEJ. SB 1626 was also keyed 2/3. Several other bills that made changes to this section were keyed 2/3 vote as well. (See Prior Legislation section below.)

5) **Argument in Support**: According to the *California Police Chiefs Association*, the sponsor of this bill, "AB 2636 requires courts, when determining suitability for Deferred Entry of Judgment (DEJ), to explicitly consider whether the offense charged involves possession of a loaded firearm. This is a targeted and thoughtful reform that ensures courts are appropriately

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[1] https://lao.ca.gov/ballot/2000/21_03_2000.html

weighing the seriousness of firearm-related offenses when determining the most suitable rehabilitative pathway for youth.

"Deferred Entry of Judgment plays an important role in California's juvenile justice system by providing first-time, nonviolent offenders with an opportunity to avoid formal adjudication through successful completion of programming. However, as currently structured, DEJ does not adequately account for the seriousness of certain offenses—particularly those involving firearms. As noted by the Chief Probation Officers of California, DEJ was never intended to address higher-risk offenses that present significant safety concerns to the public.

"Recent data underscores the urgency of this issue. Juvenile involvement in violent crime is increasing, with violent felony arrests rising significantly in recent years. The presence of a loaded firearm in the hands of a minor dramatically elevates the risk of harm—not only to the community, but to the youth themselves. These cases require structured intervention, supervision, and accountability that go beyond what DEJ is designed to provide.

"Importantly, AB 2636 does not eliminate DEJ eligibility, nor does it mandate a particular outcome. Instead, it ensures that courts give appropriate weight to firearm possession when making individualized determinations. This approach preserves judicial discretion while reinforcing the importance of public safety considerations in these cases. It aligns with best practices in juvenile justice by directing higher-risk cases toward more structured supervision and services designed to reduce recidivism and promote long-term rehabilitation."

6) **Argument in Opposition**: According to *California Youth Defender Center*, "Juvenile DEJ offers an opportunity for youth to have their cases dismissed and records sealed upon the successful completion of treatment and supervision in a community setting. Eligible youth must admit all allegations charged and waive the right to a speedy jurisdictional hearing. If a youth subsequently commits a felony offense or two or more misdemeanors, the deferred judgment is imposed.

"Under existing law, a juvenile court may consider whether a youth charged with a first-time, non-violent offense would benefit from education, treatment, and rehabilitation when determining whether to grant DEJ. AB 2636 impedes this process by requiring the court to specifically consider whether the offense charged includes possession of a loaded firearm, making it less likely that youth charged with a first offense will be able to benefit from these programs.

"While reducing gun possession among youth should be a priority, this bill increases punishment for youth without improving public safety. Despite an uptick in gun sales during the pandemic, the share of U.S. youth who carry guns has decreased. At the same time, responses to youth charged with weapon possession have grown increasingly punitive over the last decade.

"Current law provides that youth charged with a felony shall be screened by the prosecution for statutory eligibility for DEJ. Statutory eligibility specifically excludes certain offenses from consideration (Welf. & Inst. Code § 790(a)). If the youth meets eligibility criteria, they are then screened for suitability by both the probation department—which prepares a thorough written report—and the court.

"The court, by statute (Welf. & Inst. Code § 790) and by California Rule of Court 5.800, must find that the youth is suitable and would derive benefit from education, treatment, and rehabilitation efforts offered by DEJ. The court considers the nature of the offense, the youth's prior record (if any), and the current status of the youth—including school status, home conditions, and the youth's willingness to cooperate. If the youth is both eligible and suitable, they admit the charge and are placed on up to three years of probation. If successful, the youth's record is sealed.

"It is well-established that longer periods of confinement produce higher rates of recidivism for youth.3 Recently, the Office of Youth and Community Restoration recognized that community-based alternatives to incarceration reduce further system involvement, decrease life disruption, and promote positive health and social outcomes.

"AB 2636 proposes a solution to a problem that does not exist. Because the court must already consider the nature of the offense, this additional requirement adds nothing to the legal analysis. Instead, AB 2636 will reduce opportunities for youth charged with a first-time, non-violent offense to participate in DEJ, thereby increasing the number of youth incarcerated at juvenile detention facilities and driving up costs without providing a benefit to public safety."

7) **Prior Legislation**:

a) SB 383 (Cortese), Chapter 603, Statutes of 2021, authorized a court, if a minor is eligible for DEJ, but the minor resides in a different county and the case will be transferred to the minor's county of residence, to adjudicate the case without determining the minor's suitability for DEJ; (2) authorizes the receiving court to make a determination regarding the minor's suitability for DEJ if the transferring court did not do so, and to modify the transferring court's finding accordingly; and (3) makes changes to the eligibility criteria for informal supervision.

b) SB 838 (Beall), Chapter 919, Statutes of 2014, added to the juvenile DEJ criteria that the offense charged is not rape, sodomy, oral copulation, or an act of sexual penetration, as specified, when the victim was prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim was at the time incapable, because of mental disorder or developmental or physical disability, of giving consent, and that was known or reasonably should have been known to the minor at the time of the offense.

c) AB 2408 (Nava), of the 2007-2008 Legislative Session, would have excluded a minor adjudicated for specified sex crimes, including oral copulation, sodomy, sexual penetration where the victim was unconscious, intoxicated or disabled, from eligibility for DEJ. AB 2408 failed passage in the Senate Committee on Public Safety.

d) AB 61 (Nava), of the 2009-2010 Legislative Session, was substantively similar to AB 2408 (Nava), of the 2007-2008 Legislative Session. AB 61 failed passage in the Senate Committee on Public Safety.

e) SB 1626 (Ashburn), Chapter 675, Statutes of 2006, deleted a requiring the agreement of the attorneys and judge in granted DEJ and instead provided that upon a finding that a minor is suitable for deferred entry of judgment and would benefit from education, treatment, and rehabilitation efforts, the court may grant DEJ. A court is also required to make findings on the record that a minor is appropriate for deferred entry of judgment in any case in which it is granted.

f) SB 520 (Ashburn), of the 2005-2006 Legislative Session, would have excluded a minor adjudicated for specified sex crimes, including oral copulation, sodomy, sexual penetration where the victim was unconscious, intoxicated or disabled, from eligibility for DEJ. SB 520 failed passaged in the Senate Committee on Public Safety.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association (Co-Sponsor)
Chief Probation Officers' of California (CPOC) (Co-Sponsor)

Opposition

ACLU California Action
California Public Defenders Association
California Youth Defender Center
Californians United for a Responsible Budget
Justice2jobs Coalition
LA Defensa
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2669 (Gipson) – As Amended March 9, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires the prosecution to meet and confer during the plea negotiation process with the defense in an effort to avoid the adverse immigration consequences of a plea, conviction, or sentence. Specifically, **this bill**:

1) Removes the requirement that the prosecution consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution, and instead requires the prosecution, in the interests of justice and in furtherance of specified findings and declarations, to meet and confer during the plea negotiation process with the defense in an effort to avoid the adverse immigration consequences of a plea, conviction, or sentence.

2) Establishes a rebuttable presumption of a violation of the prosecutor's duty to meet and confer, as specified above, where the defendant asserts facts that provide a prima facie showing that during plea negotiations the defendant proposed an alternative plea or sentence to an offense of comparable or greater seriousness under California law that would avoid adverse immigration consequences, and the prosecution declined the offer.

3) Specifies that upon a prima facie showing that an offer, as specified above, was proposed and declined, the court shall order a hearing at which the prosecution bears the burden of demonstrating, by clear and convincing evidence, good cause for the failure to offer a plea that would avoid the adverse immigration consequences, as specified.

4) Requires the hearing described above to comply with the prohibition that, in a criminal action, evidence of a person's immigration status may not be disclosed in open court by a party or their attorney unless the judge presiding over the matter first determines that evidence is admissible in an in camera hearing requested by the party seeking disclosure of the immigration status, subject to specified exemptions.

5) Requires a court that finds that the prosecuting attorney failed to establish good cause at the hearing described above to impose an appropriate remedy to effectuate the purposes of this bill, including, but not limited to, any of the following:

   a) Ordering the parties to meet and confer in good faith within 10 calendar days;

   b) Continuing the matter to permit compliance with this section at the request of the defendant;

   c) Making express findings on the record regarding the violation; or,

d) Any relief necessary in the furtherance of justice.

6) Defines "an offense of comparable or greater seriousness" as an offense within the same sentencing triad, a plea to multiple offenses in lieu of a single offense, or a plea to a more serious offense with a greater sentencing exposure.

EXISTING LAW:

1) Establishes specified findings and declarations that provide, among other things:

   a) In *Padilla v. Kentucky*, 559 U.S. 356 (2010), the United States Supreme Court held that the Sixth Amendment requires defense counsel to provide affirmative and competent advice to noncitizen defendants regarding the potential immigration consequences of their criminal cases;

   b) In *Padilla v. Kentucky*, the U.S. Supreme Court sanctioned the consideration of immigration consequences by both parties in the plea negotiating process;

   c) In *Padilla v. Kentucky*, the U.S. Supreme Court found that for noncitizens, deportation is an integral part of the penalty imposed for criminal convictions, that deportation may result from serious offenses or a single minor offense, and that deportation may be by far the most serious penalty flowing from the conviction; and

   d) Defendants who are misadvised or not advised at all of the immigration consequences of criminal charges often suffer irreparable damage to their current or potential lawful immigration status. (Pen. Code, § 1016.2, subds. (a), (b), (c), & (e).)

2) Requires defense counsel to provide accurate and affirmative advice about the immigration consequences of a proposed disposition, and when consistent with the goals of and with the informed consent of the defendant, and consistent with professional standards, defend against those consequences. (Pen. Code, § 1016.3, subd. (a).)

3) Requires the prosecution, in the interests of justice, and in furtherance of the legislative findings and declarations described above, to consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution. (Pen. Code, § 1016.3, subd. (b).)

4) Specifies that the above obligations of defense counsel and prosecution shall not be interpreted to change the requirement that a court must, before accepting a plea of guilty or nolo contendere for a criminal offense, administer a specified immigration advisement on the record to the defendant, or the requirement that a defendant shall not be required to disclose their immigration status to the court. (Pen. Code, § 1016.3, subd. (c).)

5) Requires, prior to acceptance of a plea of guilty or nolo contendere to any offense punishable as a crime under state law, except offenses designated as infractions, the court to administer the following verbatim advisement (hereafter "immigration advisement") on the record to the defendant: "If you are not a citizen, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from

admission to the United States, or denial of naturalization pursuant to the laws of the United States." (Pen. Code, § 1016.5, subd. (a).)

6) States that upon request, the court shall allow the defendant additional time to consider the appropriateness of the plea in light of the immigration advisement. (Pen. Code, § 1016.5, subd. (b).)

7) Provides that if, after January 1, 1978, the court fails to advise the defendant as required and the defendant shows that conviction of the offense to which defendant pleaded guilty or nolo contendere may have the consequences for the defendant of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States, the court, on defendant's motion, shall vacate the judgment and permit the defendant to withdraw the plea of guilty or nolo contendere, and enter a plea of not guilty. (Pen. Code, § 1016.5, subd. (b).)

8) States that, in the absence of a record that the court provided the immigration advisement, the defendant shall be presumed not to have received the required advisement. (Pen. Code, § 1016.5, subd. (b).)

9) Provides that with respect to pleas accepted prior to January 1, 1978, it is not the intent of the Legislature that a court's failure to provide the immigration advisement should require the vacation of judgment and withdrawal of the plea or constitute grounds for finding a prior conviction invalid, and that none of the above shall be deemed to inhibit a court, in the sound exercise of its discretion, from vacating a judgment and permitting a defendant to withdraw a plea. (Pen. Code, § 1016.5, subd. (c).)

10) Includes specified findings and declarations, including that in many instances involving an individual who is not a citizen of the United States charged with an offense punishable as a crime under state law, a plea of guilty or nolo contendere is entered without the defendant knowing that a conviction of such offense is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. (Pen. Code, § 1016.5, subd. (d).)

11) States, for a plea accepted prior to January 1, 2026, that it is not the intent of the Legislature that a court's failure to provide a verbatim advisement requires the vacation of judgment and withdrawal of the plea or otherwise constitutes grounds for finding a prior conviction invalid, as specified. (Pen. Code, § 1016.5, subd. (e).)

12) Requires, in the interest of justice, and in order to reach a just resolution during plea negotiations, the prosecutor to consider during plea negotiations, among other factors, the following circumstances as factors in support of a mitigated sentence if any of the following were a contributing factor in the commission of the alleged offense: 1) the person has experienced childhood trauma or abuse; 2) the person was a youth at the time of the commission of the offense; and 3) the person is or was a victim of intimate partner violence or human trafficking prior to or during the offense. (Pen. Code, § 1016.7.)

13) Authorizes a person who is no longer in criminal custody to file a motion to vacate a conviction or sentence for any of the following reasons:

a) Newly discovered evidence of actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice. (Pen. Code, § 1473.7, subd. (a)(2).)

b) A conviction or sentence was unlawfully sought, obtained, or imposed on the basis of race, ethnicity, or national origin, as specified. (Pen. Code, § 1473.7, subd. (a)(3).)

c) The conviction or sentence is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence, subject to the following:

   i) A finding of legal invalidity may, but need not, include a finding of ineffective assistance of counsel. (Pen. Code, § 1473.7, subds. (a)(1).)

   ii) Except as specified in the subsequent paragraph, a motion shall be deemed timely filed at any time in which the individual filing the motion is no longer in criminal custody. (Pen. Code, § 1473.7, subd. (b)(1).)

   iii) The motion may be deemed untimely filed if it was not filed with reasonable diligence after the later of the following:

      (1) The moving party receives a notice to appear in immigration court or other notice from immigration authorities that asserts the conviction or sentence as a basis for removal or the denial of an application for an immigration benefit, lawful status, or naturalization.

      (2) Notice that a final removal order has been issued against the moving party, based on the existence of the conviction or sentence that the moving party seeks to vacate. (Pen. Code, § 1473.7, subd. (b)(2).)

   iv) The court shall grant a motion to vacate the conviction or sentence on this basis if the moving party: 1) establishes by a preponderance of the evidence, the existence of prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence; and 2) the moving party shall also establish that the conviction or sentence being challenged is currently causing or has the potential to cause removal or the denial of an application for an immigration benefit, lawful status, or naturalization. (Pen. Code, § 1473.7, subd. (e)(1).)

   v) There is a presumption of legal invalidity of a conviction or sentence if the moving party pleaded guilty or nolo contendere pursuant to a statute that provided that, upon completion of specific requirements, the arrest and conviction shall be deemed never to have occurred, where the moving party complied with these requirements, and where the disposition under the statute has been, or potentially could be, used as a basis for adverse immigration consequences. (Pen. Code, § 1473.7, subd. (e)(2).)

   vi) In ruling on the motion, the only finding that the court is required to make is whether the conviction is legally invalid due to prejudicial error damaging the moving party's

ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence. (Pen. Code, § 1473.7, subd. (e)(4).)

vii) A court may only issue a specific finding of ineffective assistance of counsel if the attorney found to be ineffective was given timely advance notice of the motion hearing by the moving party or the prosecutor, as specified. (Pen. Code, § 1473.7, subd. (g).)

14) If the court grants a motion to vacate a conviction or sentence obtained through a plea of guilty or nolo contendere, the court shall allow the moving party to withdraw the plea. (Pen. Code, § 1473.7, subd. (e)(3).)

15) Prohibits, in a criminal action, evidence of a person's immigration status from being disclosed in open court by a party or their attorney unless the judge presiding over the matter first determines that the evidence is admissible in an in camera hearing requested by the party seeking disclosure of the person's immigration status. This does not:

a) Apply to cases in which a person's immigration status is necessary to prove an element of an offense or an affirmative defense.

b) Limit discovery in a criminal action.

c) Prohibit a person or their attorney from voluntarily revealing the person's immigration status to the court. (Evid. Code, § 351.4.)

16) Authorizes a judge or magistrate to, either on motion of the court or upon the application of the prosecuting attorney, and in furtherance of justice, order an action to be dismissed, requires the reasons for the dismissal to be stated orally on the record, and requires the court set forth the reasons in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court reporter. (Pen. Code, § 1385, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2669 strengthens the existing requirement that prosecutors consider the adverse immigration consequences of criminal cases to ensure fair and just outcomes. Currently, immigration impacts can vary widely from county to county, resulting in inconsistent outcomes for immigrants facing charging and sentencing. The bill reinforces due process protections for noncitizens by creating a mechanism for courts to review prosecutorial decisions when there is not a justifiable reason to disregard the significant immigration consequences of a case."

2) **Defense Counsel's Duty to Advise on Immigration Consequences.** A non-citizen is subject to removal from the United States, among other immigration consequences, if they are convicted of certain crimes. (8 U.S.C. §§ 1227(a)(2), 1182(a)(2).) The duty to advise a criminal defendant of the potential consequences of entering a guilty plea generally lies with

defense counsel. Defense counsel must provide accurate and affirmative advice about the immigration consequences of a proposed disposition. (Pen. Code, § 1016.3, subd. (a).) When doing so is consistent with professional standards and the goals of the defendant, defense counsel must defend against those consequences. (*Ibid.*)

In *Padilla v. Kentucky* (2010) 559 U.S. 356, the United States Supreme Court held that the Sixth Amendment requires defense counsel to inform their client whether their plea carries a risk of deportation. (*Id.* at p. 374.) The Supreme Court found that for noncitizens, deportation is an integral part, and sometimes the most important part, of the penalty that may be imposed on noncitizens who plead guilty to specified crimes. (*Id.* at p. 364.) As stated by the Court, "the severity of deportation--'the equivalent of [] banishment [] or exile,' [] --only underscores how critical it is for counsel to inform her noncitizen client that he faces a risk of deportation." (*Id.* at p. 373) (citation omitted). This conforms with California court decisions, which have held that defense counsel must investigate, advise regarding, and defend against, potential adverse immigration consequences of a proposed disposition. (See *People v. Bautista* (2004) 115 Cal.App.4th 229, *People v. Barocio* (1989) 216 Cal.App.3d 99, *People v. Soriano* (1987) 194 Cal.App.3d 1470.)

The *Padilla* Court found that immigration consequences of a guilty or nolo contendere plea are too difficult to classify as either direct or collateral consequences, and that a defendant may contest a guilty plea based on defense counsel's failure to advise or giving misadvisement on those consequences of the plea. (*Padilla*, *supra*, 559 U.S. at pp. 366-371.) As a result the Supreme Court established the following duty for defense counsel: 1) if the immigration consequences can be easily determined from the text of the federal deportation statutes, defense counsel must advise the defendant of the immigration consequences of the plea; and 2) if the law is not succinct and straightforward regarding the immigration consequences, defense counsel must advise the noncitizen defendant that pending criminal charges may carry a risk of adverse immigration consequences. (*Id.* at pp. 368-370.)

3) **Court-Mandated Immigration Advisements:** In addition to the defense counsel's obligation to advise a defendant of the potential immigration ramifications of the plea, California law additionally requires a court, prior to accepting a plea from a defendant, to advise the defendant of the potential immigration consequences of a guilty plea. (Pen. Code, § 1016.5, subd. (a).) Particularly, the court must administer the following advisement verbatim on the record to the defendant: "If you are not a citizen, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States." (*Ibid.*) The advisement must be on the record, and may be verbal or contained in a written plea form that contains the minimum required language. (*People v. Gutierrez* (2003) 106 Cal.App.4th 169, 173; *People v. Ramirez* (1999) 71 Cal.App.4th 519, 521-522.) Upon receiving the advisement, the court must allow, if requested, the defendant additional time to consider the appropriateness of the plea. (Pen. Code, § 1016.5, subd. (b).) In accepting the plea, the trial court may not inquire into the defendant's legal immigration status. (Pen. Code, § 1016.5, subd. (d).)

If a court fails to give this advisement, a defendant may bring a motion to withdraw their plea. (Pen. Code, § 1016.5, subd. (b).) Particularly, if, after January 1, 1978, the court does not administer the advisement and the defendant shows that conviction of the offense to which they pleaded guilty or no contest may result in adverse immigration consequences, the

court, on the defendant's motion, is required to vacate the judgment and allow the defendant to withdraw the plea. (Pen. Code, § 1016.5, subd. (b).) If there is no record that the advisement was given, it shall be presumed that the defendant was not adequately advised. (Pen. Code, § 1016.5, subd. (b).) In order to vacate the judgment and withdraw a plea, the defendant's motion under Penal Code section 1016.5 must establish: 1) the trial court failed to advise of one or more immigration consequences required to be identified (deportation, exclusion from admission to the U.S., or denial of naturalization); 2) the defendant faces one or more of the specified immigration consequences; and 3) the defendant was prejudiced by the courts incomplete advisement. (*People v. Superior Court (Zamudio)* (2000) 23 Cal.4th 183. A showing of prejudice requires proof that it was reasonably probable the defendant would not have entered the plea if properly advised. (*People v. Martinez* (2013) 57 Cal.4th 555, 559.)

A defendant who is no longer in criminal custody may also bring a motion to vacate a conviction or sentence on the grounds that it is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence. (Pen. Code, § 1473.7, subd. (a)(1).) The court shall grant a motion to vacate the conviction or sentence on this basis if the moving party establishes by a preponderance of the evidence the existence of prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence. (Pen. Code, § 1473.7, subd. (e)(1).) The moving party shall also establish that the conviction or sentence being challenged is currently causing or has the potential to cause removal or the denial of an application for an immigration benefit, lawful status, or naturalization. (*Ibid.*)

4) **Prosecutor's Duty to Consider Immigration Consequences:** While defense counsel is required to provide accurate advice about immigration consequences of a proposed criminal disposition, and courts must advise the defendants of the potential immigration consequences of a guilty plea, prior to any plea, prosecutors have a lesser obligation to "consider" the avoidance of adverse immigration consequences during plea negotiations. Specifically, Penal Code section 1016.3 states the following: "The prosecution, in the interests of justice, and in furtherance of the findings and declarations of Section 1016.2, shall consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution." Supporters of this bill contend that requiring prosecutors to simply consider adverse immigration consequences as one factor during the plea negotiation process is insufficient to protect undocumented defendants from unnecessary adverse immigration consequences and may be difficult to enforce. Admittedly, if a prosecutor pursued a plea deal that would result in deportation, even if other charges were available that would have lesser adverse immigration consequences, there is little to stop that prosecutor from vaguely asserting that immigration consequences were considered, but other factors outweighed that consideration. This bill seeks to remedy this issue and establish greater protections for undocumented defendants in the plea negotiation process.

Certain counties have established policies that seek to strengthen and expand upon the prosecutor's obligation to consider adverse immigration consequences during plea negotiations. In December 2022, the Los Angeles County Prosecutor's Office adopted an immigration policy that states that "it is in the interests of justice to endeavor to avoid or

mitigate immigration consequences of criminal convictions whenever possible."[1] This policy provides a list of examples of plea alternatives that should be considered, including:

- "Devising an alternative plea agreement that is factually based and of a similar nature and consequence as the originally charged offense, but minimizes the defendant's exposure to adverse immigration consequences when adverse immigration consequences can be reasonably verified);

- Allowing for flexibility in sentencing, including adjusting a sentence to preserve access to immigration relief, allowing defendants to waive credit for time served, and splitting sentences across counts to run consecutively;

- Allowing for flexibility in sentencing at the time of a probation violation to charge a new count rather than requiring a sentence on the violation;

- Allowing flexibility in sentencing to avoid enhancements that would turn an otherwise immigration neutral offense into an immigration damaging one;

- Permitting a stipulation that a factual basis exists rather than requiring the defendant to plead to specific conduct that could be damaging if cited as part of the immigration file; and

- Stipulating to a motion to vacate in post-conviction proceedings if it is determined that, had the consequences been raised affirmatively in the initial proceedings, a different resolution would have been reached pursuant to this policy."[2]

This policy also creates a process to review plea offers. Specifically, it authorizes defense counsel to make a request that any offer be reviewed by the Head Deputy or Deputy-in-Charge of the office, division, or unit responsible for the case. The result of such a review must be provided to defense counsel. The result may also be appealed up the chain of command to the Bureau Director for the division, office, or unit.

