
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1036 (Schultz) - Criminal procedure: postconviction discovery

Version: July 3, 2025

Urgency: No

Hearing Date: August 29, 2025

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: Increases access to post-conviction discovery for individuals convicted of felony offenses.

***** ANALYSIS ADDENDUM – SUSPENSE FILE *****

The following information is revised to reflect amendments
adopted by the committee on August 29, 2025

Fiscal Impact:

- Unknown costs to the state funded trial courts (Trial Court Trust Fund, General Fund) for the additional hearings need to resolve discovery disputes in these postconviction proceedings. The actual costs depend on the expected population of defendants who might seek post-conviction discovery as authorized by AB 1036 and have their requests come before the court for resolution. Beginning in fiscal year 2024-25, the trial courts have absorbed an ongoing \$55 million reduction to their operational funding, which impacts their ability to provide core services. Absent an appropriation, this bill will result in new, unfunded workload for the trial courts, putting further pressure on their limited resources.
- Costs (local funds, General Fund) of an unknown but potentially significant amount to district attorney offices and local law enforcement agencies to provide post-conviction discovery. This bill expands eligibility for post-conviction discovery to more defendants and requires production of more discovery materials to a defendant upon a court order. As a result, prosecutors and law enforcement agencies may experience higher workload to review, redact, and produce discovery materials. Actual costs will depend on the number of court orders granting access to post-conviction relief and the amount of workload needed to comply with each order, but total aggregate costs statewide may be in the hundreds of thousands to millions of dollars annually. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.
- Costs (local funds, General Fund) of an unknown amount to public defender offices to comply with the bill's record retention requirements. The bill permits attorneys to retain digital color copies of evidence rather than storing physical copies of files, so costs may be primarily for additional workload to scan the files for all clients who meet the bill's new eligibility requirements. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

Committee Amendments: Narrow the scope of the bill to cases in which a defendant has been convicted of a felony resulting in incarceration in the Department of Corrections and Rehabilitation.

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