

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill 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.

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.

FISCAL EFFECT:

- 1) Ongoing CDCR costs of low millions of dollars annually for expanded SVP screening and referral workload (General Fund). The bill's elimination of the determinate-term limitation on SVP referrals would require CDCR to conduct SVP screenings and referrals for indeterminately sentenced persons with qualifying offenses in advance of parole hearings. CDCR anticipates this represents a significant increase in ongoing screening workload.
- 2) The Department of State Hospitals (DSH) estimates \$4.13 million ongoing costs (General Fund) for expanded SVP evaluations. Eliminating the determinate-term limitation on SVP referrals expands the universe of inmates potentially subject to evaluation to include indeterminate-term inmates up for parole, and the new referral authority in BPH adds an additional referral pathway. Assuming BPH will refer these incarcerated persons to DSH for SVP evaluation before granting parole at the same rate they do for incarcerated persons who have already been granted parole, DSH estimates it would need to evaluate approximately 250 additional individuals referred each year. To do so, DSH would require ten SVP evaluators, one senior psychologist supervisor, and two analyst positions. Further, if the two initial evaluators disagree on whether the individual meets SVP criteria, two independent evaluators must complete another evaluation. Based on the current 10 % rate of difference of opinions, DSH would need to fund 50 additional independent evaluations (25 cases of differing opinion, requiring two additional evaluators per case).
- 3) DSH estimates \$10.23 million to \$20.46 million ongoing costs (General Fund) to treat additional SVP patients. If DSH assumes 10% to 20% of the anticipated 250 additional SVP

evaluations result in positive SVP determinations, DSH SVP commitments would increase by 25 to 50 patients annually. Since SVP patients' length of stay is about 12 years, this would significantly impact DSH bed space. As of March 2026, DSH had a total population of 954 SVP patients. Based on FY 2024-25 expenditures, the average cost of inpatient treatment per day at DSH is \$1,121. All available units at DSH-Coalinga are activated and serving SVP patients, incarcerated persons from CDCR, and Offender with Mental Health Disorder (OMD) patients. Depending upon the actual number of SVP patients referred to DSH as a result of this bill, DSH may need to relocate OMD patients to other DSH facilities, which may impact overall bed availability in the DSH system for other patient types. To the extent DSH will need to contract for additional bed capacity to meet these needs, there are additional unknown costs.

- 4) Unknown costs to trial courts (Trial Court Trust Fund), county district attorneys, and county public defenders for SVP commitment proceedings generated by the expanded referral population. SVP proceedings are resource-intensive, often involving years of litigation, multiple expert evaluations, and probable cause hearings. These county costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** 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) **Background.** Under the Sexually Violent Predator Act (Welfare and Institutions Code section 6600 *et seq.*), CDCR may refer an individual for evaluation by the Department of State Hospitals (DSH) if CDCR determines the person may be an SVP. An SVP is defined as a person convicted of a sexually violent offense who has a diagnosed mental disorder that makes the person likely to engage in sexually violent criminal behavior. Evaluation is conducted by two designated psychiatrists or psychologists; if both concur, the Director of DSH may request a petition for commitment in the county of last conviction. If found to be an SVP, the person is committed to DSH for an indeterminate term. This bill expands the SVP referral framework in three ways. First, it adds the Executive Officer of BPH as a referring authority alongside the Secretary of CDCR. Second, it eliminates the existing limitation that SVP referrals concern only individuals serving determinate terms, allowing referrals for indeterminate-term inmates (for example, lifers up for parole). Third, it adds new timing triggers that allow referrals if the incarcerated person will be scheduled for a parole hearing in the next six months.

- 3) **Related Legislation.** 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 this committee.

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