5) **Effect of this Bill:** This bill seeks to strengthen the degree to which prosecutors must avoid seeking pleas that result in adverse immigration consequences. First, it requires the prosecution, in the interests of justice, and in furtherance of specified findings and declarations, to meet and confer during the plea negotiation process with the defense in an effort to avoid the adverse immigration consequences of a plea, conviction, or sentence. Given that prosecutors may not be aware of the defendant's immigration status, it is unclear if the meet and confer requirement applies to all possible plea negotiations, or if this is limited only to those defendants who could suffer adverse immigration consequences. The author may wish to clarify this matter.

Second, this bill establishes a rebuttable presumption of a violation of this bill where the defendant asserts facts that provide a prima facie showing that during plea negotiations the

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[1] George Gascon, District Attorney, *Special Directive 22-07* (Dec. 6, 2022), at p. 6, available at: https://da.lacounty.gov/sites/default/files/policies/SD-22-07-Immigration-Policy.pdf
[2] *Id.* at pp. 6-7.

defendant proposed an alternative plea or sentence to an offense of comparable or greater seriousness under California law that would avoid adverse immigration consequences, and the prosecution declined the offer. It defines "an offense of comparable or greater seriousness" as an offense within the same sentencing triad, a plea to multiple offenses in lieu of a single offense, or a plea to a more serious offense with a greater sentencing exposure.

Third, this bill specifies that upon a prima facie showing that such an offer was proposed and declined, the court shall order a hearing. At this hearing, the burden is on the prosecution to demonstrate, by clear and convincing evidence, good cause for the failure to offer a plea that would avoid the adverse immigration consequences, as specified. If a court finds that the prosecuting attorney failed to establish good cause at the hearing, it may impose an appropriate remedy to effectuate the purposes of this bill, including, but not limited to: 1) ordering the parties to meet and confer in good faith within 10 calendar days; 2) continuing the matter to permit compliance with this section at the request of the defendant; 3) making express findings on the record regarding the violation; and 4) any relief necessary in the furtherance of justice. At such a hearing, evidence of a person's immigration status may not be disclosed in open court by a party or their attorney unless the judge presiding over the matter first determines that evidence is admissible in an in-camera hearing requested by the party seeking disclosure of the immigration status, subject to specified exemptions. This bill further clarifies, consistent with existing law, that a defendant shall not be required to disclose their immigration status to the court.

The meaning of "good cause" for failure to offer a plea that avoids immigration consequences is somewhat unclear. For example, a prosecutor could argue that their belief that the underlying criminal conduct is morally reprehensible and deserves the maximum possible punishment constitutes good cause, which could undermine the goals of this bill. The author may wish to clarify and expand upon the meaning of good cause.

"The charging function is the sole province of the executive." (*People v. Clancey* (2013) 56 Cal.4th 562, 574.) Prosecutors generally must consent to a proposed disposition, unless the defendant is pleading guilty to all charges and all that remains is the pronouncement of judgment and sentencing. (*See* Pen. Code, §§ 1192.1; 1192.2; 1192.4; 1192.5; *People v. Superior Court* (*Smith*) (1978) 82 Cal.App.3d 909, 915; (*People v. Orin* (1975) 13 Cal.3d 937, 943.) A "court has no authority to substitute itself as the representative of the People in the negotiation process and under the guise of 'plea bargaining' to 'agree' to a disposition of the case over prosecutorial objection. (*People v. Orin*, *supra*, 13 Cal.3d at p. 943.) On the other hand, the imposition of a sentence and within legislatively determined limits is an exclusive function of the judiciary. (*People v. Clancy*, *supra*, 56 Cal.4th at p. 574.) This bill substantially expands the role of the judiciary in the plea negotiations process for pleas relating to adverse immigration consequences. Establishing a rebuttable presumption of a violation if a prosecutor rejected a plea to a comparable offense that would avoid immigration consequences, and placing the burden of proof on prosecutors to show good cause for failure to offer a plea avoiding such consequences, subject to a court-imposed remedy for failure to provide cause, could lead to a claim that this bill overly involves the judiciary in the charging of cases, and overly constrains prosecutorial charging discretion.

6) **Argument in Support**: According to *ACLU California Action*, a co-sponsor of the bill, AB 2669 "would strengthen existing law, so prosecutors consider adverse immigration

consequences of criminal cases in order to ensure a just resolution is reached and there are proper due process safeguards in place for noncitizens.

"A quality criminal defense is critically important to ensure that interactions with the criminal legal system do not result in adverse immigration consequences.

"Recognizing this responsibility, California enacted AB 1343 in 2015 to ensure that these safeguards were in place within California's criminal legal system, codifying that defense attorneys are to provide their clients with accurate legal advice and defend clients against impacts to their immigration status; it also mandated state prosecutors to consider adverse immigration consequences in line with the Supreme Court decision.

"AB 2669 strengthens existing law by creating a mechanism for courts to enforce existing due process safeguards for noncitizens. More specifically this bill states:

- Prosecutors must explicitly meet and confer with the defense to avoid adverse immigration consequences, both plea deal negotiations and sentencing recommendations.

- If the prosecution does not agree to a resolution that would avoid adverse immigration consequences by replacing the charge with a comparable or more serious charge, the defense can seek a hearing for a judge to consider the government's compliance with the law. If the prosecution cannot show good cause for their refusal to follow the law, the court can issue an appropriate remedy.

"The Trump Administration has a vested interest to expand the criminalization of low-level crimes to fill their detention centers and fuel their deportation machine2.

"Even minor misdemeanor offenses carrying few criminal penalties and often no actual jail time—offenses such as turnstile jumping, public urination, or possessing a small amount of marijuana for personal use—can trigger deportation3. California must strengthen its due process safeguards as the Trump administration's attacks on the criminalization of immigrants continues.

"California counties have taken the lead, it's now time for the state to do the same.

"Several California counties, including Los Angeles4 (the nation's largest DA's office) and Contra Costa County, have already implemented policies requiring prosecutors to consider immigration consequences when negotiating plea deals.

"AB 2669 aligns the practice across all 58 counties and strengthens this practice by meeting and conferring with the defense and by creating an enforcement mechanism when the prosecution does not follow the law."

7) **Argument in Opposition**: According to the *California District Attorneys Association,* AB 2669 "go[es] a step too far by mandating judicial interference in plea negotiations, including charge bargaining, which necessarily contravenes the separation of powers provision of the California Constitution, Article III, section 3. The proposed process also requires the prosecution to provide an explanation as to why it will not accept a defendant's proposed

offer to the court, defense, and public which would require disclosure of information protected under the attorney work product, official information, and deliberative process privileges. Further if this privileged information is not provided, that would under the proposed process result in a finding of a violation of this statute by the prosecution and the imposition of remedies. By creating a presumption of a violation of the statute by the prosecution if we do not accept a defense offer, AB 2669 intrudes on the prosecutor's exclusive authority to determine what charges to file and pursue and what punishment to seek in the public interest, and it would also intrude on victims' rights, Marsy's law, set forth in California Constitution Article I, section 28.

"In addition to burdening the court with constitutional challenges to the validity of this law, AB 2669 will also impose on the court the duty to referee plea negotiations between the parties and navigate the ever-changing esoteric immigration consequence issues that arise."

8) **Prior Legislation**:

a) SB 281 (Pérez), Chapter 666, Statutes of 2025, required judges to recite the statutory immigration advisement verbatim before accepting a plea

b) AB 2867 (Gonzalez), Chapter 825, Statutes of 2018, clarified the timing and procedural requirements of motions for post-conviction relief that are based on either a prejudicial error regarding a defendant's comprehension of immigration consequences stemming from his or her conviction, or newly discovered evidence of actual innocence.

c) AB 813 (L. Gonzalez), Chapter 739, Statutes of 2016, created a mechanism of post-conviction relief for a person to vacate a conviction or sentence based on error damaging their ability to meaningfully understand, defend against, or knowingly accept the immigration consequences of the conviction.

d) AB 1343 (Thurmond), Chapter 705, Statutes of 2015, required defense counsel to provide accurate advice on the potential immigration consequences of a proposed plea agreement and attempt to defend against those consequences, consistent with the goals of the defendant, and requires the prosecution and defense counsel to contemplate immigration consequences in the plea negotiation process.

e) AB 1352 (Eggman), Chapter 646, Statutes of 2015, specified that the statutory statement that completion of a deferred entry of judgment program shall not be used in any way that could result in the denial of any employment, benefit, license, or certificate constitutes misinformation about the actual consequences of the plea underlying DEJ, because the plea may cause adverse consequences, including adverse immigration consequences.

f) SB 653 (Knight), of the 2013-2014 Legislative Session, would have provided that the motion to set aside a plea because the advisement on immigration consequences was not given must be brought within the statutory time frame in which the records must be kept. SB 653 failed passage in the Senate Public Safety Committee.

g) AB 142 (Fuentes), of the 2011-2012 Legislative Session, would have provided for an additional advisement when a non-citizen pleads guilty so that the person is aware that if

they are deported and return to the United States, they could be charged with a separate federal offense. AB 142 was vetoed.

h) SB 1566 (Ashburn), of the 2007-2008 Legislative Session, would have, among other changes, required a defendant to bring a motion to vacate a judgment on the basis of failure to administer an immigration advisement within 5 years of the date of the plea and would specify findings that a court would be required to make in order to grant a motion to vacate the judgment and permit a change of plea. The hearing on SB 1566 in the Senate Public Safety Committee was canceled at the request of the author.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
All of US or None (HQ)
Cair California
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Center on Juvenile and Criminal Justice
Chinese for Affirmative Action
Coalition for Humane Immigrant Rights (CHIRLA)
Communities United for Restorative Youth Justice (CURYJ)
Courage California
Criminal Justice Clinic, UC Irvine School of Law
Drug Policy Alliance
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Oasis Legal Services
San Francisco Public Defender
San Quentin Skunkworks
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
South Asian Network
Southeast Asia Resource Action Center
The Immigrant Legal Resource Center
The W. Haywood Burns Institute
Western Center on Law & Poverty, INC.

Oppose

California District Attorneys Association

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

Amended Mock-up for 2025-2026 AB-2669 (Gipson (A))

Mock-up based on Version Number 98 - Amended Assembly 3/9/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 1016.3 of the Penal Code is amended to read:

1016.3. (a) Defense counsel shall provide accurate and affirmative advice about the immigration consequences of a proposed disposition, and when consistent with the goals of and with the informed consent of the defendant, and consistent with professional standards, defend against those consequences.

(b) The prosecution, in the interests of justice, and in furtherance of the findings and declarations of Section 1016.2, shall meet and confer during the plea negotiation process with the defense in an effort to avoid the adverse immigration consequences of a plea, conviction, or sentence.

(c) A rebuttable presumption of a violation of this section exists where the defendant asserts facts that provide a prima facie showing that during plea negotiations the defendant proposed an alternative plea or sentence ~~that would avoid adverse immigration consequences, including, but not limited to,~~ to an offense of comparable or greater seriousness under California law~~,~~ that would avoid adverse immigration consequences, and the prosecution declined the offer.

(d) (1) Upon a prima facie showing of the circumstances described in subdivision (c), the court shall order a hearing at which the prosecution bears the burden of demonstrating, by clear and convincing evidence, good cause for the failure to offer a plea that would avoid the adverse immigration consequences as described in subdivision (b).

(2) A hearing held pursuant to this subdivision shall comply with Section 351.4 of the Evidence Code.

(e) If the court finds that the prosecuting attorney failed to establish good cause at the hearing described in subdivision (d), the court shall impose an appropriate remedy to effectuate the purposes of this section, including, but not limited to, any of the following:

(1) Ordering the parties to meet and confer in good faith within 10 calendar days.

(2) Continuing the matter to permit compliance with this section at the request of the defendant.

(3) Making express findings on the record regarding the violation.

(4) Any relief necessary in the furtherance of justice.

(f) For the purposes of this section, "an offense of comparable or greater seriousness" means an offense within the same sentencing triad, a plea to multiple offenses in lieu of a single offense, or a plea to a more serious offense with a greater sentencing exposure.

(g) This section does not change the requirements of Section 1016.5, including the requirement that a defendant shall not be required to disclose their immigration status to the court.

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.

Date of Hearing: April 21, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

ACR 159 (Kalra) – As Introduced March 10, 2026

SUMMARY: Affirms the fundamental importance of indigent defense to due process, equal justice, and democratic governance. Specifically, **this resolution**:

1) States the Sixth and Fourteenth Amendments to the United States Constitution guarantee the right to counsel for criminal defendants who cannot afford an attorney, as recognized by the United States Supreme Court in Gideon v. Wainwright (1963) 372 U.S. 335;

2) States the California Constitution independently guarantees due process of law and the right to counsel in criminal proceedings; Section 15 of Article I of the California Constitution provides that a defendant in a criminal cause has the right to the assistance of counsel;

3) States that California statutory law implements and enforces this constitutional mandate, including subdivision (a) of Section 987 and related provisions of the Penal Code, which require the appointment of counsel for indigent defendants and establish the framework through which the state and counties fulfill the right to counsel;

4) States that these constitutional and statutory guarantees reflect California's longstanding commitment to the principle that justice must not depend on wealth, status, or access to private resources;

5) States that public defenders and other indigent defense providers are the means by which California meets its constitutional and statutory obligations to provide counsel to people who cannot afford to hire an attorney;

6) States that effective and meaningful representation is essential to due process, equal protection, and the legitimacy of the criminal legal system, and the right to counsel is not satisfied by the mere appointment of an attorney without adequate time, resources, and support;

7) States that public defenders safeguard constitutional rights by enforcing limits on government power, challenging unlawful searches and seizures, ensuring fair trials, protecting against wrongful convictions, and holding the government to its burden of proof;

8) States that by protecting the constitutional rights of their clients in individual cases, public defenders also protect the constitutional rights of everyone, strengthening the rule of law, preserving civil liberties, and reinforcing public confidence in democratic institutions;

9) States that there is a growing national consensus, supported by empirical research, that excessive workloads and chronic underresourcing prevent public defenders from providing

constitutionally effective representation; the National Public Defense Workload Study 2023 establishes modern, data-driven workload measures demonstrating that prevailing caseloads in many jurisdictions far exceed levels consistent with effective representation;

10) States that in response to this research and longstanding concerns regarding excessive workloads, the Washington Supreme Court adopted new indigent defense caseload standards in 2025, to be implemented over time, recognizing that excessive caseloads threaten the right to effective assistance of counsel;

11) States that public defender offices across the nation, including in California, remain chronically understaffed and underresourced, often lacking sufficient attorneys, investigators, and support staff to meet constitutional obligations;

12) States that California's indigent defense system is primarily county-based, and the state does not provide comprehensive or reliable statewide funding to ensure that public defense systems are adequately staffed and resourced to meet constitutional standards;

13) States that funding for public defense in California is markedly lower than funding for prosecution, with counties collectively allocating substantially more resources to district attorney offices than to public defender offices, creating systemic imbalance in the adversarial process;

14) States that state-controlled funding mechanisms and grant programs have historically provided significantly greater support to prosecution-related functions than to indigent defense, reinforcing disparities and limiting counties' ability to achieve functional parity between prosecution and defense;

15) States that persistent underfunding and lack of parity undermine the fairness and reliability of the justice system, contribute to delays and inefficiencies, increase the risk of wrongful convictions, and erode public trust in the courts;

16) States that California has both a constitutional obligation and a moral responsibility to ensure that its indigent defense systems are adequately funded, appropriately staffed, and capable of providing effective representation consistent with constitutional mandates; now, therefore, be it;

17) Resolves that by the Assembly of the State of California, the Senate thereof concurring, That the Legislature affirms the fundamental importance of indigent defense to due process, equal justice, and democratic governance, and recognizes public defenders as essential protectors of constitutional rights and the rule of law; and be it further

18) Resolves that the Legislature acknowledges that chronic underfunding and lack of parity between prosecution and defense threaten the integrity of the adversarial system and the effective assistance of counsel guaranteed by the United States and California Constitutions; and be it further;

19) Resolves that the Legislature encourages the development of statewide approaches to indigent defense that incorporate empirical workload measures, promote sustainable staffing

and funding, improve data collection and transparency, and ensure that state funding structures do not perpetuate inequities between prosecution and defense; and be it further;

20) Resolves that the Secretary of the Senate transmit copies of this resolution to the Governor, the Judicial Council of California, the Legislative Analyst's Office, the Department of Finance, appropriate legislative committees, and to the author for appropriate distribution.

EXISTING LAW:

1) States that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense. (U.S. Const., 6th Amend.)

2) Establishes that no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. (U.S. Const., 5th Amend.)

3) Establishes that a person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws. (Cal. Const., art. I, § 7, subd. (a).)

4) States that the defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel. (Cal. Const., art. I, § 15.)

5) Provides that reasonable compensation and necessary expenses be paid to assigned counsel for indigent persons to be paid out of the county general fund, the amount of which shall be determined by the court. (Pen. Code, § 987.2, subd. (a).)

6) Provides that in certain counties where the public defender is unavailable and the county and the courts have contracted with one or more responsible attorneys or with a panel of attorneys to provide criminal defense services for indigent defendants, the court shall utilize the services of the county-contracted attorneys prior to assigning any other private counsel. (Pen. Code, § 987.2, subd. (d).)

7) States that in cases where counsel is assigned, counsel appointed by the court and any court-appointed licensed private investigator shall have the same rights and privileges to information as the public defender and the public defender investigator. (Pen Code, § 987.2, subd. (f).)

8) Establishes that a court-appointed attorney is entitled to reasonable compensation and necessary expenses considering various factors, as defined. (Pen. Code, § 987.13.)

9) Mandates counsel be appointed to represent, in a misdemeanor case, a person who desires but is unable to employ counsel, when it appears that the appointment is necessary to provide an adequate and effective defense for the defendant. (Pen. Code, § 987.2, subd. (i).)

10) Provides that in capital cases or cases with indigent defendants, counsel may request the court for funds for the specific payment of investigators, experts, and others for the preparation or presentation of the defense. (Pen. Code, § 987.9, subd. (a).)

11) States that in assigning defense counsel in felony cases, whether it is the public defender or private counsel, the court shall only assign counsel who represents, on the record, that they will be ready to proceed with the preliminary hearing or trial. (Pen. Code, § 987.05.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "The fundamental right to counsel is essential to a fair trial and is guaranteed under the United States and California Constitutions. Public defenders play a critical role in fulfilling this obligation, and in doing so, preserve due process and protect the constitutional rights of not just their clients, but of everyone. However, California is currently facing an escalating recruitment and retention crisis in public defense that has left public defender offices with vacancies they cannot fill. This comes at a time when workloads are increasing beyond ethical limits and constitutional stakes are higher than ever. To address this crisis, especially in this moment, ACR 159 recognizes the fundamental importance of indigent defense in protecting civil liberties and encourages California to develop better statewide support systems."

2) **Spirit of the Resolution**: ACR 159 reiterates the importance of our constitutional rights of counsel, reinforces the ongoing understaffing and under-resourcing of public defender offices, and resolves that this disparity in resources for indigent defense undermines the integrity of the system. ACR 159 additionally resolves that the Secretary of the Senate will transmit copies of this resolution to the Governor, the Judicial Council of California, the Legislative Analyst's Office, the Department of Finance, appropriate legislative committees, and to the author for appropriate distribution.

   The right to counsel has a tradition of expansion and support in our country as evidenced by numerous court decisions, its inclusion in the Bill of Rights (U.S. Const., 6th Amend.), and its adherence in difficult times by a prominent attorney, John Adams, who stated, "[N]o [one] in a free country should be denied the right to counsel and a fair trial."[1] The U.S. Supreme Court, in an important 20th century case, wrote, "In our adversary system of justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth." (*Gideon v. Wainwright* (1963) 372 U.S. 335, 344.) ACR 159 reminds us of these obligations and principles.

   In 2025, AB 690 (Schultz) was introduced to help address the disparities in California's indigent defense system. According to the author of AB 690:

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[1] McCollough, John Adams (2002) p. 66.

> Many California counties use flat-fee compensation models for indigent defense contracts, paying their attorneys a predetermined amount to take an unrestricted number of cases over a set period of time. Since attorneys are paid a flat rate regardless of the amount of time or work allocated to a case, attorneys are encouraged to prioritize efficiency and cost-effectiveness over their client's interests. These compensation models create ethical issues for attorneys and contribute to unjust outcomes for clients with a disproportionate impact on lower income people, people of color, and noncitizens. Studies show that attorneys working under flat-fee contract systems rush to dispense with cases quickly, prior to performing necessary investigation or research. Many states have banned flat-fee compensation models and courts in other jurisdictions have found that the economic conflict of interest can create an inference of inadequate representation. The lack of any standard for indigent defense contracts results in a statewide system with disparate outcomes and a lack of transparency or accountability.

A report by the State Bar highlighted many of the issues implicated in this resolution, including workload standards, relative parity in resource availability for cases, and the importance of hourly compensation being on par with prosecuting agencies.[2] One study also noted that regulation of indigent defense contracts could be an important step in improving indigent defense services.[3]

3) **Argument in Support**: According the *California Public Defender's Association*, "CPDA is the statewide professional association representing California's public defenders and allied defense members --attorneys, investigators, social workers, and support staff --who stand between the power of the state and the individual rights of those accused of crimes. Our members serve the most vulnerable people in our communities: those who cannot afford private counsel, who are disproportionately people of color, and who too often face a system where public defenders are under-resourced.

   "ACR 159 speaks to a truth that is foundational to our democratic system: that the Sixth Amendment guarantee of the right to counsel is meaningless unless that counsel is effective, adequately resourced, and treated as a co-equal pillar of justice alongside prosecution. We are grateful that you are bringing this resolution forward so that the Legislature may affirm these truths.

   "California has made important strides in recent years to strengthen its indigent defense system, but significant challenges remain. Public defender offices across the state continue to face crushing caseloads, inadequate funding, and systemic disparities in resources compared to their prosecutorial counterparts. Many counties still rely on flat-fee contract arrangements that create structural conflicts of interest, incentivizing speed over thorough representation. ACR 159 sends a powerful message that the Legislature recognizes these challenges and is

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[2] *Guidelines on Indigent Defense Services Delivery Systems* (2006) State Bar of California, at pp. 30-32 <https://www.calbar.ca.gov/Portals/0/documents/ethics/Indigent_Defense_Guidelines_2006.pdf> [as of Apr. 13, 2026].

[3] Benner, *The Presumption of Guilt: Systemic Factors that Contribute to Ineffective Assistance of Counsel in California,* (2009) California Western Law Review, at p. 347 (May 7, 2009). <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1475478> [as of Apr. 13, 2026].

committed to addressing them, not as a matter of charity, but as the state's constitutional obligation.

"When public defenders are under-resourced, the consequences extend far beyond their clients. Rushed or inadequate representation results in wrongful convictions, inefficient court proceedings, and decades of costly post-conviction litigation. Black and brown Californians bear the heaviest burden of a system in which the promise of equal justice remains unfulfilled. ACR 159 affirms that the Legislature takes seriously its responsibility to ensure that every Californian, regardless of wealth, race, or geography, receives the effective assistance of counsel to which they are constitutionally entitled.

"On behalf of CPDA, we respectfully urge your "YES" vote on ACR 159 when it comes before you in the Assembly Public Safety Committee."

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

5) **Related Legislation**: AB 1962 (Hart) would state the intent of the Legislature to enact legislation that would establish the California Indigent Defense Commission, an entity responsible for ensuring that indigent defense services meet constitutional and professional standards. AB 1962 is pending referral.

6) **Prior Legislation**:

   a) AB 690 (Schultz), of the 2025-2026 Legislative Session, would have required a county or court, when contracting for the provision or administration of indigent defense services, to include certain elements in the contract or other agreement for indigent services. AB 690 was held in suspense in the Senate Appropriations Committee.

   b) AB 625 (Arambula), Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association and other subject matter experts, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature no later than January 1, 2024.

   c) SB 498 (Umberg), Chapter 688, Statutes of 2021, expanded the definition of "indigent person" by increasing one measure of income eligibility from 125% to 200% of a specified poverty threshold.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
Ella Baker Center for Human Rights
Local 148 Los Angeles County Public Defender's Union
Smart Justice California, a Project of Beyond Impact

Opposition

None submitted.

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1686 (Lackey) – As Introduced February 2, 2026

VOTE ONLY

SUMMARY: Increases the punishment for driving under the influence (DUI) with one or two priors from a misdemeanor to an alternate felony-misdemeanor, and increases the minimum jail time for these offenses. Specifically, **this bill**:

1) Increases the punishment for a DUI[1] with one prior[2] from a misdemeanor, punishable by 90 days to one year in county jail, to an alternate felony-misdemeanor (wobbler), punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years.

2) Increases the punishment for a person convicted of a DUI with two priors from a misdemeanor, punishable by 120 days to one year in county jail, to a wobbler, punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years.

EXISTING LAW:

1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle (hereafter DUI). (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

2) Punishes a DUI as follows:

   a) First DUI:

      i) A misdemeanor punishable by imprisonment for four days to six months in county jail (two days must be continuous), or if given probation, possibly two days to six months in jail.

      ii) A fine of $390 to $1,000, plus penalty assessments.

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[1] For purposes of this analysis, a "DUI" refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. "A DUI causing bodily injury" to another is punished separately under Vehicle Code section 23153.
[2] [2] For purposes of this analysis and unless otherwise specified, 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.

iii) An order to install a functioning, certified ignition interlock device (IID) on any vehicle that person operates for up to six months (if the offense involved alcohol), at the court's discretion.

iv) Six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered; and,

v) In counties with approved programs, completion of a three-month (30-hour) DUI program, or a nine-month (60-hour) program if the person's BAC was .20% or more, or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

b) DUI with one prior:

i) A misdemeanor punishable by imprisonment for three months to one year in county jail, or if given probation, 10 days to one year, or four days to one year, as specified.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) One-year IID installation mandate (if the offense involved alcohol).

iv) Two-year license suspension.

v) Completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

c) DUI with two priors:

i) A misdemeanor punishable by imprisonment for four months to one year in county jail, or 30 days to one year if given probation and ordered to complete a 30-month DUI program.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) Two-year IID installation mandate (if the offense involved alcohol).

iv) Three-year license revocation, and 3-year designation as a habitual traffic offender.

v) An 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)

vi) 10-year license revocation, at the court's discretion, if a person has been convicted of three or more DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI or DUI causing bodily injury with two priors, a DUI with three or more priors, or as a wobbler because of a prior specified felony. (Veh. Code, § 23597, subd. (a).)

d) DUI with three or more priors:

i) A wobbler punishable by imprisonment for six months to one year in jail, or as a jail-eligible felony by 16 months, or two or three years, or 30 days to one year if given probation and ordered to complete a 30-month DUI program.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) Three-year IID installation mandate (if the offense involved alcohol).

iv) Four-year license revocation, and three-year designation as a habitual traffic offender.

v) An 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

3) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter DUI causing bodily injury.) (Veh. Code, § 23153 subds. (a), (f), & (g).)

4) Punishes a DUI causing bodily injury, as follows:

a) First DUI causing bodily injury,

i) A wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, five days to one year in county jail.

ii) A fine of $390 to $1,000, plus penalty assessments.

iii) One-year IID installation mandate (if the offense involved alcohol).

iv) One-year license suspension.

v) In counties with approved programs, completion of a three-month (30-hour) DUI treatment program, or a nine-month (60-hour) program if the person's BAC was .20% or more or they refused to take a chemical test, if given probation. (Veh. Code, §§ 13352 subd. (a)(2), 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)

b) DUI causing bodily injury with one prior:

i) A wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, or if given probation, four months in jail, or 30 days to one year in jail.

ii) A fine of $390 to $5,000 fine, plus penalty assessments, or $390 to $1,000 if given probation as specified.

iii) Two-year IID installation mandate (if the offense involved alcohol).

iv) Three-year license revocation.

v) An 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)

c) DUI causing bodily injury with two or more priors:

i) A felony punishable by imprisonment in state prison for two, three, or four years, or if given probation, either a minimum of one year in county jail, or 30 days to one year in county jail if ordered to complete an 18 or 30-month DUI program.

ii) A fine of $1,015 to $5,000, or $390 to $5,000 if given probation, and a requirement to make restitution or reparation.

iii) Three-year IID installation mandate (if offense involved alcohol).

iv) Five-year license revocation, and three-year designation as a habitual traffic offender.

v) An 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

d) Provides that a person who is convicted of a DUI causing bodily injury, which proximately causes bodily injury or death to more than one victim and results in a felony conviction, shall receive a one-year sentence enhancement in state prison for each additional victim injured (maximum of three). (Veh. Code, § 23558.)

e) Punishes a person convicted of a DUI causing bodily injury, where the violation proximately causes great bodily injury (GBI) to any person other than the driver, and the offense occurred within 10 years of two or more priors, as a felony by imprisonment for two, three, or four years in state prison, a $1,015 to $5,000 fine, and a five-year license revocation. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

f) Provides that if a person is convicted for the above offense, and the underlying offense occurred within 10 years of four or more priors, there shall be an additional punishment of three years in state prison, which shall be served in addition and consecutive to the sentence imposed above. (Veh. Code, § 23566, subd. (c).)

5) Makes any DUI or DUI causing bodily injury (hereafter any DUI) a wobbler if that person has previously been convicted of certain impaired driving crimes:

a) Punishes a person convicted of any DUI within 10 years of specified felonies – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a $390 to $1,000 fine, a four- or five-year license revocation (including

a three-year designation as a habitual traffic offender), and a three- or four-year IID mandate.[3] (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).)

b) Punishes a person convicted of any DUI, who has a prior conviction for felony intoxicated vehicular manslaughter, as a wobbler with a fine of $390 to $1,000, a four- or five-year license revocation, and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).)

6) Requires a court to advise a person convicted of a DUI or a DUI causing bodily injury, or who pleads to a reckless driving conviction in satisfaction of, or as a substitute for an original DUI charge, of the following: "You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder." (Veh. Code, § 23593, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "As a CHP officer, I have stood on the side of the road with families who have just lost loved ones to drunk drivers. Those scenes will never leave me. We owe it to those families to hold repeat offenders accountable. AB 1686 does this by making a second DUI a wobbler."

2) **Statewide Increase in Traffic Fatalities, Including DUI Fatalities.** There has been a substantial increase in crash fatalities in California in the last decade. Traffic fatalities can result from a variety of factors, including impaired driving, speeding, distracted driving, unsecured passengers, and unhelmeted motorcyclists, among others.[4] According to data published by the California Office of Traffic Safety (OTS), total crash fatalities across the state increased by about 31 percent, from 3,107 to 4,061, from 2013 to 2023.[5] This has been driven by an increase in almost all of the major crash fatality categories. According to OTS data, from 2013 to 2023, there was an approximate 54% increase in alcohol-impaired fatalities,[6] a 51% increase in unrestrained occupant fatalities,[7] a 51% increase in pedestrian fatalities,[8] a 31% increase in speeding-related fatalities,[9] and a 26% increase in motorcycle

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[3] If the conviction is for a DUI, it is a three-year IID term. (Veh. Code, §23575.3, subd. (h)(1)D). If it is for a DUI causing bodily injury, then a four-year IID term. (Veh. Code, §23575.3, subd. (h)(2)D).
[4] OTS, *California Annual Report: Fiscal Year 2024*, p. 30, (2024), available at: https://www.ots.ca.gov/wp-content/uploads/sites/67/2025/09/FY-2024-Annual-Report-Final-7.31-ALT-TEXT.pdf
[5] OTS, *California's Annual Report 2018*, p. 11, (2018), available at: https://www.ots.ca.gov/wp-content/uploads/sites/67/2019/06/2018-Annual-Report.pdf; OTS, *California Traffic Safety Quick Stats* (accessed February 4, 2026), available at: https://www.ots.ca.gov/ots-and-traffic-safety/score-card/
[6] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Alcohol-Impaired and Alcohol-Involved Driving* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-alcohol-impaired-and-alcohol-involved-driving
[7] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Occupant Protection and Child Passenger Safety* (2025), https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-occupant-protection-and-child-passenger-safety.
[8] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Pedestrian Safety* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-pedestrian-safety
[9] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Speeding-Related and Other Crashes* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-speeding-related-and-other-crashes

fatalities.[10] However, the latest data suggests this trend may be reversing. Total traffic fatalities decreased by 1.9% from 2021 to 2022,[11] and again by 11% from 2022 to 2023.[12] Alcohol-impaired driving fatalities similarly decreased by 4.5% from 2022 to 2023.[13]

For context, alcohol and drug-involved crash fatalities (hereinafter, "DUI crash fatalities"), which have historically comprised a significant portion of total crash fatalities, peaked at 2,065 in 2005, before declining to a multi-decade low of 1,416 in 2010.[14] DUI crash fatalities have steadily increased since then, reaching 1,644 in 2015 and 1,868 in 2021; an increase of about 32% from 2010 to 2021.[15] While DUI crash fatalities have increased in the last decade, they comprise an increasingly lower proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities; in 2021, 41.7%.[16] That is the lowest proportion of total crash fatalities since 2001.[17] Further, non-alcohol-involved crash fatalities increased from 2010 to 2021 by an alarming 88% percent, from 1,667 to 3,133.[18] This indicates that vehicle safety factors, other than alcohol-involved impaired driving, are playing a significant role in driving California's increase in crash fatalities.

3) **Reduced Enforcement of DUI Laws:** The increase in DUI fatalities has coincided with a significant decline in DUI arrests and convictions. In 2010, when impaired fatalities were at a multi-decade low, there were 195,879 DUI arrests and 148,042 DUI convictions in California.[19] From 2010 to 2015, DUI arrests and convictions both decreased by approximately 28%.[20] Arrests and convictions have continued to steadily decrease since then, reaching 110,017 arrests and 81,248 convictions in 2021.[21] In sum, between 2010 and 2021, DUI arrests and convictions decreased by approximately 44% and 45%, respectively.[22] Unsurprisingly, from 2011 to 2021, the DUI arrest rate per 100,000 licensed drivers decreased from 752 to 401.[23] This decrease in DUI arrests and convictions, considered alongside the significant increase in DUI fatalities, suggests a substantial reduction in the enforcement of California's DUI laws.

4) **California's DUI Framework:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of BAC in their blood, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).) This is California's primary DUI statute that establishes the crime of DUI that does not cause bodily injury. DUIs that cause bodily injury or death are punished separately and more severely. The punishment for a DUI generally depends on the defendant's number of separate "priors" within 10 years

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[10] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Motorcycle Safety* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-motorcycle-safety
[11] OTS, *California Annual Report: Fiscal Year 2024*, at p. 8
[12] OTS, *California Traffic Safety Quick Stats* (accessed February 4, 2026), available at: https://www.ots.ca.gov/ots-and-traffic-safety/score-card/
[13] *Ibid.*
[14] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*
[18] *Ibid.*
[19] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[20] *Ibid.*
[21] *Ibid.*
[22] *Ibid.*
[23] DMV, 32nd Annual Report of the California Dui Management Information System (2025), at p. 6, available at: https://www.dmv.ca.gov/portal/uploads/2025/10/32nd-Annual-Report-of-the-California-DUI-Managment-Information-System.pdf

of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are a DUI under Vehicle Code section 23152, a DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless conviction occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

A first, a second, and a third DUI within ten years of the current offense are all misdemeanor offenses. (Veh. Code, §§ 23536; 23540; 23546.) However, as noted below, the amount of minimum jail time, license suspension length, and IID installation term all increase with each prior. (Veh. Code, §§ 13352, subd. (a)(1)-(5); 23536; 23540; 23546; 23575.3, subd. (h)(1)(A)-(C).) Currently, only a DUI with three or more priors can be prosecuted as a felony. (Veh. Code, § 23550.)

Specifically, a first-time DUI is punishable by imprisonment for four days to six months in county jail, a fine of $390 to $1,000, a possible six-month IID installation order, a six- to 10-month suspension, and, if given probation, completion of a three- or nine-month DUI program. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).) A DUI with one prior is punishable by imprisonment for three months to one year in county jail, a $390 to $1,000 fine, a one-year IID mandate, a two-year license suspension, and, if given probation, completion of an 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).) A DUI with two priors is punishable by imprisonment for four months to one year in county jail, a $390 to $1,000 fine, a two-year IID mandate, a three-year license revocation, and, if given probation, a possible 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).) A DUI with three or more priors is a wobbler, punishable by imprisonment for six months to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years. (Veh. Code, § 23550.) Additionally, this offense is subject to a $390 to $1,000 fine, a three-year IID mandate, a four-year license revocation, and, if given probation, a possible 18- or 30-month DUI program. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

5) **Effect of this Bill:** This bill gives prosecutors discretion to charge a DUI with one prior and a DUI with two priors as a felony. These offenses are currently misdemeanors. It additionally increases the minimum jail time for these offenses if they are prosecuted as a misdemeanor. Specifically, it increases the punishment for a DUI with one prior from a misdemeanor, punishable by 90 days to one year in county jail, to a wobbler, punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years. It similarly increases the punishment for a DUI with two priors from a misdemeanor, punishable by 120 days to one year in county jail, to a wobbler, punishable either as a misdemeanor by 180 days to one year in county jail, or as a jail-eligible felony by 16 months, or two or three years.

This bill is distinct from AB 1546 (Schultz), which this Committee passed out on March 3, 2026. That bill increases penalties for a narrower category of serious repeat DUI offenders: DUI offenders with two priors and DUI offenders with four or more priors. Here, while this bill similarly makes a DUI with two priors a wobbler, it also authorizes felony charges for a DUI with just one prior. While first-time DUI offenders make up the bulk of DUI offenses,

second-time DUI offenders are the next most common offender category. Together, second and third-time DUI offenders – the category of offenders impacted by this bill – typically comprise approximately a quarter of total DUI convictions. In 2020, 74.7% of DUI convictions were for first-time DUIs, 19.2% for second-time DUIs, 4.6% for third-time DUIs, and 1.4% for fourth or subsequent DUIs.[24] In 2019, the conviction numbers for a second-time and third-time DUI were similarly 20.2% and 5.3%, respectively.[25] In 2018, 20.5% and 5.3%, respectively.[26] The most recent annual data from the DMV shows there were 81,248 DUI convictions in 2021.[27] If these conviction numbers remain steady, let alone increase to levels seen in prior years, this bill could authorize tens of thousands of new felony charges annually, which could place a significant strain on California's county jails.

6) **Existing Penalties for Conduct Prohibited by this Bill:** A recent series of reporting by Cal Matters, titled "License to Kill,"[28] highlighted the significant increase in DUI-related fatalities in California. This reporting identified some troubling gaps in California's DUI framework, such as communication failures between courts and the DMV.[29] A frequently repeated claim from this reporting series is that "California has some of the weakest DUI laws in the country."[30] Whether this is in fact true is unclear. California's impaired driving criminal laws are extensive and address conduct far beyond the specific crime of a DUI that does not cause injury under Vehicle Code section 23152. In addition to this particular crime, there are numerous criminal penalties, including felony crimes and sentence enhancements, that can be leveraged against impaired drivers. Available penalties include the following:

   a) Felony DUI Causing Bodily Injury

   A first-time DUI that causes bodily injury to another can be prosecuted as a felony. Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver. (Veh. Code, § 23153 subds. (a), (f), & (g).) A first offense is a wobbler punishable by imprisonment for 90 days to one year in jail or 16 months, or two or three years in state prison. (Veh. Code, § 23554.) A DUI causing bodily injury with one prior is also a wobbler, while a DUI causing bodily injury with two priors is a straight felony punishable in state prison by imprisonment for two, three, or four years. (Veh. Code, §§ 13352 subd. (a)(6); 23560; 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

   b) Felony DUI Crimes Due to Specified Priors or GBI

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[24] DMV, 32nd Annual Report of the California Dui Management Information System (2025), at p. 30, available at: https://www.dmv.ca.gov/portal/uploads/2025/10/32nd-Annual-Report-of-the-California-DUI-Managment-Information-System.pdf
[25] DMV, Annual Report of the California DUI Management Information System (2023), at p. 29, available at: https://www.dmv.ca.gov/portal/uploads/2023/09/2022-DUI-MIS-Report.pdf
[26] DMV, 2021 Annual Report of the California DUI Management Information System (2022), at p. 29, available at: https://www.dmv.ca.gov/portal/uploads/2022/05/2021-DUI-MIS-Report-Update-11.3.22.pdf
[27] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[28] Cal Matters, *License to Kill* (accessed Feb. 13, 2026), available at: https://calmatters.org/series/license-to-kill/
[29] Lauren Hepler and Robet Lewis, *They were convicted of killing with their cars. No one told the California DMV*, Cal Matters (June 25, 2025), available at: https://calmatters.org/investigation/2025/06/california-courts-dmv/?series=license-to-kill
[30] Robert Lewis and Lauren Hepler, *15 DUIs, still driving: California's failure to take repeat drunk drivers off the road* (Oct. 30, 2025), available at: https://calmatters.org/investigation/2025/10/california-dui-failure/?series=license-to-kill; Robert Lewis and Lauren Hepler, *40,000 people died on California roads. State leaders looked away* (Dec. 11, 2025), available at: https://calmatters.org/investigation/2025/12/california-roadway-deaths-inaction/?series=license-to-kill

In addition to the crimes of a DUI or a DUI causing bodily injury, whereby the severity of punishment increases in accordance with that person's number of priors, any DUI can be punished as a felony if that person has previously been convicted of certain impaired driving offenses or if the DUI causes certain injury. (Veh. Code, § 23550.5, subds. (a), (c) & (d).)

First, any DUI within 10 years of a conviction for a specified felony – a DUI with three or more priors, a DUI causing bodily injury, or gross vehicular manslaughter – is punishable as a wobbler with a $390 to $1,000 fine, a four or five year license revocation (including designation as a habitual traffic offender for three years), and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d); 23575.3, subd. (h)(1)-(2).) Accordingly, a DUI offender who was previously convicted of a felony DUI causing bodily injury can be subject to felony, rather than misdemeanor charges.

Second, a person convicted of any DUI who has previously been convicted of felony vehicular manslaughter while intoxicated can also face felony charges. This crime is punishable as a wobbler with a fine of $390 to $1,000, a four- or five-year license revocation, and a three- or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d); 23575.3, subd. (h)(1)-(2).) Notably, this offense does not have a 10-year washout period. A person convicted of felony vehicular manslaughter while intoxicated who subsequently is convicted of a DUI 20 years later may be charged with a felony.

Third, a DUI causing bodily injury, where the violation proximately causes GBI to a person other than the driver, and the offense occurred within 10 years of two or more priors, is punishable as a straight felony by imprisonment for two, three, or four years in state prison, a $1,015 to $5,000 fine, and a five-year license revocation (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

c) *Impaired Driving Involving Death*

A person who kills someone while driving impaired may be subject to several additional felonies.

First, a person who kills someone while impaired by alcohol or drugs can be prosecuted with implied malice, second-degree murder, punishable by 15 years-to-life in state prison. (Pen. Code, § 187; 190, subd. (a); 1 CALCRIM 520 (2026); *People v. Watson* (1981) 30 Cal.3d 290, 300.) Notably, a person convicted of a DUI is required to be advised of the dangers of driving under the influence, and that they may be charged with murder if they continue to drink and drive and kill someone as a result. (Veh. Code, § 23593, subd. (a).)

Second, a person who kills someone while driving impaired and with gross negligence may be convicted of the crime of "gross vehicular manslaughter while intoxicated." This is defined as the unlawful killing of a person without malice while driving a vehicle while intoxicated, and the killing was either a proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, and with gross negligence. (Pen. Code, § 191.5, subds. (a) & (c)(1).) Gross vehicular manslaughter while intoxicated is a felony punishable by imprisonment for four, six, or 10 years in state prison. (Pen. Code, § 191.5, subd. (c)(1).) If this offense does not involve gross negligence, the offense becomes "vehicular

manslaughter while intoxicated," which is punishable as a wobbler with a heightened felony option of imprisonment for 16 months, or two or four years. (Pen. Code, § 191.5, subd. (c)(2).)

Additionally, a person who is convicted of gross vehicular manslaughter while intoxicated, who has previously been convicted of any DUI, among other offenses, may be punished by a state prison term of 15 years-to-life. (Pen. Code, § 191.5, subd. (d).)

d) *Sentence Enhancements*

Impaired drivers may be subject to multiple types of sentence enhancements.

First, a person who is convicted of a DUI causing bodily injury, which proximately causes bodily injury or death to more than one victim and results in a felony conviction, shall receive a one-year sentence enhancement in state prison for each additional victim injured (maximum of three victims). (Veh. Code, § 23558.) Consider a person who drives impaired and causes a car crash that injures three people in the other car. That person may be charged with a felony DUI causing bodily injury, punishable by up to three years in state prison, and an enhancement of two years for the two additional injured victims. (Veh. Code, §§ 23554; 23558.)

Second, where a person is convicted of the felony crime of DUI causing bodily injury that proximately causes GBI and that occurred within 10 years of two or more priors, if the underlying offense occurred within 10 years of four or more priors that person shall be subject to an additional three-year prison enhancement, which shall be served in addition to and consecutive to the base term. (Veh. Code, § 23566, subds. (b) & (c).) For example, if a person is convicted of a DUI that causes GBI with four or more priors under this sentence enhancement, they may be punished by up to four years in state prison, and an additional three-year sentence enhancement. (*Ibid.*)

Third, a person convicted of a felony DUI may be subject to an additional three-year sentence enhancement if they personally inflicted GBI in the commission of the felony DUI. (Pen. Code, § 12022.7, subds. (a) & (g).) For example, if a person is convicted of a felony DUI causing bodily injury, and the defendant personally inflicted GBI during the offense, that person can face up to three years for the offense, and an additional three-year enhancement. (Pen. Code, § 23554; *See e.g., People v. Wilson* (2003) 114 Cal.App.4th 953, 956; *People v. Sainz* (1999) 74 Cal.App.4th 565, 576.) This does not apply where GBI is an element of the offense and is inapplicable to murder or manslaughter. (Pen. Code, § 12022.7, subds. (a) & (g).)

e) Minimum Mandatory Terms and Jail Enhancements

A DUI can result in substantial jail time, even when prosecuted as a misdemeanor. A DUI conviction mandates minimum jail time as follows: first DUI (four days); second DUI (three months); third DUI (four months); and fourth or subsequent DUI (six months if prosecuted as a misdemeanor). (Veh. Code, §§ 23536; 23540; 23546; 23550.) Although probation, which is frequently granted, results in less minimum jail time.

In addition, existing law mandates additional jail time under certain circumstances. Generally, these jail enhancements apply regardless of whether probation was granted.

First, existing law mandates additional jail time if the DUI offense involved excessive speeding. Specifically, it requires an additional and consecutive term of two months in county jail if a person, during the commission of a DUI drives 30 miles per hour or more over the speed limit on a freeway, or 20 miles per hour over the posted speed limit on any other street or highway, in a manner that constitutes reckless driving (Veh. Code, § 23582, subd. (a).) Accordingly, a person convicted of a DUI with one prior while driving recklessly over 20 miles per hour over the speed limit on a highway may receive a minimum of five months of jail time; three months for their second DUI, and an additional two months for speeding.

Second, a person convicted of a DUI, where a minor under 14 years old was a passenger at the time of the offense, is subject to additional jail time as follows: first DUI (48 continuous hours); second DUI (10 days); third DUI (30 days); and fourth or subsequent DUI (three months). (Veh. Code, § 23572, subd. (a).)

Third, existing law also requires additional jail time for a person convicted of a DUI who, at the time of arrest, willfully failed to submit to or complete a breath or urine test, regardless of whether probation is granted. Additional jail time is mandated as follows: first DUI (heightened probation conditions); first DUI causing bodily injury (additional 48 continuous hours jail); any DUI with one prior (four days); DUI with two priors (10 days); and a DUI with three priors or a DUI with a prior specified felony (18 days). (Veh. Code, § 23577, subd. (a).)

f) Vehicle Impoundment

A person convicted of a DUI may also have their vehicle impounded, and possibly even sold. Currently, courts have discretion to impound a DUI offender's vehicle for up to 30 days for a first offense, where the vehicle was used in the commission of the offense, or up to 90 days if the offense occurs within five years of two or more prior DUIs. (Veh. Code, § 23594, subds. (a) & (b).) The impoundment must be ordered at the registered owner's expense, except for unusual cases where the interests of justice would be best served by not ordering impoundment. (*Ibid.*) Additionally, a court may declare a defendant-owner's vehicle to be a nuisance and subject the vehicle to sale if the defendant is convicted of any of the following: 1) a DUI within seven years of two or more prior DUI or intoxicated vehicular manslaughter convictions; 2) a DUI causing bodily injury within seven years of a prior DUI or intoxicated vehicular manslaughter conviction; or 3) intoxicated vehicular manslaughter. (Veh. Code, § 23596, subds. (a) & (b).)

Additionally, a court may impound the vehicle of a vehicle owner for up to six months upon a conviction for driving with a suspended or revoked license and up to one year for a second or subsequent violation for that same offense. (Veh. Code, § 23592, subd. (a).)

7) **Increased Penalties and Lack of Deterrent Effect:** According to the National Institute of Justice (NIJ), "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."[31] Rather than penalty increases, the NIJ emphasizes the need for policies that "increase[] the perception that criminals will be caught and punished" because "[t]he *certainty* of being caught is a vastly more powerful deterrent than the punishment." [32]

In a 2014 report, the Little Hoover Commission similarly addressed the disconnect between science and sentencing – that is, "put[ting] away offenders for increasingly longer periods of time, with no evidence that lengthy incarceration, for many, brings any additional public safety benefit."[33] Accordingly, while this bill guarantees greater punishment for second and third-time DUI offenders, it is less clear whether it will effectively deter impaired driving behavior.

8) **Argument in Support**: According to the *Safe California Roads Coalition*, "The Safe California Roads Coalition strongly supports AB 1686, which would allow repeat DUI offenses within a 10-year period to be charged as either a misdemeanor or a felony. This bill is a critical step toward holding drivers who repeatedly endanger lives accountable for their actions. AB 1686 ensures that our laws reflect the serious harm caused by impaired driving and the need to protect all Californians on our roads.

"California's current DUI laws treat a second or third offense within 10 years as a misdemeanor, even though these drivers have demonstrated a pattern of dangerous behavior. AB 1686 corrects this gap by providing prosecutors the ability to pursue felony charges when appropriate. The Safe California Roads Coalition supports this bill as a vital part of our mission to reduce DUI-related deaths and injuries. Strengthening accountability for repeat offenders helps prevent future crashes, protects families, and ensures that California's roads are safer for everyone."

9) **Argument in Opposition**: According to *California Attorneys for Criminal Justice (CACJ)*, AB 1646 "expands felony exposure by making a second or third DUI offense without injuries within ten years a "wobbler." This proposal focuses on increased punishment rather than prevention and addresses only a narrow subset of cases. By making both second and third offenses punishable as felonies and imposing the same mandatory minimum jail sentence for each, the bill collapses California's graduated penalty structure for repeat DUI offenses and eliminates the meaningful distinction between escalating levels of culpability.

"Nothing in this bill distinguishes between cases where the priors are close to the current offense versus cases when there have been many years in between. Nor does this bill focus on high b.a.c. cases and could include cases where someone had a "wet" and were borderline of the b.a.c. limits.

"Data from the California Department of Motor Vehicles (DMV) and the National Highway Traffic Safety Administration (NHTSA) show that roughly three-quarters of individuals

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[31] National Institute of Justice, U.S. Department of Justice, *Five Things about Deterrence* (June 5, 2016) https://nij.ojp.gov/topics/articles/five-things-about-deterrence.
[32] *Ibid.*
[33] Little Hoover Commission, *Sensible Sentencing for a Safer California* (Feb. 2014) at p. 4, https://lhc.ca.gov/wp-content/uploads/Reports/219/Report219.pdf

arrested for a first DUI are never rearrested for another DUI within ten years, meaning most impaired-driving cases involve individuals who do not become repeat offenders.

"The most effective way to reduce impaired driving is to prevent first-time offenders from becoming repeat offenders. Preventing repeat offenses therefore requires addressing underlying substance-use disorders. Research consistently shows that treatment-based interventions reduce recidivism. Studies of court-mandated mental-health and substance-use treatment programs demonstrate meaningful reductions in reoffending among individuals who participate in treatment. Rather than expanding felony punishment for the small fraction of cases involving multiple repeat offenses, the Legislature should prioritize treatment-based diversion programs that address the root causes of impaired driving and thereby make California's roadways safer.

"California's existing DUI penalties are not lenient. In the most serious DUI fatality cases, prosecutors in California may pursue second-degree murder charges, exposing a defendant to a sentence of fifteen years to life. Despite the possibility of life imprisonment, a minority of drivers with a prior DUI conviction do reoffend because of substance-use disorders. This reality underscores that impaired driving is often driven by addiction and behavioral health issues, not by a lack of severe criminal penalties. Individuals who decide to drive while intoxicated are, by definition, impaired at the time of the decision, which limits the deterrent effect of harsher statutory penalties.

"This year the California Legislature has introduced at least a dozen DUI bills. CACJ urges the Legislature to convene broad stakeholder working groups to identify a []holistic approach to reform as needed. This would increase the likelihood of an efficient balanced resolution to any amendments."

10) **Related Legislation**:

a) 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. AB 1546 is pending a hearing in the Assembly Appropriations Committee.

b) SB 907 (Archuleta) adds intoxicated vehicular manslaughter and gross vehicular manslaughter to the violent felonies list and subjects a person convicted of specified vehicle offenses, including a felony DUI, to a three-year sentence enhancement for each prior conviction for specified vehicle offenses, among other changes. SB 907 is pending a hearing in the Senate Public Safety Committee.

c) AB 1748 (Sanchez) lengthens the license suspension and revocation periods for first-time and repeat DUI offenders, among other changes. AB 1748 is being heard in this Committee today.

d) AB 1830 (Petrie-Norris) requires courts to order first-time DUI offenders to install, maintain, and service an IID for up to six months on every vehicle they operate. AB 1830 is being heard in this Committee today.

e) 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 being heard in this Committee today.

f) AB 1814 (Alanis) requires specified officers assigned to traffic enforcement to complete a course of training on detecting and apprehending impaired drivers within one year of their assignment to traffic enforcement, and every two years thereafter. AB 1814 is pending a hearing in this Committee.

11) **Prior Legislation**:

a) SB 421 (Bradford) of the 2021-2022 Legislative Session would have established a pretrial diversion scheme with specific conditions for misdemeanor DUI violations. SB 421 was held in Senate Appropriations.

b) SB 783 (Bradford) of the 2021-2022 Legislative Session was substantially similar to SB 421. SB 783 was never heard.

c) AB 401 (Flora) of the 2019-2020 Legislative Session would have made a DUI conviction that occurs within 10 years after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in this Committee.

d) AB 2690 (Mullin) Chapter 590, Statutes of 2014, changed the term "prior violations" to "separate violations" in a statute that authorizes enhanced penalties if the current offense occurred within 10 years of a specified felony DUI offense.

e) AB 2605 (Bogh) of the 2005-2006 Legislative Session would have increased the penalty for a person convicted of a third DUI offense within 10 years from a misdemeanor to an alternative misdemeanor/felony, among other changes. AB 2605 failed passage in this Committee.

f) SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

REGISTERED SUPPORT / OPPOSITION:

Support

American Medical Response West
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Drinking Driver Treatment Programs
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association

California Narcotic Officers' Association
California Peace Officers Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Seal Beach
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mothers Against Drunk Driving
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
San Bernardino County
Streets are for Everyone Inland Empire
Streets for All
The River's Edge Ranch
We Save Lives
3 Private Individuals

Opposition

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
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
1 Private Individual

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

Date of Hearing: April 21, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1748 (Sanchez) – As Introduced February 9, 2026

VOTE ONLY

SUMMARY: Increases the length of the driver's license suspensions and revocations that apply to a conviction for a DUI or a conviction for a DUI causing bodily injury. Specifically, **this bill**:

1) Increases the license suspension term for a first DUI[1] from six months to one year; and, where probation is given, and a nine-month DUI program is ordered, from 10 months to 16 months.

2) Increases the license suspension term for DUI with one prior[2] from two years to three years.

3) Increases the license revocation term for DUI causing bodily injury with one prior from three years to five years.

4) Increases the license revocation term for DUI with two priors from three years to 10 years.

5) Increases the license revocation term from five years to 10 years for the following offenses:

   a) DUI causing bodily injury with two or more priors.

   b) DUI causing bodily injury that proximately causes great bodily injury (GBI) to another, and the offense occurred within 10 years of two or more priors.

   c) DUI causing bodily injury within 10 years of the following felonies: DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter.

   d) DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated manslaughter while operating a vessel, as specified.

6) Increases the license revocation term from four years to permanent revocation, and removes the restricted license option, for the following offenses:

   a) DUI with three or more priors.

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[1] For purposes of this analysis, a "DUI" refers to a DUI punishable under Vehicle Code section 23152 that does not cause bodily injury. A DUI causing bodily injury is punished separately under Vehicle Code section 23153.
[2] For purposes of this analysis and unless otherwise specified, 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.

b) DUI or DUI causing bodily injury within 10 years of the following felonies: DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter.

c) DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel, as specified.

7) Provides, for purposes of the requirement that the Department of Motor Vehicles (DMV) issue a restricted driver's license to a person whose license was suspended because they were convicted of a first DUI, subject to specified requirements, that the driving restriction shall remain in effect for one year, or for 16 months where probation is given and a nine-month DUI program is ordered, as specified.

8) Removes the requirement that a person convicted of DUI with three or more priors, DUI or DUI causing bodily injury within 10 years of specified felonies, and DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel, offenses that this bill subjects to permanent revocation, install a functioning certified ignition interlock device (IID) for a mandatory term of three years.

9) Makes technical and conforming changes.

EXISTING LAW:

1) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of alcohol (BAC) in their blood, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).)

2) Punishes DUI as follows:

a) DUI is a misdemeanor punishable by imprisonment for four days to six months in county jail, a fine of $390 to $1,000, an order to install a functioning, certified IID on any vehicle that person operates for up to six months,[3] at the court's discretion, a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered, and completion of a three-month (30-hour) DUI program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more, or they refused to take a chemical test. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a); 23536, subds. (a) & (c); 23538, subds. (a) & (b); 23575.3, subd. (h)(1)(A)(i).)

b) DUI with one prior is a misdemeanor punishable by imprisonment for three months to one year in county jail, a fine of $390 to $1,000, a one-year IID installation mandate, a two-year license suspension, and completion of an 18-month or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352, subd. (a)(3); 23540, subd. (a); 23542, subds. (a) & (b); 23575.3, subd. (h)(1)(B).)

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[3] Only if the offense involved alcohol.

c) DUI with two priors is a misdemeanor punishable by imprisonment for four months to one year in county jail, a fine of $390 to $1,000, a two-year IID installation mandate, a three-year license revocation, and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(5); 23546; 23548, subds. (a) & (b); 23575.3, subd. (h)(1)(C).)

d) DUI with three or more priors is an alternate felony-misdemeanor (hereafter "wobbler") punishable by imprisonment for six months to one year in jail, or as a felony punishable by incarceration by 16 months, or two or three years, a fine of $390 to $1,000, a three-year IID installation mandate, a four-year license revocation, and three-year designation as a habitual traffic offender, and an 18 or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352, subd. (a)(7); 23550; 23552, subds. (a) & (b); 23575.3, subd. (h)(1)(D).)

3) Makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or the combined influence of the two, or who has a BAC of .08 or more, to drive a vehicle, and concurrently do any act forbidden by law or neglect any duty imposed by law in driving the vehicle, which proximately causes bodily injury to any person other than the driver (hereafter "DUI causing bodily injury") (Veh. Code, § 23153 subds. (a), (f), & (g).)

4) Punishes a DUI causing bodily injury as follows:

a) DUI causing bodily injury is a wobbler punishable by imprisonment for three months to one year in county jail or 16 months, or two or three years in state prison, a fine of $390 to $1,000, a one-year IID installation mandate, a one-year license suspension, and completion of a three-month (30-hour) DUI treatment program; or, if given probation, a nine-month (60-hour) program if the person's BAC was .20 percent or more or they refused to take a chemical test. (Veh. Code, §§ 13352 subd. (a)(2); 23554; 23556, subds. (a) & (b); 23575.3, subd. (h)(2)(A).)

b) DUI causing bodily injury with one prior is a wobbler punishable by imprisonment for four months to one year in county jail or 16 months, or two or three years in state prison, a fine of $390 to $5,000, a two-year IID installation mandate, a three-year license revocation, and an 18- or 30-month DUI program, as specified, if given probation and at the court's discretion. (Veh. Code, §§ 13352 subd. (a)(4); 23560; 23562, subds. (a) & (b); 23575.3, subd. (h)(2)(B).)

c) DUI causing bodily injury with two or more priors is a felony punishable by imprisonment in state prison by two, three, or four years, a fine of $1,015 to $5,000, a three-year IID installation mandate, a five-year license revocation and three-year designation as a habitual traffic offender, and an 18- or 30-month DUI program, as specified, if given probation. (Veh. Code, §§ 13352 subd. (a)(6); 23566; 23568, subds. (a) & (b); 23575.3, subd. (h)(2)(C.)

5) Punishes DUI with specified prior felonies, or those that cause certain injury, as follows:

a) Punishes a person convicted of DUI causing bodily injury, where the violation proximately causes GBI to another person, and the offense occurred within 10 years of

two or more priors, as a felony with a five-year license revocation, and a three-year IID installation mandate. (Veh. Code, §§ 23566, subd. (b); 13352 subd. (a)(6).)

b) Punishes a person convicted of any DUI within 10 years of specified felonies –DUI with three or more priors, DUI causing bodily injury, or gross vehicular manslaughter – as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).)

c) Punishes a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel as a wobbler with a four or five-year license revocation and a three or four-year IID mandate. (Veh. Code, §§ 13352 subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

6) Authorizes a court, notwithstanding the above, to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury, the last of which was punishable as a DUI with two priors, a DUI with three or more priors, a DUI causing bodily injury with two or more priors, a DUI or DUI causing bodily injury with a prior specified felony, a DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified, or a DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).)

7) Prohibits a DUI license suspension or revocation from being reinstated until the person gives proof of financial responsibility and of successful completion of their DUI program. (Veh. Code, § 13352, subd. (a)(1)(A).)

8) Authorizes the DMV to issue a restricted license to a person convicted of DUI or DUI causing bodily injury, contingent on that person installing an IID, as follows:

a) Requires, generally, the DMV to advise the person that they may apply for a restricted license if they meet certain requirements: 1) the conviction was not only for drugs (for first-time offenders); 2) they provide proof of enrollment or completion of a DUI program; 3) they agree to continue satisfactory participation in the program; 4) they verify that they installed an IID, agree to maintain the IID for the required installation period, and comply with associated IID requirements; 5) they provide proof of financial responsibility; and 6) they pay specified fees. (Veh. Code, § 13352, subd. (a)(1)(A), (a)(2)(A), (a)(3)(A), (a)(4)(A), (a)(5)(A), (a)(6)(A), (a)(7)(A).)

b) Specifies that if a person was convicted of a DUI other than their first-DUI offense, and the conviction was only for drugs, they must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).)

c) Provides that the restricted driving privilege shall become effective when the DMV receives all required documents and fees, and shall remain in effect until all reinstatement requirements are satisfied, except the DMV must terminate the privilege if the person fails to comply with their DUI program's requirements or attempts to remove, bypass, or tamper with their mandated IID, or fails three or more time to maintain their IID, as specified. (Veh. Code, § 13352, subd. (e.)

d) Provides that, irrespective of the above, if a person maintains an IID for the mandatory required term, the DMV shall reinstate the person's privilege to operate a vehicle at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).)

9) Requires the DMV to administratively suspend the driving privileges of drivers who exceed the legal BAC limit or who fail or refuse to complete a chemical or alcohol screening test, before any criminal conviction, as specified. (Veh. Code, §§ 13353.2; 13353.3.)

10) Provides that if a person is convicted of DUI, DUI causing bodily injury, or hit and run, and is sentenced to one year in jail or more than one year in 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).)

11) Establishes a mandatory one-year criminal license revocation for the following convictions:

a) Failure of a driver involved in an accident resulting in injury or death to stop and perform specified duties.

b) A felony in the commission of which a motor vehicle is used, except as specified.

c) Reckless driving causing bodily injury. (Veh. Code, § 13350, subds. (a) & (b).)

12) Establishes a mandatory three-year license revocation for the following convictions:

a) Manslaughter (except for misdemeanor vehicular manslaughter).

b) Three or more specified hit and run or reckless driving violations within 12 months.

c) Gross vehicular manslaughter while intoxicated, intoxicated vehicular manslaughter while operating a vessel, or fleeing or attempting to elude a peace officer, causing serious bodily injury, as specified. (Veh. Code, § 13351, subds. (a) & (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1748 will help keep dangerous drivers off California roads by increasing license revocation timelines for those convicted of DUI or DUI involving bodily injury. If you demonstrate time after time that you cannot drive sober, you cannot be allowed to risk innocent lives by being behind the wheel."

2) **License Suspensions and Revocations for DUIs:** Existing law makes it unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08 percent or more, by weight, of BAC, to drive a vehicle. (Veh. Code, § 23152 subds. (a), (b) (f), & (g).) This establishes the crime of a DUI that does not cause bodily injury. California also makes it unlawful to drive impaired and concurrently do an act forbidden by law or neglect a duty imposed by law, which proximately causes bodily injury to another. (Veh. Code, § 23153, subds. (a), (f), & (g).) This is the crime of DUI causing bodily injury. The punishment for DUI or DUI causing

bodily injury generally depends on the defendant's number of separate "priors" within 10 years of the current offense. (Veh. Code, § 23540.) Convictions that are considered "priors" are DUI under Vehicle Code section 23152, DUI causing bodily injury under Vehicle Code section 23153, and a "wet reckless" conviction under Vehicle Code section 23103.5. (*Ibid.*) A wet reckless occurs where the prosecution agrees to a plea to a charge of reckless driving under Vehicle Code 23103, in satisfaction of, or as a substitute for, an original DUI charge, as specified. (Veh. Code, § 23103.5.)

A person convicted of DUI or DUI causing bodily injury is subject to numerous criminal penalties, including jail or prison time, specified fines, participation in a DUI program, installation and maintenance of an IID mandate, and license suspensions or revocations. This bill pertains to criminal license revocations, meaning those sanctions that are imposed after a person's *conviction* for DUI. These license sanctions are distinct from pre-conviction administrative suspensions that the DMV may impose on individuals who drive in violation of the legal BAC threshold or who fail or refuse to complete a chemical or alcohol screening test, as discussed more below. (Veh. Code, §§ 13353; 13353.1; 13353.2; 13353.3)

The duration of a criminal DUI license suspension or revocation increases with each prior offense. (Veh. Code, § 13352, subd. (a)(1)-(7).) A first DUI conviction is subject to a six-month license suspension or a 10-month suspension if probation is given and a 9-month DUI program is ordered. (Veh. Code, §§ 13352, subd. (a)(1); 13352.1, subd. (a).) DUI with one prior is subject to a two-year license suspension, DUI with two priors results in a three-year license revocation, and DUI with three or more priors results in a four-year license revocation. (Veh. Code, § 13352, subd. (a)(1), (3), (5) & (7).) License suspensions and revocations for DUI causing bodily injury are even longer. A first-time DUI causing bodily injury conviction is subject to a one-year license suspension, DUI causing bodily injury with one prior receives a three-year license revocation, and DUI causing bodily injury with two or more priors is subject to a five-year license revocation. (Veh. Code, § 13352, subd. (a)(2), (4), (6) & (7).) Courts may postpone the commencement of a license revocation or suspension arising from a DUI conviction until the term of imprisonment is served, for individuals sentenced to one year in county jail or to more than one year in state prison. (Veh. Code, § 23665, subd. (a).)

Additional license revocations apply to DUIs where the person has specified prior impaired driving felonies, DUIs that cause certain injuries, and to serious repeat DUI offenders. First, a person convicted of DUI causing bodily injury that proximately causes GBI to another person that occurs 10 years of two or more priors is subject to a five-year license revocation. (Veh. Code, §§ 23566, subd. (b); 13352, subd. (a)(6).) Second, an individual convicted of any DUI within 10 years of specified impaired driving felonies is subject to a four or five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (a), (c) & (d).) Third, a person convicted of any DUI who has a prior conviction for felony intoxicated vehicular manslaughter or intoxicated vehicular manslaughter while operating a vessel is subject to a four or five-year license revocation. (Veh. Code, §§ 13352, subd. (a)(6)-(7); 23550.5, subds. (b), (c) & (d).)

Finally, courts have discretion to order a 10-year license revocation if a person has been convicted of three or more separate DUIs or DUIs causing bodily injury. (Veh. Code, § 23597, subd. (a).) This only applies if the last offense was punishable as DUI with two priors, DUI with three or more priors, DUI causing bodily injury with two or more priors, DUI or

DUI causing bodily injury within 10 years of a prior specified felony, DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, or DUI causing bodily injury, where the violation proximately caused GBI and occurred within 10 years of two or more priors. (Veh. Code, § 23597, subd. (a).) This license sanction does not have a washout period; however, most of the last triggering convictions require multiple impaired driving offenses within 10 years. (Veh. Code, §§ 23566; 23550.5.) In determining whether to issue a 10-year revocation, the court shall consider the person's level of remorse, the time between the previous convictions, BAC at the time of violation, participation in an alcohol treatment program, risk to traffic or public safety, and the person's ability to install an IID. (Veh. Code, § 23597, subd. (a).) A person may apply to have their driving privileges reinstated, contingent on the installation of an IID, five years from the date of the last conviction. (Veh. Code, § 23597, subd. (c)(1).)

Notably, DUI criminal license sanctions do not completely prohibit the defendant from driving. Generally, a person convicted of DUI can apply to the DMV for a restricted license. (Veh. Code, § 13352, subds. (a)(1)(A).) To obtain such a license, the defendant must meet several requirements, the most notable being that they install and maintain an IID on every vehicle they operate for a specified period. (Veh. Code, § 13352, subds. (a)(1)(A).) Additionally, the underlying conviction cannot have been only for drugs (for first-time offenders), and they must provide proof of enrollment or completion of a specified DUI program, agree to continue satisfactory participation in the DUI program, provide proof of financial responsibility, and pay specified fees. (*Ibid.*) If the DUI was not that person's first offense and the underlying conviction was only for drugs, the defendant must complete 12 months of the suspension period. (Veh. Code, § 13352, subds. (a)(3)(A)(i).) If the person meets these requirements, they may receive a restricted license, which shall remain in effect until all reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (e)(1).) However, if a person maintains their IID for the mandatory term, the DMV shall reinstate their driving privileges at the time the other reinstatement requirements are satisfied. (Veh. Code, § 13352, subd. (f).) Given that the duration of IID mandates is generally shorter than license suspension or revocation periods, this can permit a person who has completed their mandated IID installation term, and who has otherwise met all their reinstatement requirements, to return to driving, without an IID, before the original license sanction date expires.

First-time DUI offenders have an additional avenue to receive a restricted license without having to install an IID. Specifically, the DMV must issue a restricted driver's license to a person convicted of their first DUI upon proof of enrollment in a DUI program, proof of financial responsibility, and payment of fees. (Veh. Code, § 13352.4, subd. (a).) This permits the person to engage in limited driving to and from their work and their DUI program. (Veh. Code, §§ 13352.4, subd. (c).) However, a court may disallow the issuance of a restricted license if it finds that the person would present a traffic safety or public safety risk if authorized to operate a motor vehicle. (Veh. Code, §§ 13352.4, subd. (h); 23536, subd. (d).)

3) **Effect of this Bill:** This bill substantially increases the duration of DUI license sanctions. It's primary changes are as follows: 1) increases the suspension for a first DUI from six months to one year, and from 10 months to 16 months, where probation is given and a nine-month DUI program is ordered; 2) increases the suspension for DUI with one prior from two years to three years; 3) increases the revocation for DUI causing bodily injury with one prior from three years to five years; 4) increases the revocation for DUI with two priors from three years

to 10 years; 5) increases the revocation for the following offenses, from five years to 10 years: DUI causing bodily injury with two or more priors, DUI causing GBI and that occurs within 10 years of two or more priors, DUI causing bodily injury within 10 years of specified impaired driving felonies, DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified; and 6) increases the license revocation for the following offenses, from four years to permanent revocation, and removes the restricted license option for these offenses: DUI with three or more priors, DUI or DUI causing bodily injury within 10 years of specified impaired driving felonies, and DUI or DUI causing bodily injury with a prior conviction for felony intoxicated vehicular manslaughter, as specified. The bill makes technical and conforming changes to implement its provisions, such as removing the IID requirement and restricted license option for the offenses that this bill subjects to permanent revocation.

4) **Inconsistency in Criminal License Sanctions:** There are numerous distinct criminal license suspension and revocation statutes, unrelated to DUIs. For crimes such as hit-and-run only resulting in damage to property, a second or subsequent reckless driving conviction, or misdemeanor vehicular manslaughter, the DMV has discretion to impose a suspension. (Veh. Code, § 13361.) Other crimes 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 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.*) Some of the most severe vehicle 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 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).)

   This bill may create inconsistency in the license sanctions for vehicle offenses. Specifically, it singles out DUI license sanctions for lengthier suspensions and revocations, whereas other offenses that are punished similarly, if not more severely, would receive comparatively shorter license sanctions. For example, this bill makes the first, second, and third DUI offenses, which are all misdemeanors, subject to one, three, and 10-year license sanctions, respectively. Yet, under existing law, the general rule is that a felony involving a vehicle is subject to a one-year license revocation, unless otherwise specified. (Veh. Code, § 13350, subds. (a)(2).) The need to subject DUI with two priors, a misdemeanor, to a license revocation ten times longer than a more general felony vehicle offense is unclear.

   Further, some of the most serious vehicle crimes that involve death are subject to three-year license revocations. This includes gross vehicular manslaughter, an offense punishable by up to six years in state prison, and gross vehicular manslaughter while intoxicated, an offense punishable by up to 10 years in state prison. (Pen. Code, §§ 193, subd. (c)(1); 191.5, subd. (c)(1); Veh. Code, § 13351, subd. (a)(1) & (3).) This bill would require offenses that receive less incarceration time than these manslaughter offenses, such as DUI with two priors, DUI with three or more priors, DUI causing bodily injury with one prior, and DUI causing bodily

injury with two or more priors, among others, to have comparatively longer license revocations than crimes that cause death and are punished more severely.

5) **Impact of License Suspensions on Jobs and Wages**. This bill's expansion of the duration of DUI license sanctions may negatively impact individuals who rely on their vehicles to drive to work, take their children to school, and attend medical appointments, among other life necessities. This is particularly true for the permanent license revocation established by this bill. A license suspension "can make it harder to find and keep a job, can increase one's exposure to the criminal legal system, and can generally place a great strain on one's life and the life of one's family."[4] Research has found that "having a valid driver's license and possession of a car is a stronger predictor of finding employment and leaving public assistance than a high school diploma."[5] Almost 30% of jobs require some amount of driving, and 75% of workers commute to work in a car. [6]

According to a study on the impacts of license suspension in New Jersey conducted by Rutgers University, the New Jersey Department of Transportation, and the Federal Highway Administration, 42% of individuals with a history of license suspension lost their jobs when they had their driving privileges suspended.[7] Job loss was most significant among low-income and younger drivers.[8] 45% of those who lost their job because of the suspension could not find another job, a trend that was most pronounced among low-income and older drivers.[9] Further, of those who were able to find another job, 88% reported a decrease in income.[10] This was most true for low-income drivers. Finally, more than half of those with a history of license suspension reported that they could not afford the increased cost of auto insurance as a result of the suspension.[11]

Research suggests that an estimated 75% of suspended drivers continue to drive.[12] Individuals who have their licenses suspended may simply "choose to keep driving because they have to work, which puts them at serious legal risk if they are caught driving with suspended licenses."[13] In California, individuals who drive on a suspended or revoked license, or fail to comply with the conditions of a restricted license, can be subject to additional criminal penalties and fines. Existing law makes it a misdemeanor to drive on a license that was suspended or revoked because of a DUI conviction. (Veh. Code, § 14601.2, subd. (a).) The first offense is punishable by 10 days to six months in county jail and a $300 to $1,000 fine, and a second offense within five years of a prior violation is punishable by 30 days to one year in county jail and a $500 to $2,000 fine. (Veh. Code, § 14601.2, subd. (d).) Similarly, it is a misdemeanor, punishable by up to six months in county jail and a $5,000

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[4] U.S. Department of Health & Human Services, *Challenges to Employment: Fines, Fees, and License Suspensions* (Dec. 2022), available at: https://acf.gov/opre/report/challenges-employment-fines-fees-license-suspensions
[5] Leiva and Marano, *Challenges to Employment: Fines, Fees, and License Suspensions*, Building Evidence of Employment Strategies (Nov. 2022), at p. 4, available at: https://acf.gov/sites/default/files/documents/opre/bees_orlando_brief.pdf
[6] *Id.* at p. 1.
[7] Driver's License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation (Aug. 2007), at p. 56, available at: https://vtc.rutgers.edu/wp-content/uploads/2014/04/MVC-DL-Suspension-Study-Final-Report-Vol1_9-13-07_.pdf
[8] *Ibid.*
[9] *Ibid.*
[10] *Ibid.*
[11] *Ibid.*
[12] American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices: Edition 3* (May 2021), at p. 3, available at: https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf
[13] Leiva and Marano, *supra*, at p. 1.

fine for a person to fail to install an IID when required to do so, to operate a vehicle not equipped with an IID, or to remove, bypass, or tamper with an IID. (Veh. Code, §§ 23573, subd. (i); 23247, subds. (d) & (e).)

6) **Benefits of Swift and Certain License Sanctions:** Individuals are less likely to commit driving offenses when they believe sanctions will be swift and certain.[14] According to the National Highway Traffic Safety Administration (NHTSA), research suggests that "swift and certain administrative sanctions—such as [administrative license suspension] and vehicle impoundment—can be highly effective in reducing alcohol impaired-driving crashes and fatalities, and in reducing further impaired driving by DWI offenders."[15]

California's administrative suspension laws require the DMV to suspend a person's license, prior to any conviction, if they refuse to submit to or fail to complete a chemical test or alcohol screening test, or drive in excess of specified BAC thresholds. (Veh. Code, §§ 13353; 13353.1; 13353.2, subd. (a).) If a person's BAC exceeds the legal limit, the arresting peace officer must personally serve a notice of suspension or revocation on the arrested person, take possession of their driver's license, and issue the person a temporary license, which shall be valid for 30 days from the date of arrest. (Veh. Code, § 13382, subds. (a) & (b).) The suspension becomes effective 30 days after such service. (Veh. Code, § 13353.3, subds. (a).) The DMV, upon receiving a sworn peace officer report relating to the arrest and suspension, shall conduct an administrative review to determine if the facts warrant a suspension. (Veh. Code, §§ 13353.2, subd. (d); 13557; 13380.) For individuals with no prior DUIs, who did not refuse a chemical test, and were not previously determined to have driven impaired, the suspension shall be for four months. (Veh. Code, § 13353.3, subd. (b)(1).) If the driver has prior DUIs, refused a chemical test, or has previously been determined to have driven impaired, as specified, the suspension shall be for one year. (Veh. Code, § 13353.3, subd. (b)(2).) Upon suspension, an individual may apply for a restricted driver's license if they enroll in a specified DUI program, install and maintain an IID, and pay specified fees. (Veh. Code, § 13353.6, subd. (a).) Notably, administrative and criminal license sanctions run concurrently. If the DMV administratively suspends a person's driver's license because they exceeded the legal BAC limit, and that person is later convicted of a DUI, arising out of the same occurrence, the two suspension or revocation periods run concurrently, and the total period of the license sanction shall not exceed the longer of the two suspension or revocation periods. (Veh. Code, § 13353.3, subd. (c).)

The traffic safety benefits of *administrative* license suspensions are well-documented. A 2000 report found that administrative license suspensions and revocations "reduced crashes of different types by an average of 13%."[16] Another study that analyzed the long-term impacts of license suspensions across the U.S. found that administrative license revocations reduced alcohol-related fatal crash involvement by 5%, resulting in an estimated 800 saved lives annually.[17] A study in Ontario, Canada, found that a law requiring immediate roadside

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[14] National Highway Traffic Safety Administration, *Countermeasures that Work; A Highway Safety Countermeasure Guide for State Highway Safety Offices* (2023), at p. 1-11, available at: https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-12/countermeasures-that-work-11th-2023-tag_0.pdf
[15] *Ibid.*
[16] National Highway Traffic Safety Administration, *supra*, at p. 1-11.
[17] *Ibid.*

license suspensions for drivers with BACs from .05 to .08 resulted in a 17% decrease in fatalities and injuries.[18]

The swift and certain penalties of administrative suspensions can be contrasted with the "lengthy and uncertain outcomes in criminal courts."[19] While the benefits of quick administrative license sanctions are well-established, the value of lengthy post-conviction license suspensions is less clear. According to NHTSA, "[a]lthough *administrative* license actions are highly effective in reducing crashes.... *court-imposed* license actions appear less effective" and "long court-imposed license suspensions may do little to reduce recidivism."[20] This is supported by a 2007 study on the effects of DUI mandatory pre-conviction and post-conviction driver's license suspension laws in 46 U.S. states.[21] That study found "[a]dministrative or preconviction drivers license suspension policies have statistically significant and substantively important effects in reducing alcohol-related fatal crash involvement by 5%" but that "[i]n clear contrast, postconviction license suspension policies have no discernable effects."[22] This led the study to conclude that "[t]he effectiveness of a deterrence policy appears to be more strongly affected by celerity—the speed by which punishment is applied after the offending behavior—than by the high severity of the penalty."[23]

A person who drives impaired and is ultimately convicted of a DUI is already subject to both administrative and criminal license sanctions. The primary effect of this bill is to extend the length of the criminal license revocation for DUI offenders. Accordingly, while this bill guarantees greater license punishment for certain impaired drivers, it is less clear whether it will effectively deter impaired driving behavior.

7) **Argument in Support**: According to the *Peace Officers' Research Association of California*, "AB 1748 strengthens California's DUI laws by increasing driver's license suspension and revocation periods for individuals convicted of driving under the influence. The bill increases the suspension for a first DUI conviction from six months to one year and lengthens suspension or revocation periods for repeat DUI offenders, including permanent revocation for individuals with four or more DUI convictions within ten years.

"PORAC supports AB 1748 because it increases accountability for impaired drivers and helps keep dangerous offenders off California's roadways. Strengthening license suspension and revocation provisions enhances public safety and supports the work of peace officers who respond to DUI incidents and work to prevent serious injuries and fatalities."

8) **Argument in Opposition**: According to *Justice2Jobs Coalition*, "If AB 1748 is passed, people convicted of DUIs would receive longer license suspensions. We at the Justice2Jobs Coalition oppose AB 1748 because it does not address the root causes of alcohol addiction and unsafe driving in California.

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[18] *Ibid.*
[19] *Ibid.*
[20] *Id.* at p. 1-62.
[21] Wagenaar, A.C. and Maldonado-Molina, M.M, *Effects of Drivers' License Suspension Policies on Alcohol-Related Crash Involvement: Long-Term Follow-Up in Forty-Six States*, Alcoholism: Clinical and Experimental Research (2007), 31: 1399-1406, available at: https://onlinelibrary.wiley.com/doi/10.1111/j.1530-0277.2007.00441.x
[22] *Ibid.*
[23] *Ibid.*

"'Access to a driver's license is a fundamental need for individuals reentering society after incarceration." People released from incarceration need reliable transportation in order to "secur[e] and maintain employment [...], meet probation requirements, attend medical appointments, engage in civic life, and reconnect with their families and communities.' Not having a driver's license 'impedes the ability of formerly incarcerated persons to obtain public benefits, health care, mental health services, and a broad array of services which will assist the person in a successful reentry to society.'

"Preventing barriers to lawful driving for formerly incarcerated people is an important public safety tool. Access to employment is a crucial factor in reducing recidivism rates,4 and not having a driver's license is a major barrier to work: Numerous studies have found a direct correlation between driving and employment. A task force report to the Governor of New Jersey cited a survey of suspended drivers conducted by Rutgers University researchers, which found that following a license suspension, 42% of people lost their jobs as a result of the suspension. Of those who lost their jobs, 45% could not find another job, and this effect was most pronounced for seniors and low-income people. Of those who were able to find new employment, 88% reported decreased wages.

"By creating barriers for formerly incarcerated people to find employment, these license suspensions will 'decrease access to legitimate work opportunities and pose a threat to successful reentry for people who are attempting to reintegrate into their communities.' Rather than extending license suspensions for people exiting prison, policymakers should prioritize evidence-based strategies that address the root causes of unsafe driving while supporting successful reentry."

9) **Related Legislation**:

a) AB 1687 (Lackey) would punish a person convicted of three or more specified vehicle offenses, including DUI or DUI causing bodily injury, among others, with an eight-year license revocation. AB 1687 will be heard today in this Committee.

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

c) AB 1874 (Wilson) would provide 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 will be heard today in this Committee.

d) AB 1723 (Ellis) would specify 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 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. AB 1723 is pending a hearing in the Assembly Appropriations Committee.

e) SB 1198 (Menjivar) would lengthen the license suspension periods that apply to reckless driving, among other changes. SB 1198 is pending a hearing in the Senate Public Safety Committee.

10) **Prior Legislation**:

a) AB 401 (Flora) of the 2019-2020 Legislative Session would have made DUI conviction that occurs within 10 years, after four or more previous specified convictions, only punishable as a felony, among other changes. AB 401 failed passage in this Committee.

b) 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.

c) 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.

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

e) 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.

f) SB 1694 (Torlakson), Chapter 550, Statutes of 2004, increased, from seven to 10 years, the "washout" period in which a person convicted of DUI would no longer be subject to increased penalties for having a prior specified DUI.

g) 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

Alcohol Justice
American Medical Response West
California Association of Highway Patrolmen
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California State Sheriffs' Association

Orange County Sheriff's Department
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office
Riverside Sheriffs' Association
Streets are for Everyone (SAFE) (ORG)

Opposition

ACLU California Action
California Public Defenders Association
California Civil Liberties Advocacy
Debt Free Justice California
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

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

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1968 (Gallagher) – As Amended April 6, 2026

VOTE ONLY

SUMMARY: Adds the crime of conspiracy to commit murder, whereby the conspiracy involves premeditated planning of an attack that is intended to cause multiple deaths or target a school, place of worship, or other public location, to the list of specified offenses for which a person may be committed to a secure youth treatment facility (SYTF) for an offense committed at the age of 14 or older, or transferred to adult criminal court for a crime committed at the age of 14 or 15 if they were not apprehended prior to the end of juvenile court jurisdiction.

EXISTING LAW:

1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)

3) States that in a case in which a minor is alleged to have committed *any felony* or any of the enumerated felonies, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1), emphasis added.)

4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, when the minor was 14 or 15 years of age, but was not apprehended prior to the end of juvenile court jurisdiction, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2).)

5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:

    a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care

system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;

b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;

c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;

d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,

e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3).)

6) Enumerates the following offenses for which a minor may be transferred to adult criminal court for committing an offense at age 14 or 15 for which they were not apprehended until the end of juvenile court jurisdiction, and for which a minor adjudicated in juvenile court may be committed to an SYTF:

a) Murder;
b) Arson;
c) Robbery;
d) Rape with force, violence, or threat of great bodily harm;
e) Sodomy by force, violence, or threat of great bodily harm;
f) A lewd or lascivious act on a minor under 14 years of age by force, violence, or threat of great bodily harm;
g) Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
h) Sexual penetration by force, violence, duress, menace, or threat of great bodily harm;
i) Kidnapping for ransom;
j) Kidnapping for purposes of robbery;
k) Kidnapping with bodily harm;
l) Attempted murder;
m) Assault with a firearm or destructive device;
n) Assault by means of force likely to produce great bodily injury;
o) Discharge of a firearm into an inhabited or occupied building;
p) Causing great bodily injury in the commission of specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, a quadriplegic, or a person confined to a wheelchair;

q) Personal use of a firearm during the commission of a felony;
r) Personal use of a weapon;
s) Dissuading a witness or influencing testimony;
t) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a specified controlled substance;
u) A "violent" felony committed for the benefit of a criminal street gang;
v) Escape, by use of force or violence, from a county juvenile hall, home, ranch, camp or forestry camp if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the escape;
w) Torture;
x) Aggravated mayhem;
y) Carjacking while armed with a dangerous and deadly weapon;
z) Kidnapping for purposes of sexual assault;
aa) Kidnapping in the course of a carjacking;
bb) Drive by shooting;
cc) Exploding a destructive device with intent to commit murder; and,
dd) Voluntary manslaughter. (Welf. & Inst. Code, § 707, subd. (b).)

7) Allows counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Welfare and Institutions Code section 707. (Welf. & Inst. Code, § 875.)

8) Provides that in determining whether to order a ward to be committed to an SYTF, the court must make a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. The court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. (Welf. & Inst. Code, § 875, subd. (a)(3).)

9) States that the court shall additionally make its determination whether a ward should be committed to a SYTF based on the following:

   a) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to the victim;

   b) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward;

   c) Whether the programming, treatment, and education offered and provided in a SYTF is appropriate to meet the treatment and security needs of the ward;

   d) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court; and,

   e) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment

facility. (Welf. & Inst. Code, § 875, subd. (a)(3)(A)-(E).)

10) Requires the court, in making its order of commitment for a ward, to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. Requires the baseline term of confinement to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. Requires the baseline term of confinement for the ward to be determined according to offense-based classifications. Provides that the baseline term is subject to modification in progress review hearings. (Welf. & Inst. Code, § 875, subd. (b)(1).)

11) Requires the court, in making its order of commitment, to additionally set a maximum term of confinement for the ward based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. (Welf. & Inst. Code, § 875, subd. (c)(1).)

12) Provides that the maximum term of confinement is the longest term of confinement in a facility that the ward may serve subject to the following:

    a) Prohibits a ward committed to an SYTF from being held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. Allows a ward who has been committed to an SYTF based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, to be held in secure confinement until 25 years of age, or two years from the date of commitment, whichever occurs later.

    b) Prohibits the maximum term of confinement from exceeding the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses. Requires, if the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, the maximum term of confinement to be the aggregate term of imprisonment specified in Section 1170.1 of the Penal Code.

    c) Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)

13) States that a prior juvenile adjudication constitutes a "strike" for Three Strikes sentencing if it meets all of the following:

    a) The juvenile was 16 years of age or older at the time the juvenile committed the prior offense;

    b) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described as a "serious" or "violent" felony;

    c) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law; and,

    d) The juvenile was adjudged a ward of the court under Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of

Section 707 of the Welfare and Institutions Code. (Pen. Code, § 667, subd. (d)(3) and 1170.12, subd. (b)(3).)

14) States that conspiracy to commit a crime requires two or more persons to conspire to commit any crime. (Pen. Code, § 182, subd. (a)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1968 bill closes a clear gap in our juvenile justice system to better protect children and communities from premeditated acts of extreme violence. The Evergreen Middle School case in Tehama County, where two juveniles planned a mass-casualty attack, exposed the problem. The 15-year-old was convicted of attempted murder and related charges and received a four-year Secure Youth Treatment Facility commitment; the 14-year-old, convicted primarily of conspiracy to commit murder despite equivalent culpability and planning, received only 364 days in juvenile hall.

   "AB 1968 makes a narrow fix: it adds 'conspiracy to commit murder' to the WIC § 707(b) list of qualifying offenses. This enables heightened juvenile court handling and potential Secure Youth Treatment Facility commitment for youth aged 14 or older in cases involving documented premeditation and grave risk—especially school or mass-threat plots. This will help ensure proportionate dispositions within juvenile jurisdiction, unlocking access to intensive rehabilitation programs such as individualized rehabilitation plans, trauma-informed therapy, and structured reentry support, designed for serious cases and proven to drive long-term change and community safety.

   "Rehabilitation is the foundation of California's juvenile justice approach, and Secure Youth Treatment Facilities deliver it effectively for high-risk youth. By treating conspiracy to commit murder with the same seriousness as attempted murder or assault with a destructive device, AB 1968 balances meaningful accountability with the intensive support young people need to change course and reintegrate safely."

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court generally continues until the youth is 21 years old, unless the youth committed a 707(b) offense, then the court may retain jurisdiction until the person attains 23 years of age. Additionally, if the youth would have, in criminal court, faced an aggregate sentence of 7 years or more, the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See, e.g., *In*

re Gault (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

Existing law provides that any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, unless the probation department petitions the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults. (Welf. & Inst. Code, § 208.5.)

3) **History of Juvenile Transfer Policies**: In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior Court* (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required minors 14 years or older to be charged as adults for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*) The proposition also designated additional crimes as "violent" and "serious" and added to 707(b) the crime of voluntary manslaughter. 707(b) has not been expanded since. (Prop. 21, as approved by voters, Gen. Elec. (Mar. 7, 2000).)

   In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., *Roper v. Simmons* (2005) 543 U.S. 551, 569–571 [prohibited capital punishment for juveniles]; *Graham v. Florida* (2010) 560 U.S. 48, 68–75 [prohibited life without the possibility of parole (LWOP) for juveniles in non-homicide cases]; *Miller v. Alabama* (2012) 567 U.S. 460, 469–470 [prohibited mandatory LWOP sentences for juveniles].)

   Following this body of case law and research, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult from 14 back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.) The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the

proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

As discussed above, a juvenile may be transferred to adult criminal court for *any felony*, or for a specified offense listed in Welfare and Institutions Code section 707, subdivision (b). (Welf. & Inst. Code, § 707, subd. (a)(1).) This bill would add conspiracy to commit murder, whereby the conspiracy involves premeditated planning of an attack that is intended to cause multiple deaths or target a school, place of worship, or other public location, to the specified list of offenses. Under existing law, it appears prosecutors may already file a transfer motion for this offense for juveniles aged 16 and 17. Whether this will increase filing of motions to transfer filed by prosecutors for this particular crime is unclear.

4) **Juvenile Justice Realignment**: In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice (DJJ), and transferring the responsibility for managing all youthful offenders to local jurisdictions.[1] SB 823 established the Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency to guide the transition from state-run youth incarceration to the counties by providing support and technical assistance.

   SB 823 also stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish SYTFs for the placement of wards who were adjudicated for specified serious offenses, listed in Welfare and Institutions Code section 707, subdivision (b), when the juvenile was age 14 or older, and after the court has determined a less restrictive alternative disposition is unsuitable. (Welf. & Inst. Code, § 875, subd. (a).) If a juvenile is committed to an SYTF, the court must set a baseline term of commitment that represents the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. (Welf. Inst. Code, § 875, subd. (b)(1).)

   The California Rules of Court outline how the baseline term of commitment is determined. In selecting the baseline term, the court must considering the following: t*he circumstances and gravity of the commitment offense*; t*he youth's prior history in the juvenile justice system*; t*he confinement time considered reasonable and necessary to achieve the rehabilitation of the youth*; and t*he youth's developmental history. (Cal. Rules of Court, rule 5.806(a).) Each of these criteria include additional factors for the court to consider, but the rule specifies that* "[e]numerated factors listed … that are outside the youth's control must not result in a longer baseline term than otherwise needed to meet [the objective that the baseline term is no longer than necessary to meet the developmental needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community]." (*Ibid.*)

   The rule includes the offense-based matrix that establishes terms with a range of years for various offenses. For example, the matrix specifies a term of 4-7 years for murder,

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[1] See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

kidnapping with bodily harm involving death or substantial bodily injury, and torture. *(Cal. Rules of Court, rule 5.806(d).)* Attempted murder, voluntary manslaughter, specified kidnapping offenses, and specified sex offenses, including rape with force, violence, or threat of great bodily harm, have a term of 3-5 years. (*Ibid.*) A variety of offenses, including arson, robbery, carjacking, specified weapons-related offenses, specified types of assault, and specified gang-related offenses have a term of 2-4 years. (*Ibid.*) Finally, witness or victim intimidation, bribery of a witness, and specified offenses related to manufacturing or selling drugs, such as PCP, have a term of 1-2 years. (*Ibid.*)

The court must also set the maximum term of confinement for the youth. In general, a youth committed to an SYTF cannot be held in secure confinement beyond 23 years of age or two years from the date of the commitment, whichever occurs later, unless the youth has been committed to an SYTF based on adjudication for an offense or offenses for which the youth would have faced an aggregate sentence of seven or more years if convicted in adult criminal court. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) In that case, the youth can be held until 25 years of age or two years from the date of commitment, whichever occurs later. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) Additionally, the maximum term of confinement cannot exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses, except as specified. (Welf. & Inst. Code, § 875, subd. (c)(1)(B).)

At the conclusion of a baseline confinement term, a ward could be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).)

The court may, upon the motion of the probation department or ward, order that the ward be transferred from a SYTF to a less restrictive program, such as such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. (Welf. & Inst. Code, § 875, subd. (f)(1).) The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan and that placement is consistent with the goals of youth rehabilitation and community safety. (*Ibid.*) In transferring a ward to a less restrictive program, the court may require the ward to observe reasonable conditions and shall set the length of time the ward is to remain in the less restrictive program, not to exceed the remainder of the baseline or modified baseline term. (Welf. & Inst. Code, § 875, subd. (f)(2).) If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic reviews and to the maximum confinement set by the court. (*Ibid.*)

This bill adds the offense of conspiracy to commit murder to subdivision (b) of Welfare and Institutions Code section 707 which would expand the offenses for which a juvenile is eligible for SYTF commitment.

5) **SYTF Data**: AB 102 (Ting), Chapter 38, Statutes of 2023, requires county probation departments to provide OYCR with data regarding: the number of youth and their commitment offense or offenses committed to an SYTF; the number of individual youth in the county who were adjudicated for a Section 707(b) or a registerable sex offense; the number of youth and their commitment offense or offenses transferred from an SYTF to an less restrictive program; and the number of youth who had a transfer hearing as well as the number of youth whose jurisdiction was transferred to adult criminal court. The data requirements are designed to provide a better understanding of the impacts of the state's juvenile justice realignment.

   According to data reported by OYCR, for fiscal year 2023-2024, 386 youth were committed to an SYTF and a total of 3,216 youth were adjudicated for a 707(b) offense.[2] Comparatively, for fiscal year 2022-2023, 427 youth were committed to an SYTF and a total number of 1,730 youth were adjudicated for a 707(b) offense.[3] The most common adjudicated offenses among youth committed to an SYTF are homicide, assault, robbery, and attempted homicide.[4]

   The data also indicates that both Black and Latino youth were overrepresented in the SYTF population compared to state population rates.[5] Additionally, comparing only the population of youth adjudicated for 707(b) offenses, Black and Hispanic/Latino youth were nearly twice as likely than White youth to be committed to SYTFs.[6]

6) **Attempted Murder and Conspiracy to Commit Murder Compared**: Existing law includes attempted murder in the 707(b) list. The author of this bill argues that a minor who conspires to commit murder should be treated the same as a minor who commits attempted murder due to both crimes involving intent to kill. The elements of each offense would indicate that while they may both require intent to kill, the level of required action is much lower in conspiracy to commit murder.

   The elements of attempted murder require 1) the defendant took at least one direct but ineffective step toward killing another person; and 2) the defendant intended to kill that person. (CALCRIM No. 600.) A "direct step" "requires more than merely planning or preparing to commit murder or obtaining or arranging for something needed to commit murder. A direct step is one that goes beyond planning or preparation and shows that a person is putting his or her plan into action. A direct step indicates a definite and unambiguous intent to kill. It is a direct movement toward the commission of the crime after preparations are made. It is an immediate step that puts the plan in motion so that *the plan would have been completed if some circumstance outside the plan had not interrupted the attempt*." (*Ibid.*, emphasis added.)

   By contrast, the elements of the offense of conspiracy to commit murder require 1) the defendant intended to agree and did agree with one or more persons to intentionally and unlawfully kill; 2) at the time of the agreement, the defendant and the other member of the

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[2] AB 102 Report, OYCR (2025) p. 19.)
[3] *Ibid.*
[4] *Id.* at p. 32.
[5] *Id.* at pp. 23-24.
[6] *Id.* at pp. 53-54.

conspiracy intended that one or more of them would intentionally and unlawfully kill; 3) the defendant committed at least one overt act alleged to accomplish the killing; and 4) and at least one of the overt acts was committed in California. (CALCRIM No. 563.) An "overt act" means "an act by one or more of the members of the conspiracy that is done *to help accomplish the agreed upon crime*. The overt act must happen after the defendant has agreed to commit the crime. The overt act must be more than the act of agreeing or planning to commit the crime, but it *does not have to be a criminal act itself*." (*Ibid.*, emphasis added.)

When a person attempts to commit murder, that person is doing more than just planning or preparing; they are taking a action, albeit ineffectual, to complete the crime. On the other hand, a person who conspires to commit murder need only commit an outward act which may amount to "planning or preparing to commit murder or obtaining or arranging for something needed to commit murder," which falls short of what is required for attempted murder.

This bill was amended with authors amendments to specifically apply to attempted murder whereby the conspiracy involves premeditated planning of an attack that is intended to cause multiple deaths or target a school, place of worship, or other public location. It is unclear whether these circumstances would be required to be pled and proved beyond a reasonable doubt which is generally required whenever factual circumstances are used to enhance punishment. (See Pen. Code, §§ 1170, subd. (b), 12022.1, subd. (b).)

7) **Juvenile Adjudications and Three Strikes**: In 1994, California voters passed Proposition 184, known 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), Ch. 12, Stats. 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 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 enhanced penalties. 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 also applies to crimes committed by juveniles. Specifically, the law states that a prior adjudication shall constitute a serious or violent felony conviction for purposes of Three Strikes sentencing enhancement if:

   a) The juvenile was 16 years of age or older at the time the prior offense was committed;

   b) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described in statute as a "serious" or "violent felony;"

c) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law; and,

d) The juvenile was adjudged a ward of the juvenile court because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code. (Pen. Code, §§ 667, subd. (d)(3) and 1170.12, subd. (b)(3).

Proponents of the original Three Strikes law argued that the law would "reduce crime by incapacitating and deterring people who committed repeat offenses by dramatically increasing punishment for people previously convicted of a "serious" or "violent" offense."[7] However, research shows that a decline in crime rates already began prior to the passage of the law. According to a 2005 report by the Legislative Analyst's Office[8]:

> The overall crime rate in California, as measured by the Department of Justice's California Crime Index, began declining before the passage of the Three Strikes law. In fact, the overall crime rate declined by 10 percent between 1991 and 1994. The crime rate continued to decline after Three Strikes, falling by 43 percent statewide between 1994 and 1999, though it has risen by about 11 percent since 1999. Similarly, the violent crime rate declined by 8 percent between 1991 and 1994 and then fell an additional 43 percent between 1994 and 2003. It is important to note that these reductions appear to be part of a national trend of falling crime rates. National crime rates-as reported by the Federal Bureau of Investigation's Uniform Crime Report-declined 31 percent between 1991 and 2003, with violent crime declining 37 percent over that period. Researchers have identified a variety of factors that likely contributed to these reductions in national crime rates during much of the 1990s including a strong economy, more effective law enforcement practices, demographic changes, and a decline in handgun use.

By adding to the list of offenses listed in subdivision (b) of Welfare and Institutions Code section 707, this bill would arguably expand the types of offenses that would qualify a prior adjudication as a strike. However, existing law also provides that any offense listed as a "serious" or "violent" felony could qualify as a prior strike. The "serious" felony list includes "any conspiracy to commit an offense described in this subdivision," which includes murder. (Pen. Code, § 1192.7, subd. (c)(1) & (43).)

8) **Argument in Support**: According to *California District Attorneys Association*, "Currently, a juvenile court judge cannot sentence a youth to the Secured Youth Treatment Facility (SYTF) for conspiracy to commit a murder. In 2021, the legislature closed the Department of Juvenile Justice and created the SYTF. Only crimes listed in WIC 707(b) qualify for a SYTF commitment. This bill would add the crime of conspiracy to commit murder to WIC 707(b) and give the court discretion to commit a minor to the SYTF.

"In 2025, several juveniles conspired to commit a mass shooting at Evergreen Middle School in Tehama County. One juvenile was committed to the SYTF for the qualifying crime of

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[7] Proposition 184, Voter Information Guide, 1994 General Election.
[8] LAO, *A Primer: Three Strikes - The Impact After More Than a Decade* (Oct. 2005) https://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm (accessed Mar. 5, 2026].)

attempted murder. A second youth was unable to be committed to the SYTF because the crime of conspiracy to commit a murder is not a qualifying crime under WIC 707b). This bill would allow a juvenile court discretion to impose a stricter sentence to the STYF for a youth who was at least 14 years of age at the time of the crime and planned a mass school shooting.

"The law already provides that a juvenile may be transferred to a court of criminal jurisdiction where the minor was 16 years of age or older, and it is alleged they committed an offense listed in WIC 707(b) or any other felony criminal statute. If a minor is at least 16 years of age and is alleged to have conspired to commit a murder, a court may order the case transferred to adult court.

"AB 1968 would add the crime of conspiracy to commit murder to the list of 707(b) crimes. This will give the court discretion to sentence a youth to a higher level of programming in SYTF in cases where a mass shooting has been planned."

9) **Argument in Opposition**: According to *California Youth Defender Center*, "As amended, AB 1968 adds a new crime to the list of offenses that make a youth eligible for commitment to a Secure Youth Treatment Facility (SYTF). While we appreciate the author's intent to increase access to supportive services for youth, existing law already provides ample mechanisms to achieve this goal, and AB 1968's expansion of Welfare and Institutions Code Section 707(b) ("WIC 707(b)") does nothing to improve access to rehabilitative services for youth. In addition, the amended language muddies the definition of conspiracy, making it difficult, if not impossible, to apply in an actual juvenile case.

"There is no question that youth should be provided developmentally appropriate and effective treatment while confined. Under existing law, judges already have the authority to choose from varied detention dispositions and lengths of confinement commensurate with the offense of an adjudicated youth. Even in a non-SYTF setting like juvenile hall, youth are required to have access to behavioral health treatment, educational and rehabilitative programming, and other supportive services designed to address their needs and support positive development. Judges, who will have had the benefit of hearing the case evidence, input of experts, and arguments of the parties, are well-suited to determine an appropriate disposition. AB 1968 would do nothing to improve the provision of rehabilitative services to a youth.

"What AB 1968 does do is restate and then alter the statutory language of "conspiracy," muddying the definition and adding an additional element to a crime that is already governed by its underlying charge. In essence, AB 1968's language would require a 'premeditated-premeditation,' a concept not found anywhere in law and likely impossible for a judge to apply."

10) **Related Legislation**:

a) AB 1647 (Bryan) would codify existing case law to prohibit the use of the minor's statements made during a transfer hearing or to the minor's probation officer from being used against the minor during subsequent juvenile proceedings or subsequent criminal proceedings, as specified. AB 1647 is scheduled to be heard today by this Committee.

b) AB 1902 (Pellerin) would make various changes to the process that authorizes a court to order extended detention of a person confined in an SYTF. AB 1902 is pending hearing by the Assembly Appropriations Committee.

c) AB 1959 (Patel), relevant to this bill, would authorize juveniles who committed specified offenses when they were 14 or 15 years old to be transferred to adult criminal court. AB 1959 is pending hearing by the Assembly Appropriations Committee.

d) AB 2040 (Macedo) would lower the burden of proof, from clear and convincing evidence to preponderance of the evidence, required to find a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. AB 2024 failed passage in this Committee.

11) **Prior Legislation**:

a) AB 22 (DeMaio), of the 2025-2026 Legislative Session, among other things, would have removed from the juvenile court's jurisdiction over specified crimes committed by minors, requiring those crimes to be tried in a court of criminal jurisdiction. AB 22 was held in this Committee.

b) SB 824 (Menjivar), of the 2025-2026 Legislative Session, would have required Individualized Rehabilitation Plans (IRP) for youth committed to an SYTF to contain a roadmap for their successful return to their community and requires judges to assess the juvenile's progress at each six-month review hearing. SB 824 was held in the Senate Appropriations Committee suspense file.

c) AB 102 (Ting), Chapter 38, Statutes of 2023, relevant to this bill, required county probation departments to provide the OYCR with specific juvenile justice data related to the realignment of DJJ.

d) SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, allowed counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the DJJ, as provided.

e) SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, established a process for realigning California's juvenile system by phasing out the state's youth prison system, DJJ, and transferring the responsibility for managing all youthful offenders to local jurisdictions.

f) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.

g) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.

h) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the

juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.

i) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, established a minimum age of 12 years old for a minor to come within the jurisdiction of the juvenile court, except the court would continue to have jurisdiction over a minor under 12 who committed murder or specified forcible sex crimes.

j) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a specified serious offense when he or she was 14 or 15 years of age, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

k) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.

l) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the "circumstances and gravity of the offense" for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.

m) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)
Tehama County District Attorney's Office
Tehama County Sheriff's Office
1 Private Individual

Opposition

ACLU California Action
All of US or None (HQ)
Anti-recidivism Coalition
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California for Safety and Justice

California Public Defenders Association
California Youth Defender Center
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Community Interventions
Community Works West
Congregations Organized for Prophetic Engagement (COPE)
Ella Baker Center for Human Rights
Fair Chance Project
Felony Murder Elimination Project
Fresh Lifelines for Youth
Fresh Lifelines for Youth (FLY)
Friends Committee on Legislation of California
Human Rights Watch
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
National Center for Youth Law
San Francisco Public Defender
Silicon Valley De-bug
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
The W. Haywood Burns Institute
Viet Voices

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

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2040 (Macedo) – As Introduced February 17, 2026

VOTE ONLY

SUMMARY: Lowers the burden of proof, from clear and convincing evidence to a preponderance of the evidence, to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court.

EXISTING LAW:

1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)

3) States that in a case in which a minor is alleged to have committed any felony or any of the enumerated felonies, as specified, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1).)

4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, as specified, when the minor was 14 or 15 years of age, *but was not apprehended prior to the end of juvenile court jurisdiction*, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2), emphasis added.)

5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find *by clear and convincing evidence* that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:

    a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;

b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;

c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;

d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,

e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3), emphasis added.)

6) Enumerates the following offenses which permit transfer of a juvenile to adult court for a crime committed when the person 16 years of age, or was 14 or 15 years of age and was not apprehended until after the jurisdiction of the juvenile court had ended:

a) Murder;
b) Arson;
c) Robbery;
d) Rape with force, violence, or threat of great bodily harm;
e) Sodomy by force, violence, or threat of great bodily harm;
f) A lewd or lascivious act on a minor under 14 years of age by force, violence, or threat of great bodily harm;
g) Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
h) Sexual penetration by force, violence, duress, menace, or threat of great bodily harm;
i) Kidnapping for ransom;
j) Kidnapping for purposes of robbery;
k) Kidnapping with bodily harm;
l) Attempted murder;
m) Assault with a firearm or destructive device;
n) Assault by means of force likely to produce great bodily injury;
o) Discharge of a firearm into an inhabited or occupied building;
p) Causing great bodily injury in the commission of specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, a quadriplegic, or a person confined to a wheelchair;
q) Personal use of a firearm during the commission of a felony;
r) Personal use of a weapon;
s) Dissuading a witness or influencing testimony;

t) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a specified controlled substance;
u) A "violent" felony committed for the benefit of a criminal street gang;
v) Escape, by use of force or violence, from a county juvenile hall, home, ranch, camp or forestry camp if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the escape;
w) Torture;
x) Aggravated mayhem;
y) Carjacking while armed with a dangerous and deadly weapon;
z) Kidnapping for purposes of sexual assault;
aa) Kidnapping in the course of a carjacking;
bb) Drive by shooting;
cc) Exploding a destructive device with intent to commit murder; and,
dd) Voluntary manslaughter. (Welf. & Inst. Code, § 707, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Rehabilitation is part of a fair and just society; it must remain a goal of our juvenile justice system. But in the most severe cases, the system must be capable of delivering accountability that matches the seriousness of the harm committed. Families in our district have experienced the devastating consequences of violent juvenile crime and have been left feeling that California's current framework is failing to bring the most violent criminals to justice.

   "AB 2040 is driven by concerns of grieving families who see the lack of accountability in the juvenile system. When a juvenile commits a grave offense, like murder, and the case is already eligible for transfer consideration under existing law, courts should be able to make that determination under a workable evidentiary standard. Our communities deserve a system that still values rehabilitation, but also recognizes that public safety, justice for victims, and accountability matter."

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).)

Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

3) **History of Juvenile Transfer Policies**: In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior Court* (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required prosecutors to charge minors 14 years or older directly in criminal court for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*)

In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., *Roper v. Simmons* (2005) 543 U.S. 551, 569–571 [prohibited capital punishment for juveniles]; *Graham v. Florida* (2010) 560 U.S. 48, 68–75 [prohibited life without the possibility of parole (LWOP) for juveniles in non-homicide cases]; *Miller v. Alabama* (2012) 567 U.S. 460, 469–470 [prohibited mandatory LWOP sentences for juveniles].) The Court summarized those differences in *Miller*:

> *Roper* and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, "they are less deserving of the most severe punishments." *Graham*, 560 U.S., at 68, 130 S.Ct. 2011, 176 L.Ed. 2d 825. Those cases relied on three significant gaps between juveniles and adults. First, children have a "'lack of maturity and an underdeveloped sense of responsibility,'" leading to recklessness, impulsivity, and heedless risk-taking. *Roper*, 543 U.S., at 569, 125 S.Ct. 1183, 161 L.Ed. 2d 1. Second, children "are more vulnerable . . . to negative influences and outside pressures," including from their family and peers; they have limited "contro[l] over their own environment" and lack the ability to extricate themselves from horrific, crime-producing settings. Ibid. And third, a child's character is not as "well formed" as an adult's; his traits are "less fixed" and his actions less likely to be "evidence of irretrievabl[e] deprav[ity]." (*Miller*, *supra*, 567 U.S. at 570.)

The California Supreme Court, relying on *Graham* and *Miller*, found that a determinate sentence that exceeds the expected lifetime of the juvenile defendant violates the Eighth Amendment because it effectively denies a juvenile any opportunity to demonstrate rehabilitation (*People v. Caballero* (2012) 55 Cal.4th 262, 267) and that a law that provides a

presumption in favor of LWOP for juveniles also violates the Eighth Amendment (*People v. Gutierrez* (2014) 58 Cal.4th 1354, 1375-1376).

Following this body of research and case law, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.)

The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

4) **Transfer Criteria:** The issue in a juvenile transfer hearing "is not whether the minor committed a specified act, but rather whether [they are] amendable to the care, treatment and training program available through the juvenile court facilities...." (*People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717, disapproved on another point in *People v. Green* (1980) 27 Cal.3d 1, 33.) Under current law, the prosecution may move to transfer to adult criminal court any minor 16 years of age or older who is alleged to have committed a felony criminal offense. (Welf. & Inst. Code, § 707, subd. (a)(1).) The prosecution may also move to transfer to adult court a person who was 14 or 15 years of age at the time the person was alleged to have committed a specified serious or violent felony, but who was not apprehended prior to the end of juvenile court jurisdiction. (Welf. & Inst. Code, §§ 707, subds. (a)(2) & (b).) Existing law requires the juvenile court to find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to adult criminal court. (Welf. & Inst. Code § 707, subd. (a)(3).)

In making its transfer decision, the court must consider the following: the minor's degree of criminal sophistication, whether the minor can be rehabilitated in the time before the juvenile court would lose jurisdiction over the minor, the minor's prior history of delinquency, the success of prior attempts by the juvenile court to rehabilitate the minor, and the circumstances and gravity of the charged offense. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)-(E).) Existing law provides guidance to the juvenile court when considering each of these criteria. Existing law specifies that when evaluating the degree of criminal sophistication exhibited by the minor, the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)(ii).) Existing law additionally specifies that when evaluating the minor's previous delinquent history, the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior. (Welf. & Inst. Code, § 707, subd. (a)(3)(C)(ii).) Existing law states that in evaluating the circumstances and gravity of the

offense alleged in the petition to have been committed by the minor, the juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3)(E).)

In 2022, the Legislature passed AB 2361, which, among other things, raised the legal standard for transfer hearings from preponderance of evidence to clear and convincing evidence.[1] "Clear and convincing" means that the evidence is highly and substantially more likely to be true than untrue; the trier of fact must have an abiding conviction that the truth of the factual contention is highly probable. (*Colorado v. New Mexico* (1984) 467 U.S. 310.) Prior to 2023, the law required the court to make this finding by a *preponderance of the evidence*. The "preponderance of the evidence standard" is met if the trier of fact (judge or jury) believes the evidence shows that a fact is more likely than not—more than 50% likely to be—true. (*Braud v. Kinchen* (1975) 310 So.2d 657.) The bill passed out of both Legislative houses without any registered opposition. According to a committee analysis of AB 2361[2]:

> The California Supreme Court has called the transfer of a minor from juvenile court for prosecution in adult court "the worst punishment the juvenile system is empowered to inflict." (*Ramona R. v. Superior Court* (1985) 37 Cal.3d 802, 810.) Despite the enormous consequence of the transfer decision, current statutory provisions provide insufficient guidance as to how the juvenile court should make its determination.
>
> Over 50 years ago, the California Supreme Court held that "the dispositive question [at a transfer hearing] is the minor's amenability to treatment through the facilities available to the juvenile court." (*Jimmy H. v. Superior Court* (1970) 3 Cal.3d 709, 714; see also *People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717 (holding that the issue at a transfer hearing "is not whether the minor committed a specified act, but rather whether he is amenable to the care, treatment and training program available through juvenile court facilities"); *J.N. v. Superior Court* (2018) 23 Cal.App.5th 706, 714 ("There must be substantial evidence adduced at the hearing that the minor is not a fit and proper subject for treatment as a juvenile before the court may certify him to the superior court for prosecution.") However, current statutory provisions do not explicitly reflect this principle, nor do they direct how the juvenile court should exercise its discretion.
>
> By providing a clear legal standard, AB 2361 will reduce arbitrary determinations, ensure that youth amenable to treatment and rehabilitation will be retained in juvenile court, and will allow appellate courts more effectively to review the lower court's

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[1] AB 2361 (Bonta), Chapter 330, Statutes of 2022.
[2] Sen. Comm. On Pub. Safety, Analysis of Assem. Bill No. 2361 (2021-2022 Reg. Sess.) as amended Mar. 31, 2022, p. 4.

holdings to determine whether the transfer was based on clear and convincing evidence.

This bill would undo the recent change in the law made by AB 2361 by lowering the standard of proof by which the juvenile court is to make the determination that a minor should be transferred to adult criminal court, from clear and convincing evidence to a preponderance of the evidence, that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.

Reducing the burden of proof would likely result in more youth transferred to adult court which studies show have negative impacts on the youth including likelihood of victimization, behavioral issues, recidivism and rehabilitation than youth who are retained in the juvenile system.[3]

The reversal back to a lower burden of proof after only three years of implementation raises questions of how this may be applied to cases that required retroactive review under the *Estrada* rule[4] after the standard was increased by AB 2361 in 2022. *Estrada's* inference of retroactivity has been applied when the Legislature creates "a concrete avenue for certain individuals charged with a criminal offense to be treated more leniently or to avoid punishment altogether." (*People v. Burgos* (2024)16 Cal.5th 1, 13 *citing People v. Frahs* (2020) 9 Cal.5th 618, 624; see also *People v. Wright* (2006) 40 Cal.4th 81 [newly enacted affirmative defense applies retroactively].) Because the change made by AB 2361 arguably made it harder to transfer juveniles to adult criminal court, this would be considered an ameliorative change in the law,[5] thus *Estrada's* inference of retroactivity would apply to nonfinal cases without specific direction from the Legislature.

Following the change in the law, courts ordered new fitness hearings for nonfinal cases to apply the higher standard. (See *In re E.P.* (2023) 89 Cal.App.5th 409, 416.) It is unclear how many of cases may still be pending transfer hearings or received new transfer hearings with a different result than under the lower standard.

5) **Juvenile Justice Data**: In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice (DJJ), and transferring the responsibility for managing all youthful offenders to local jurisdictions.[6] SB 823 established the Office of Youth and Community Restoration (OYCR) within the California of Health and Human Services Agency to guide the transition from state-run youth incarceration to the counties by providing support and technical assistance.

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[3] *Technical Assistance: Maintaining Youth in Juvenile Court: Published Research*, OYCR (May 2023).
[4] If a defendant's case is still pending at the time of the change and the law seeks to lessen a criminal penalty, they may be eligible for application of the new law. (*In re Estrada* (1965) 63 Cal.2d 740, 746.)
[5] See *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299, 302 where California Supreme Court held that "[t]he possibility of being treated as a juvenile in juvenile court—where rehabilitation is the goal—rather than being tried and sentenced as an adult can result in dramatically different and more lenient treatment," and concluded "[f]or this reason, *Estrada's* inference of retroactivity applies."
[6] See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

SB 823 also stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish secure youth treatment facilities (SYTFs) for the placement of wards who were adjudicated for specified serious offenses, listed in Welfare and Institutions Code section 707, subdivision (b), when the juvenile was age 14 or older, and after the court has determined a less restrictive alternative disposition is unsuitable. (Welf. & Inst. Code, § 875, subd. (a).)

Following juvenile justice realignment, AB 102 (Ting), Chapter 38, Statutes of 2023, was enacted to require county probation department to provide the Office of Youth and Community Restoration (OYCR), within the California Health and Human Services Agency, with data regarding: the number of youth and their commitment offense or offenses committed to an SYTF; the number of individual youth in the county who were adjudicated for a Section 707(b) or a registerable sex offense; the number of youth and their commitment offense or offenses transferred from an SYTF to a less restrictive program; and the number of youth who had a transfer hearing as well as the number of youth whose jurisdiction was transferred to adult criminal court. The data requirements are designed to provide a better understanding of the impacts of the state's juvenile justice realignment.

According to the most recent OYCR data, in fiscal year 2023-2024, 130 transfer hearings were held and 50 youth were transferred to adult court (38.46%). In fiscal year 2022-2034, 117 transfer hearings were held and 35 youth were transferred to adult court (29.9%). In fiscal year 2021-2022, which would include numbers prior to the enactment of AB 2361 in 2022, 102 transfer hearings were held and 48 youth were transferred (47.05%).[7] Comparatively, the Department of Justice's juvenile justice data for 2021 reports 78 fitness hearings reported and 28 were transferred (35.9%).[8]

The data also indicates that both Black and Latino youth are consistently overrepresented at multiple decision points in the juvenile justice system. Over the three-year period for which OYCR reported data under AB 102[9]:

> [A]pproximately 61% of youth transferred to adult court were Hispanic/Latino, 23% were Black, 6% were White, and 10% were some other race or unknown (4% were Asian American, 3% were AI/AN [American Indian/Alaskan Native], and less than 1% were Pacific Islander). Among youth transferred to adult court, Black and AI/AN youth are vastly overrepresented relative to their population size (5% and less than 1% respectively). Hispanic/Latino youth are also overrepresented, while White and Asian American youth are underrepresented relative to their youth population sizes in California.

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[7] AB 102 Report, OYCR (2025), pp. 40 & 43, see https://oycr.ca.gov/wp-content/uploads/sites/346/2025/09/2025-AB-102-Report_FINAL.pdf.
[8] *Juvenile Justice in California, 2021*, CA Department of Justice, p. 38, see https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/Juvenile%20Justice%20In%20CA%202021_0.pdf.
[9] *Id.* at p. 45.

Notably, the proportion of Black youth rose from 17% of transfers to adult court in FY 2021/22 and FY 2022/23, to 36% of youth transferred to adult court in FY 2023/24.

6) **Argument in Support**: According to the *Chief Probation Officers of California*, the sponsor of this bill, "When voters passed Proposition 57 (2016), which retained court discretion in making transfers for serious and violent juvenile offenders, the standard of proof was preponderance of the evidence - the lowest burden of proof - a standard that guaranteed the court pathway was still an option for serious and violent juvenile offenses. Subsequent legislation in 2022 changed what the standard was at the time voters approved the other limitations for moving a juvenile case to adult court and increased the standard to clear and convincing evidence.

"It is important to note within the context of this bill that our support for this change should not be construed as opining on whether youth should be transferred to adult court; in fact, as a profession we have supported judicial discretion and frameworks to work with youth in the juvenile system to balance all factors."

7) **Argument in Opposition**: According to the *Children's Law Center of California*, "Under current law, a juvenile court may transfer a young person to adult criminal court only upon clear and convincing evidence that the youth is not amenable to rehabilitation within the juvenile system. AB 2040 would lower that evidentiary standard, requiring only that the court find by a preponderance of the evidence that a young person is not amenable to rehabilitation. The preponderance of the evidence standard is the lowest burden of proof used in the legal system. It requires only a showing that something is "more likely than not" to be true (essentially just over a 50% likelihood). Because it sets such a minimal threshold, this standard is typically reserved for ordinary civil disputes where the consequences do not involve severe deprivations of liberty. AB 2040 proposes a significant regression that would increase racial disparities, expose more youth to the documented harms of adult incarceration, and undermine public safety.

"Transfer to adult court is the most severe sanction available in the juvenile system and warrants a high evidentiary standard.

"The California Supreme Court described transfer to adult court as "the worst punishment the juvenile system is empowered to inflict." (Ramona R. v. Superior Court (1985)). Transfer forecloses a young person's opportunity for rehabilitation, exposes them to adult prosecution and sentencing, and carries lifelong collateral consequences that cannot be undone.

"What makes that severity especially significant here is what transfer hearings actually require courts to decide. They do not ask what a young person did. They ask who that young person will become— whether they are capable of rehabilitation within the juvenile system. That is an inherently uncertain, predictive judgment about future development, made about a person whose brain is still developing and whose capacity for growth science tells us is routinely underestimated. Compounding this problem, transfer hearings take place before the alleged offense has been proven under any legal standard. Courts may therefore rely on unproven allegations when deciding whether to send a young person to the very system that will later determine their guilt. Lowering the evidentiary standard to preponderance would

make that threshold decision even easier to reach based in part on conduct the law has not yet found true.

"Standards of proof exist to allocate the risk of erroneous outcomes. When a determination is both irreversible in consequence and uncertain by nature, the need for a high evidentiary standard is strongest. A preponderance standard — "more likely than not" — means a court could transfer a young person even when the evidence is nearly evenly balanced. That is not a standard commensurate with "the worst punishment" the juvenile court can impose."

8) **Related Legislation**:

a) AB 1647 (Bryan) would require the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. The hearing on AB 1647 was canceled at the request of the author.

b) AB 1902 (Pellerin) would make various changes to the process that authorizes a court to order extended detention of a person confined in an SYTF. AB 1902 is pending hearing by this Committee.

c) AB 1959 (Patel) would authorize a prosecuting attorney to file a transfer motion for a person who was previously convicted in adult criminal court for a crime committed at the age of 14 or 15 who is now subject to resentencing by the juvenile court as specified. AB 1959 is pending hearing in Assembly Appropriations Committee.

d) AB 1968 (Gallagher) would add the crime of conspiracy to commit murder to the list of specified offenses for which a person may be committed to an SYTF for an offense committed at the age of 14 or older, or transferred to adult criminal court for a crime committed at the age of 14 or 15 if they were not apprehended prior to the end of juvenile court jurisdiction. AB 1968 failed passage in this committee and was granted reconsideration.

9) **Prior Legislation**:

a) AB 22 (DeMaio), of the 2025-2026 Legislative Session, among other things, would have removed from the juvenile court's jurisdiction over specified crimes committed by minors, requiring those crimes to be tried in a court of criminal jurisdiction. AB 22 was held in this Committee.

b) AB 2361 (Bonta), Chapter 330, Statutes of 2022, increased the burden of proof from preponderance of the evidence to clear and convincing evidence for a court to find that a minor should be transferred to adult criminal court.

c) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.

d) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.

e) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.

f) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, prohibited the prosecution of a minor under the age of 12, unless the minor is alleged to have committed specified violent crimes.

g) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in specified cases, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

h) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.

i) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the "circumstances and gravity of the offense" for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.

j) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC) (Sponsor)
California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Crime Victims United of California
Peace Officers Research Association of California (PORAC)

Opposition

A New Way of Life Reentry Project
ACLU California Action
All of US or None (HQ)
Alliance for Boys and Men of Color
Alliance for Children's Rights
Arts for Healing and Justice Network
Bridges of Hope CA
California Association of Black Lawyers

California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California for Safety and Justice
California Public Defenders Association
California Tribal Families Coalition
California Youth Defender Center
Californians United for a Responsible Budget
Care First California
Center on Juvenile and Criminal Justice
Children's Law Center of California
Communities United for Restorative Youth Justice (CURYJ)
Community Works West
Dignity and Power Now
Disability Rights California
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Fresh Lifelines for Youth (FLY)
Fresno County Public Defender's Office
Friends Committee on Legislation of California
Hang Out Do Good
Haywood Burns Institute
Immigrant Legal Resource Center
Initiate Justice
Integral Community Solutions Institute
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
Milpa Collective
National Institute for Criminal Justice Reform
Peace and Justice Law Center
San Francisco Public Defender's Office
Smart Justice California, a Project of Beyond Impact
The California Youth Justice Project
The Collective for Liberatory Lawyering
The Translatin@ Coalition
Urban Peace Institute
Urban Peace Movement
Wonder Wood Ranch
Young Women's Freedom Center
Youth Justice Coalition
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School

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

Date of Hearing: April 21, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2237 (Patterson) – As Introduced February 19, 2026

VOTE ONLY

As Proposed to be Amended in Committee

SUMMARY: Authorizes a court to extend misdemeanor probation for an offender required to register as a sex offender beyond the current one-year probation limit, not to exceed a total probationary period of two years, to allow for the offender to complete an approved sex offender management program; but requires the period of time exceeding the one-year limit to be terminated by the court once the program is completed.

EXISTING LAW:

1) Defines "probation" as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. (Pen. Code, § 1203.)

2) Provides that, in all counties and cities and counties, the courts therein, having jurisdiction to impose punishment in misdemeanor cases, may refer cases, demand reports, and to do and require anything necessary to carry out the purposes misdemeanor probation, as specified. (Pen. Code, § 1203a, subd. (a).)

3) Provides that the court may suspend the imposition or execution of the sentence and make and enforce the terms of probation for a period not to exceed one year. (Pen. Code, § 1203a, subd. (a).)

4) The one-year probation limit in subdivision (a) shall not apply to any offense that includes specific probation lengths within its provisions. (Pen. Code, § 1203a, subd. (b).)

5) Provides that the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence felony cases 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).)

6) 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).)

7) 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).)

8) 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).)

9) 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).)

10) 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. (l)(1)-(2).)

11) 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).)

12) 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).)

13) 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).)

14) 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).)

15) 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).)

16) 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).)

17) 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).)

18) Requires every person who has been assessed with the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified, and who has a SARATSO risk level of high to be continuously monitored while on probation, unless the court determines that such monitoring is unnecessary for a particular purpose. (Pen. Code, § 1202.8, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Protecting our communities must remain a top priority. AB 2237 strengthens accountability for individuals convicted of serious sex offenses by ensuring stronger oversight and longer supervision after release. Current law recognizes the seriousness of these crimes through registration requirements, but AB 2237 closes gaps by improving monitoring and reinforcing safeguarding that help prevent repeat offenses. AB 2237 is about putting the safety of California communities first and ensuring that those committing these crimes are held accountable."

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. (l)(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 authorizes a court to extend misdemeanor probation for an offender require to register as a sex offender beyond the one-year probation limit, but not to exceed a total of probationary period of two years, to allow for the offender to complete an approved sex offender management program. This bill requires the period of time exceeding the one-year limit to be terminated by the court once the program is completed.

3) **Committee Amendments:** As introduced, this bill would have authorized a court, in the order granting felony or misdemeanor probation for an offender required to register as sex offender, as specified, to impose a period of probation not exceeding three years, and upon those terms and conditions as it shall determine. The committee amendments limit this bill to misdemeanor diversion, and provide that a court my extend misdemeanor probation for an offender required to register as a sex offender beyond the current one-year probation limit, not to exceed a total probationary period of two years, to allow for the offender to complete

an approved sex offender management program; but the bill requires the period of time exceeding the one-year limit to be terminated by the court once the program is completed.

4) **Argument in Support**: According to the *Placer County District Attorney*, "Under current law, misdemeanor probation is generally capped at one year and felony probation at two years—limitations that now apply to certain sex offenses requiring registration.

"While felony sex offenses undeniably need longer probation, there are very serious concerns for misdemeanor sex offense crimes. Under California law, misdemeanor sex offenses requiring registration can include crimes such as indecent exposure, annoying a child, possession of certain sexual material involving minors, and other sexually motivated conduct that poses a continued risk to the community. While these offenses may be classified as misdemeanors, the requirement to register under Penal Code §290 reflects the Legislature's recognition of their seriousness and potential for re-offense.

"Unfortunately, the current one-year probation cap does not align with the realities of supervision and rehabilitation for these offenders. Standard sex offender treatment programs often require 18 to 36 months to complete. With probation limited to one year, individuals are frequently released from supervision before completing treatment, before meaningful monitoring can occur, and before probation officers can adequately assess compliance or risk.

"Our prosecutors and probation partners have seen firsthand how shortened probation terms reduce accountability, undermine rehabilitation, and limit the ability to intervene when warning signs emerge. Effective supervision requires time—time to monitor behavior, enforce conditions, ensure participation in treatment, and protect the public.

"Assembly Bill 2237 restores judicial discretion to impose probation terms of up to three years for individuals required to register as sex offenders. This ensures that supervision aligns with treatment timelines, enhances accountability, and strengthens community safety.

"As criminal justice professionals, we are committed to ensuring that our laws reflect both the seriousness of these offenses and the practical realities of rehabilitation and monitoring. This bill is a reasonable and necessary step toward closing a gap that is currently undermining both."

5) **Argument in Opposition**: According to the *California Public Defenders Association*, "AB 2237 would authorize courts to impose probation terms of up to three years for individuals granted probation who are required to register under Penal Code section 290. While framed as a public safety measure, this proposal moves California away from evidence-based supervision policies adopted by the Legislature in recent years, increases supervision costs for counties, and risks increasing incarceration for technical violations without improving public safety.

"California has already taken deliberate steps to align probation policy with research on what actually reduces recidivism. In 2020, the Legislature enacted Assembly Bill 1950, which limited probation terms to one year for most misdemeanors and two years for most felonies. The reform was based on research demonstrating that supervision is most effective early in the probation period and that extending supervision beyond that period often produces

diminishing public safety benefits while increasing the likelihood of technical violations.

"Recent national research reinforces these conclusions. The Council of State Governments Justice Center's 2025 national analysis found that nearly 200,000 people were admitted to prison in 2023 for violating probation or parole, including more than 110,000 individuals incarcerated for technical violations such as missed meetings, failed drug tests, or other rule infractions rather than new criminal conduct. The report further found that people on community supervision account for less than two percent of arrests nationwide, underscoring that revocations frequently stem from supervision rules rather than new crimes. Extending probation terms therefore expands the period during which individuals can be incarcerated for technical violations without demonstrating a corresponding improvement in public safety.

"The fiscal consequences of this dynamic are substantial. In 2023, California led the nation in costs associated with incarcerating people for probation and parole violations, spending approximately $216 million incarcerating individuals for technical violations alone. (See Council of State Governments Justice Center, *Supervision Violations and Their Impact on Incarceration: Key Findings* (2025), available at: https://projects.csgjusticecenter.org/supervision-violations-impact-on-incarceration/key-findings/.) AB 2237 will increase the length of probation supervision and expand the period during which individuals can be incarcerated for technical violations, likely increasing these already substantial costs without demonstrating a corresponding improvement in public safety.

"AB 2237 would also increase the administrative and fiscal burden on county probation departments. Probation resources are finite, and effective supervision policies prioritize focusing those resources on individuals who present the greatest public safety risk. The Legislative Analyst's Office has recognized that public safety resources are most effective when targeted at people who are assessed as presenting a greater risk of reoffending, because lower-risk individuals are less likely to reoffend regardless of intervention. (See California Legislative Analyst's Office, *The 2016-17 Budget: Governor's Criminal Justice Proposals* (2016), available at: https://www.lao.ca.gov/Publications/Report/3359.) Expanding probation terms for a broad category of individuals risks diluting resources by increasing caseloads and supervision obligations for probation departments already operating under significant workload pressures. Evidence-based supervision models consistently emphasize that focusing supervision intensity on higher-risk individuals produces better public safety outcomes than expanding supervision broadly.

"California's probation funding structure also reflects the Legislature's long-standing commitment to reducing incarceration resulting from supervision failures. The California Community Corrections Performance Incentives Act (SB 678) created a performance-based funding system that rewards counties for reducing the number of people sent to prison for probation violations and for implementing evidence-based supervision practices. A statewide evaluation found that the program reduced prison revocations by more than 30 percent, lowered the state prison population by more than 6,000 individuals in its first year, and produced more than $1 billion in state correctional cost savings, while crime rates continued to decline. (See California Probation Officers of California / California Probation Resource Institute, *SB 678 Incentive-Based Funding and Evidence-Based Practices Enacted by the California Community Corrections Performance Incentives Act of 2009* (Mar. 2020), available at: https://www.cpoc.org/sites/main/files/file-attachments/capri-sb-678-report-

march-2020.pdf?1588169880.) Policies that expand probation terms and increase the likelihood of revocation risk undermine the progress that this successful incentive-based model was designed to achieve.

"AB 2237 also creates redundant monitoring requirements. Individuals subject to this proposal are already monitored through California's sex offender registration system, which requires registration for 10 years, 20 years, or life depending on the offense tier. (See California Department of Justice, *Sex Offender Registration Requirements – FAQ – California Tiered Sex Offender Registration*, available at: https://oag.ca.gov/system/files/media/sb384-registrant-faqs.pdf.) Because these registration requirements already impose long-term reporting and monitoring obligations, extending probation supervision duplicates existing oversight mechanisms rather than addressing a demonstrated gap in accountability.

"Public safety policy should be guided by evidence regarding what actually reduces crime and promotes successful reintegration. Research consistently shows that excessively long supervision terms can destabilize employment and housing, increase technical violations, and divert supervision resources away from individuals who pose the greatest risk to public safety. AB 2237 moves California away from the evidence-based probation framework the Legislature adopted only a few years ago, without any new evidence that such a change is necessary or would produce meaningful public safety benefits."

6) **Related Legislation**: AB 1816 (Davies) would increase the maximum term of probation from two years to the period of time not exceeding the maximum possible term of the sentence for registerable sex offenses and serious felonies, as defined; and authorizes the court to extend the term of probation upon a filing by the probation department and a finding that the defendant has not successfully completed probation and additional time is needed for programing. AB 1816 (Davies) is scheduled to be heard today in this committee.

7) **Prior Legislation**:

   a) AB 1087 (Patterson), Chapter 180, Statutes, of 2025, would provide 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 to exceed two years. AB 2943 is pending in Assembly Appropriations Committee.

   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
EM)power + Resilience Project
Arcadia Police Officers' Association
Be the Solution (BTS) Commission
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Chief Probation Officers' of California (CPOC)
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
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Assocation
Placer County District Attorney's Office
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition
ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Community Works West
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

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

Amended Mock-up for 2025-2026 AB-2237 (Patterson (A) , Hoover (A))

Mock-up based on Version Number 99 - Introduced 2/19/26
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 (e) of Section 667.5 and an offense that includes specific probation lengths within its provisions. For these offenses, the court, in the order granting probation, may suspend the imposition 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, in the order granting probation, may suspend the imposition 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) An offender granted probation and ordered to register pursuant to subdivision (c) of Section 290, as a condition of probation. The court, in the order granting probation for an offender required to register, may suspend the imposition 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.~~

SECTION 2. Section 1203a of the Penal Code is amended to read:

1203a. (a) In all counties and cities and counties, the courts therein, having jurisdiction to impose punishment in misdemeanor cases, may refer cases, demand reports, and to do and require anything necessary to carry out the purposes of Section 1203, insofar as that section applies to misdemeanors. The court may suspend the imposition or execution of the sentence and make and enforce the terms of probation for a period not to exceed one year.

(b) The one-year probation limit in subdivision (a) shall not apply to any offense that includes specific probation lengths within its provisions.

(c) The one-year probation limit in subdivision (a) shall not apply to an offender granted probation and ordered to register pursuant to subdivision (c) of Section 290. The court, in the order granting probation for an offender required to register, may suspend the imposition or the execution of the sentence, and may direct that the suspension may **exceed the one-year probation limit in subdivision (a), but not exceeding a total probationary period of two years, to allow for an offender required to register to complete an approved sex offender management program,** ~~continue for a period of time not exceeding three years,~~ and upon those terms and conditions as it shall determine. **The period of time exceeding the one-year limit authorized pursuant to this subdivision shall be terminated by the court upon offender's successful completion of the approved sex offender management program.**

SEC. 3. 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.

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2701 (Jeff Gonzalez) – As Amended March 25, 2026

VOTE ONLY

SUMMARY: Establishes the Domestic Violence Offender Registration Act. Specifically, **this bill**:

1) States that the Department of Justice (DOJ), subject to an appropriation from the Legislature, shall create and maintain a domestic violence offender registration database, and develop regulations, forms, and protocols necessary to implement the provisions of this bill.

2) Defines "registerable offense" to mean a conviction, for an offense committed on or after January 1, 2027, of any of the following:

   a) Willful infliction of corporal injury, as specified;

   b) Murder, attempted murder, or voluntary manslaughter, if the conviction involves domestic violence;

   c) A crime involving domestic violence, in conjunction with a conviction of any of the following:

      i) Enhancement for personal use of a firearm, machine gun, or assault weapon during the commission of a felony;

      ii) 10-20-life firearm enhancement;

      iii) Enhancement for causing great bodily injury (GBI);

      iv) Enhancement for personal use of a firearm during the commission of a felony;

      v) Willful harm or injury to a child under circumstances or conditions likely to produce GBI or death;

      vi) Threatening a witness;

      vii) Mayhem;

      viii) Kidnapping;

      ix) Robbery;

x) Assault with intent to commit mayhem;

xi) Human trafficking;

xii) Assault and battery as specified;

xiii) Felony criminal threats;

xiv) Arson;

xv) Burglary;

xvi) Extortion;

xvii) Possession of substances or materials with intent to make a destructive device;

xviii) Conspiracy to commit any of the offenses listed above; or,

xix) Attempt to commit any of the offenses listed above.

3) Requires an offender convicted of a registerable offense to register with the law enforcement agency having jurisdiction over the residence where they reside within 10 days of each of the following:

a) Release from custody;

b) Change in residence;

c) Establishing residence;

d) Change of employment; or,

e) Change in legal name.

4) Requires the registration to include the following information:

a) Full legal name, including any aliases;

b) Current address;

c) Telephone number;

d) Data of birth;

e) Place of birth;

f) Photograph;

g) Fingerprints;

h) Summary of qualifying offense;

i) Employment or school information, if applicable;

j) Physical description that includes gender and race;

k) Criminal history;

l) Community of residence;

m) ZIP code of the county where the person is registered as transient; or,

n) Any other information that DOJ deems relevant.

5) Requires DOJ to make available information concerning persons required to register to the public on an internet website, update the website on an ongoing basis, and have the website translated into languages other than English.

6) States that all information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the website.

7) States that the name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the website.

8) Makes a person who uses information disclosed pursuant to the requirements of this bill to commit a misdemeanor, in addition to any other penalty or fine imposed, subject to a fine of not less than $10,000 and not more than $50,000; for a felony a person would be subject to an additional and consecutive term of 5 years imprisonment.

9) Authorizes a person to use information disclosed for purposes of the registry only to protect a person at risk.

10) Prohibits the use of the information disclosed for purposes of the registry for any of the following:

a) Health insurance;

b) Insurance;

c) Loans;

d) Credit;

e) Employment;

f) Education, scholarships, or fellowships;

g) Housing or accommodations; or,

h) Benefits, privileges, or services provided by any business establishment.

11) States that any use of information disclosed in the registry for purposes other than those allowed in the bill, shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than $250, attorney's fees, exemplary damages, or a civil penalty not exceeding $25,000.

12) Authorizes a civil action to be brought against any person or group of persons if there is reasonable cause to believe they have engaged in a pattern or practice of misuse of the information available in the registry.

13) Provides that a designated law enforcement entity and its employees are immune from liability for good faith conduct.

14) Requires the Attorney General, in collaboration local law enforcement and others knowledgeable about domestic offenders, to develop strategies to assist members of the public in understanding and using publicly available information about domestic violence offenders to further public safety. These strategies may include, but are not limited to, a hotline for community inquiries, neighborhood and business guidelines for how to respond to information posted on its internet website, and any other resource that promotes public education about these offenders.

15) Specifies that the duration of registration is as follows:

a) 10 years for an offense that does not result in a prison sentence. Any additional qualifying registerable offense, either during or after the preceding term, will result in a new 10-year term to be imposed.

b) 20 years for an offense resulting in a state prison sentence, or an offense involving a deadly weapon, great bodily injury, or a child victim. Any additional qualifying registerable offense, either during or after the preceding term, will result in a new 20-year term to be imposed.

16) Authorizes an offender to petition for removal from the registry before serving the requisite terms if they demonstrate rehabilitation and no new qualifying offenses or if they are exonerated.

17) States that a removal from the registry is at the court's discretion and requires notice of the petition to be served on the registering law enforcement agency and the district attorney in the county where the petition is filed and on the law enforcement agency and the district attorney of the county of conviction of a registrable offense if different than the county where the petition is filed.

18) Requires the registering law enforcement agency and the law enforcement agency of the county of conviction of a registerable offense if different than the county where the petition is filed, within 60 days of receipt, report to the district attorney and the superior or juvenile

court in which the petition is filed whether the person has met the requirements for termination.

19) Provides that if the district attorney requests a hearing, the district attorney shall be entitled to present evidence regarding whether community safety would be significantly enhanced by requiring continued registration.

20) States that in determining whether to order continued registration, the court shall consider all of the following:

    a) The nature and facts of the registerable offense;

    b) The age and number of victims;

    c) The person's criminal and relevant noncriminal behavior before and after conviction for the registerable offense;

    d) The time period that the person has not reoffended; and,

    e) The person's current risk of domestic violence reoffense.

21) States that a judicial determination made pursuant to this subdivision may be heard and determined upon declarations, affidavits, police reports, or any other evidence submitted by the parties that is reliable, material, and relevant.

22) States that if termination from the registry is denied, the court shall set the time period after which the person can repetition for termination. That time period shall be at least one year from the date of the denial, but shall not exceed five years, based on facts presented at the hearing. The court shall state on the record the reason for its determination setting the time period after which the person may re-petition.

23) Requires the court to notify DOJ when a petition for termination from the registry is granted, denied, summarily denied, in a manner prescribed by DOJ. If the petition is denied, the court shall also notify the department of the time period after which the person can file a new petition for termination.

24) Requires local agencies and the court to create a database to maintain registration requirement required by this bill.

25) Requires DOJ to notify law enforcement agencies, courts and state and local agencies responsible for victim services when the database required by this bill is operable. Following this notification, entities shall have six months from the date of the notification to provide the registration information required by this bill. After six months from the date of the notification, information collected and stored by local agencies or the court shall be transmitted to DOJ within three working days of receipt.

26) Provides that an offender who knowingly fails to register, update, or provide accurate information shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one year.

27) Specifies that each failure to register or update shall constitute a separate offense.

28) Contains a severability clause.

EXISTING LAW:

1) Provides that willfully inflicting corporal injury resulting in a traumatic condition upon a victim, as specified, is a felony punishable by two, three, or four years in state prison, or a misdemeanor punishable by up to one year in county jail, or by a fine of up to $6,000, or by both a fine and imprisonment. (Pen. Code, § 273.5, subd. (a).)

2) Provides, for purposes of domestic violence, a victim is the offender's spouse or former spouse; the offender's cohabitant or former cohabitant; the offender's fiancé, or someone with whom the offender has, or previously had, and engagement or dating relationship, as specified; or, the mother or father of the offender's child. (Pen. Code, § 273.5, subd. (b)(1)-(4).)

3) Defines "traumatic condition" as a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. (Pen. Code, § 273.5, subd. (c).)

4) Requires a sex offender to register for ten years, 20 years, or for a lifetime, depending on the offense. (Pen. Code, § 290, subd. (c)(1)-(2), (d).)

5) States that the DOJ is required to make information about registered sex offenders available to the public via an Internet Web site, as specified. (Pen. Code, § 290.46.)

6) Provides that DOJ is required to include on this web site a registrant's name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, any other information that the Department of Justice deems relevant unless expressly excluded under the statute. (*Id.*) Requires DOJ to include on its Internet Web site either the home address or zip code of residence of persons who are required to register as sex offenders based upon their registration offense (Pen. Code, §§ 290.46, subd. (b)(2); 290.46, subd. (d)(2).)

7) Requires people who are sex offender registrants to disclose this status to the licensee of a community care facility before becoming a client of that facility. (Health & Saf. Code, § 1522.01.)

8) Imposes specified restrictions on persons registered as sex offenders with respect to employment in certain areas, such as in education (Ed. Code §§ 35021, 44345), community care facilities (Health & Saf. Code, § 1522), residential care facilities (Health & Saf. Code, § 1568.09), residential care facilities for the elderly (Health & Saf. Code, § 1569.17), day care facilities (Health & Saf. Code, § 1596.871), engaging in the business of massage (Gov. Code § 51032), physicians and surgeons (Bus. & Prof. Code, § 2221), registered nurses (Bus. & Prof. Code, § 2760.1), and others.

9) States that DOJ shall be immediately notified of the contents of protective orders including temporary, criminal court, domestic violence protective orders, and injunctions relating to harassment, unlawful violence, or threat of violence, immediately upon issuance. (Fam. Code, § 6380, subd. (b).)

10) Requires each county to develop a procedure using existing systems for electronic data transmission to the DOJ. Law enforcement, court, or other appropriate agency personnel shall enter the data electronically and transmit the data to the California Law Enforcement Telecommunications System (CLETS). The court or its designee must transmit all data filed, with respect to protective orders, to law enforcement personnel within one business day by one of the following methods:

    a) Transmitting a physical copy of the order to a local law enforcement agency authorized to enter orders into CLETS; or,

    b) With the approval to DOJ, entering the order into CLETS directly. (Fam. Code, § 6380, subd. (a).)

11) Requires all available information be included; however, the inability to provide all categories of information shall not delay the entry of information available:

    a) Names of the protected persons;

    b) Date of issuance of the order;

    c) Duration or expiration date of the order;

    d) Terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order;

    e) Department or division number and the address of the court;

    f) Whether or not the order was served upon the respondent; and,

    g) Terms and conditions of any restrictions on the ownership or possession of firearms. (Fam. Code, § 6380, subd. (b)(1)-(8).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Domestic violence remains one of the most pervasive and devastating forms of violence in our communities. Those who repeatedly commit severe acts of abuse and pose an ongoing threat to public safety. This bill seeks to address that issue by establishing a Domestic Violence Registry limited to the most serious offenders. AB 2701 is a narrowly tailored approach that ensures victims are protected and registrants are not subject to prejudicial practices. Domestic violence prevention is focused on education and awareness and therefore, a tool that provides real-time information is needed. Survivors of domestic violence often live with the constant fear of re-victimization. This bill aims to reduce that fear by ensuring that high-risk offenders are more closely

monitored and that systems are in place to respond proactively."

2) **Existing laws on Domestic Violence**: Existing penalties for domestic violence can be serious. Domestic violence is currently punishable by imprisonment in the state prison for up to four years or by imprisonment in a county jail. A second offense within seven years of a prior conviction is punishable by up to five years in prison. (Pen. Code, § 273.5, subd. (b).) There is an enhancement of up to five more years if great bodily injury is inflicted. (Pen. Code, § 12022.7, subd. (e).) Under existing law, a felony domestic violence conviction for a person with a prior strike also doubles the maximum term of incarceration. (Pen. Code, § 667, subd. (e)(1).)

   Depending on the conduct involved, domestic violence includes or can be charged as other crimes, including strikeable offenses. For example, a husband who punches his wife may be charged with assault likely to produce great bodily injury, even where the victim did not suffer great bodily injury. (Pen. Code, § 245, subd. (a)(4); see *People v. Medellin* (2020) 45 Cal.App.5th 519, 528; *In re Nirran W.* (1989) 207 Cal.App.3d 1157, 1161.) A mother who causes a traumatic injury to her child's father and prevents him from leaving her residence can be charged with kidnapping, which is classified as a "serious" and "violent" felony, and domestic violence. (See *People v. Delacerda* (2015) 236 Cal.App.4th 282; Pen. Code, § 667.5, subd. (14); Pen. Code, § 1192.7, subd. (c)(20)) A man who threatens to blow up his boyfriend's car and home can be charged and convicted of criminal threats, a serious felony. (Pen. Code, § 422, subd. (a); Pen. Code, § 1192.7, subd. (c)(38); see *People v. Martinez* (1997) 53 Cal.App.4th 1212.) A person who prevents their partner from calling the police during or after an incident involving domestic violence can be charged with a felony for dissuading or preventing a victim from making a report to law enforcement, also a serious felony. (Pen. Code, § 136.1, subd. (b)(1); Pen. Code, § 1192.7, subd. (c)(38).*People v. McElroy* (2005) 126 Cal.App.4th 874).

   Generally, punishment for domestic violence is a wobbler. A "wobbler" is a crime that can charged as, and result in a conviction for, a felony or a misdemeanor. Wobblers give prosecutors and judges a measure of discretion in case dispositions. A district attorney has the discretion to charge a "wobbler" as a felony or a misdemeanor. If a defendant is charged with a felony for a crime that is a "wobbler," a judge can, under certain circumstances, reduce the charge to a misdemeanor or sentence the defendant to a misdemeanor.

   A person who is granted probation for a crime against a domestic violence victim is subject to specified mandated probation terms including a minimum term of 3 years' probation, the issuance of a criminal protective order protecting the victim, notice to the victim of the disposition of the case, booking the defendant within one week of sentencing if they have not already been booked, specified fees, and successful treatment of a batterer's program. (Pen. Code, § 1203.097.)

   Generally, a restraining order is public record and is searchable through the county court. Additionally, courts and law enforcement are able to see restraining orders either through the California Courts Protective Order Registry (CCPOR) or CLETS. Additionally, conviction information is also accessible by the public through a number of ways including a private background check.

3) **Effect of this Legislation: Sex Offender Registry Compared**: This bill would create a new publicly available registry for offenders who have committed domestic violence offenses or other specified offenses "involving domestic violence." California law establishes several other registries based on a person's conviction for specified offenses. The only one that is available to the public is the sex offender registry.

California's sex offender registry was established in 1947 and started as a tool for law enforcement. In 1996, California enacted "Megan's Law" allowing the public to access an address list of registered sex offenders. Before 2003, members of the public could only obtain the information on the Megan's Law list by calling a "900" number or visiting certain designated law enforcement agencies and reviewing a CD-ROM. However, in 2003, California required the DOJ to put the Megan's Law list of offenders on a public access website with the offender's address, photo and list of offenses. (See Pen. Code, § 290.46, subd. (a).) For some offenders with less serious offenses, only their ZIP code is listed.

Historically, the sex offender registry required lifetime registration for persons convicted of specified sex crimes. In 2017, California modified its sex registry to a three-tiered registration system based on seriousness of the crime, risk of sexual reoffending, and criminal history. (SB 384 (Wiener), Ch. 541, Stats. 2017.) The recommendation to move to a tiered system came from the California Sex Offender Management Board's 2010 recommendations report.[1] According to the committee's analysis for the bill which started off as SB 421 (Wiener) of that same year:

> Based on a survey of several municipal law enforcement agencies in California, it is estimated that local law enforcement agencies spend between 60-66% of their resources dedicated for sex offender supervision on monthly or annual registration paperwork because of the large numbers of registered sex offenders on our registry. If we can remove low risk offenders from the registry it will free up law enforcement officers to monitor the high risk offenders living in our communities. Law enforcement cannot protect the community effectively when they are in the office doing monthly or annual paperwork for low risk offenders, when they could be out in the community monitoring high risk offenders. Furthermore, the public is overwhelmed by the number of offenders displayed online in each neighborhood and do not know which offenders are considered low risk and which offenders are considered high risk and therefore truly dangerous.

(Sen. Com. on Public Safety, Analysis of Senate Bill No. 421 (2017-18 Reg. Sess.) as amended Apr. 17, 2017, p. 9.) A tier one offender is someone who is required to register for a misdemeanor sex offense or a felony conviction that is not a serious or violent felony. Tier one requires a person to register for a minimum of 10 years. (Pen. Code, § 290, subd. (d)(1).) A tier two offender is a person who is required to register for a felony that is defined as a serious or violent felony or other specified sex offenses, unless the person is otherwise required to register under tier three. Tier two requires a person to register for a minimum of 20 years. (Pen. Code, § 290, subd. (d)(2).) A tier three offender is a person who is convicted of a specified offense or under the One-Strike Sex Law, or is designated as a sexually violent

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[1] See https://casomb.org/docs/CASOMB%20Report%20Jan%202010_Final%20Report.pdf (Jan. 2010), p. 50.

predator or habitual sex offender, in addition to other qualifying offenses and circumstances. (Pen. Code, § 290, subd. (d)(3).)

Sex offenders are required to register annually within five working days of their birthday. (Pen. Code, § 290, subd. (b).) If the offender has no fixed address, they are required to register every 30 days. (Pen. Code, § 290.011, subd. (a).) A person is also required to notify law enforcement of any change of address within five days of moving. (Pen. Code, § 290.013.) A person who fails to register as a sex offender within the period required by law is guilty of a felony punishable by 16 months, 2 or 3 years. (Pen. Code, § 290.018, subd. (b).) A person who changes their name is required to inform law enforcement within five working days. (Pen. Code, § 290.14, subd. (a).)

The minimum time for completion of the required registration period in tier one or tier two begins on the date of the person's release from incarceration or other commitment on the registerable offense. The time period is tolled during any period of subsequent incarceration or commitment, except that arrests not resulting in conviction, adjudication or revocation of supervision shall not toll the registration period. The minimum time period shall be extended by one year for each misdemeanor conviction of failing to register under this act, and by three years for each felony conviction of failing to register under this act, without regard to the actual time served in custody for the conviction. (Pen. Code, § 290, subd. (e).)

This bill would create a new publicly available domestic violence registry. Similar to the sex offender registry, persons required to register would have to register with local law enforcement on a yearly basis, with additional reporting required upon changing residence or employment. A failure to register would be a new crime. Unlike the sex offender registry where the listed convictions requiring registration are sex crimes in and of themselves, this new registry would include persons who have been convicted of specified offenses as well as persons who are convicted of a large list of offenses that "involve domestic violence." The bill does not define what the term means for purposes of requiring registration or whether there would be a notation in the person's record of conviction or criminal history indicating that this is a conviction for which registration is required. Further, the bill does not specify that the domestic violence involved crime must be pled and proved, thus it is unclear how the local law enforcement agency would have notice that this person is required to register.

Generally, a person who is required to register as a sex offender is given notice of their duty to register during court proceedings and prior to release from custody by law enforcement. This bill does not provide whether the court would have to order the defendant to register at the time of sentencing, or if they would receive notice from a law enforcement agency upon release.

Existing law also places limits on where a registered sex offender may live and work, with particular focus on limiting access to children or other vulnerable people. Having registrants report such information to the local law enforcement agency helps to ensure these limitations are being complied with. Comparatively, persons convicted of domestic violence offenses do not have general residence or employment restrictions. If they are subject to probation or parole supervision, they would already have to report their residence and any employment to the supervising agency.

The bill also creates a termination of registration process similar to sex offender registration termination. The bill would allow a person to petition for early removal from the registry and

allows a prosecutor to request a hearing to ask for registration continue. This bill lists some of the same factors that is used to determine whether sex offenders should continue to register beyond the minimum statutory timeframe, such as the facts of the underlying offense and the age of the victim and any relevant behavior after the conviction – but does not include other factors such as any risk assessments or consideration of whether the person completed any treatment. Because the factors listed in this bill are less comprehensive than what is required under the sex offender registration law, judges may have less guidance on when to extend registration and lead to wide inconsistencies.

As discussed above, the sex offender registry was overloaded with registrants which resulted in law enforcement spending a disproportionate amount of time on registration paperwork and supervision of a large group of people without any focus on who actually posed a threat to public safety.[2] This bill would require, in addition to DOJ creating and maintaining a domestic violence offender database, local agencies and the court to create and maintain a domestic violence offender database and to take on duties that are incumbent on the registering agency. Due to the expansive list of convictions and related domestic violence conduct this bill would cover, the list of persons required to register on the registry would likely be expansive and pose the same resource issues and dilution of useful data that led to the need to reform the sex offender registry law.

4) **What Makes Survivors Feel Safe:** From a domestic violence survivor's perspective, increased interaction with law enforcement is often not the preferred response or support most often needed. A 2025 statewide survey conducted by Blue Shield of California Foundation revealed that 63 percent reported having a personal connection to domestic violence, either directly or through friends and family and 31 percent identified as a survivor of domestic violence.[3] Among survivors, the survey indicated that the top priorities for making survivors feel safe include the freedom to make decisions that are best for them and their families, being financially stable or having financial support while the survivor is stabilized, and having an affordable, safe place to live.[4] Comparatively, the survey indicated that the lowest priorities included having support from local police and having their partner go to jail.[5]

The National Network to End Domestic Violence published an article discussing domestic violence offender registries noting the unintended and harmful consequences of such public registries.[6] These include creating a chilling effect on involving law enforcement due to being concerned for their own privacy as well as not wanting a public wall of shame as an accountability option. Additionally, safety risks for the survivor are particularly likely to escalate when the abuser loses employment or opportunities for treatment.

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[2] In 2017 when SB 421 was being considered, approximately 100,000 people were required to register as sex offenders.
[3] Californians' Needs and Experiences with Domestic Violence, Equity, and Safety, Results from a Statewide Survey, Blue Shield California Foundation (Oct. 2025) available at Californians-Needs-Experiences-DV-Equity-Safety-PerryUndum-2025.pdf.
[4] *Id.* at p. 24.
[5] *Ibid.*
[6] Safety Net Project, National Network to End Domestic Violence, Thinking Critically About Domestic Violence Offender Registries — Safety Net Project (May 2016).

5) **Domestic Violence Registry in Other States**: Tennessee became the first state to establish a domestic violence offender registry, which went into effect January 1, 2026.[7] The law requires the registration of a "persistent domestic violence offender" which is defined as someone who has been convicted of at least two offenses committed against a domestic violence victim. The court is required to determine whether a person meets the requirements to require registration. The duration of registration depends on the number of convictions: 5 years for one prior conviction, 7 years for two prior convictions, 10 years for three prior convictions, and 20 for four or more prior convictions. The person is automatically removed after the specified period.

   This bill would require a 10- or 20- year registration period based on a single conviction. Unlike the Tennessee law, this bill does not require the court to make specified findings to ensure a person should be required to register. Additionally, the person would not be automatically removed from the registry at the end of the statutory period – the registration term may be extended for another 10- or 20-year term for a new qualifying offense.

6) **Argument in Support**: According to the *Riverside County District Attorney's Office*, the sponsor of this bill: "This legislative measure would establish a new registry similar to PC 290 (sex registrants) to track and monitor persons convicted of certain domestic violence offenses.

   "Domestic violence remains a widespread public safety issue. According to the Federal Bureau of Investigation's 'Domestic Relationships and Violent Crimes, 2020-2024' report, from 2020 through 2024, the national percentage of violent crimes involving domestic relationships increased every year. While California has experienced a decrease in reported domestic violence incidents, the Public Policy Institute of California reported an upward trend of these incidents involving aggravated assault and weapons, such as knives and firearms.

   "By providing real-time access to registrant data, to include physical descriptors, criminal history, and location, this legislative measure gives responding officers critical context when approaching potentially volatile domestic violence calls. This enhanced awareness improves risk assessments and can help prevent officer injury or death.

   "To be clear, AB 2701 does not intend to illuminate low-level domestic violence offenders. This measure seeks to target serious and aggravated offenders only. Assembly Bill 2701's focus on felony domestic violence with serious aggravators (e.g., weapon use, great bodily injury) ensures that registry requirements are proportionate to public safety risk, not universal for all offenders."

7) **Argument in Opposition**: According to the *California Partnership to End Domestic Violence*: "While we recognize that this bill is well-intentioned, we believe it will harm survivors and that it does not, in any way, accomplish its stated goal of preventing domestic violence. Rather, as an expensive and ineffective distraction from the things we know prevent domestic violence and improve survivor well-being, this bill would be a step in the

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[7] See https://www.billtrack50.com/billdetail/1822523

wrong direction for this state with regard to how it approaches the critical problem of domestic violence.

"This bill is not reflective of the interests of survivors across California, would list many survivors who have been criminalized as a result of the violence they have experienced, and would decrease reporting of domestic violence by exacerbating the fears that keep many domestic violence survivors from leaving their abusive situations. It would also be duplicative and not comprehensive, and would promote a false sense of security for those who use it. For these reasons, we strongly oppose this legislation.

"Domestic violence is preventable, multifaceted, and widespread. More than 30% of Californians identify as survivors. This public health crisis can be prevented by teaching safe and healthy relationship skills; engaging influential adults and peers; disrupting developmental pathways towards violence; creating protective environments, strengthening economic supports for families, and supporting survivors to increase safety and lessen harms. Despite what we know about how to reduce domestic violence, the state of California does not allocate any funding for domestic violence prevention. The financial resources required for the state to build and maintain a database would be far better spent by addressing root causes of violence and supporting community and statewide prevention work.

. . . .

"While the intention of a domestic violence registry is to list domestic violence offenders, unfortunately, we know that many survivors of domestic violence would be listed in such a registry. Studies show that most women in detention centers have experienced intimate partner violence, and their abuse is often related to why they were incarcerated. Survivors are frequently arrested for defending themselves from their abusive partners or for reasons related to their coercion. We frequently hear of cases where survivors are not believed over their abusive partners, especially when the survivor does not speak fluent English and the abusive partner does. In a 2015 survey conducted by the National Domestic Violence Hotline, 2 in 5 survivor respondents who had called the police after experiencing domestic violence reported that they felt that police had discriminated against them, and 1 in 4 reported being arrested or threatened with arrest by police responding to their reports. We fear that a domestic violence registry would list many of these survivors, severely impairing their road to healing.

. . . .

"We also fear that a registry might also chill reporting by exacerbating the existing fear of financial consequences that survivors experience when considering reaching out for help. Survivors are often dependent on their abusive partners for financial support, both before and after they leave. Child and spousal support are often key elements in how survivors begin to cover and support themselves and their children. Even so, we know that 74,000 survivors of domestic violence and 24,000 children of survivors were homeless in 2024. The fear of homelessness and poverty keeps survivors trapped, and evidence from the sex offender registry shows that being listed on such registries causes significant barriers to securing housing and employment; a significant percentage of those listed on California's sex offender registry are homeless. We can assume, based upon this data, that many survivors would be aware of the risk of their partners being listed on the registry and would hesitate even more to

report to law enforcement and others."

8) **Related Legislation**: AB 2344 (Haney) would create an animal abuse registry requiring persons convicted of felony animal abuse to register for a period of 10 years from the date of conviction. AB 2344 is pending hearing in this Committee.

9) **Prior Legislation**: AB 488 (Parra), Chapter 745, Statutes of 2004, required DOJ to make specified information about sex offenders available to the public on its internet website.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
Peace Officers Research Association of California (PORAC)
Riverside County District Attorney

Opposition

ACLU California Action
All of US or None (HQ)
Alliance for Boys and Men of Color
American Nurses Association/California
Asian Women's Shelter
California Coalition for Women's Prisoners
California Partnership to End Domestic Violence
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Courage California
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Futures Without Violence
Glide
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Los Angeles Dependency Lawyers, INC.
Los Angeles Lgbt Center
Loyola Law School, the Sunita Jain Anti-trafficking Initiative
Public Counsel
Rubicon Programs
San Francisco Public Defender
San Quentin Skunkworks
Shelter From the Storm, INC.
Smart Justice California, a Project of Beyond Impact
Strong Hearted Native Women's Coalition, INC.
The Collective Healing and Transformation Project

The University Corporation Dba Strength United
The W. Haywood Burns Institute
Western Center on Law & Poverty
Woman INC
Womanhaven, a Center for Family Solutions
Youth Leadership Institute

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