

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1595 (Schultz) – As Amended February 23, 2026

Policy Committee: Public Safety Vote: 8 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill expands access to post-conviction relief by making it easier for people to challenge convictions based on false evidence, new scientific developments, or newly discovered evidence.

Specifically, this bill:

- 1) Broadens habeas relief for false or unreliable evidence, including expert opinions later repudiated or undermined in advances in science of technology.
- 2) Eases procedural barriers to habeas petitions, allowing relief when new evidence or changes in law create a reasonable probability the outcome would have been different.
- 3) Shifts the burden to the state if the prosecutors knew or should have known evidence was false but failed to correct it at trial.
- 4) Makes prosecutorial concessions binding, requiring courts to grant relief based on stipulated facts unless doing so would be unlawful.
- 5) Expands post-exoneration support, requiring the California Department of Corrections (CDCR) to provide reentry assistance to people exonerated from both criminal convictions and juvenile adjudications.

FISCAL EFFECT:

- 1) Unknown but potentially significant costs (General Fund) to the California Department of Corrections and Rehabilitation (CDCR) by increasing post-conviction litigation workload and expanding eligibility for exoneration services beyond individuals previously confined in CDCR institutions. This bill, to the extent there is an increase in incarcerated individuals filing writs, could result in increased workload for CDCR's institutional Litigation Coordinator offices. Potential workload impacts may include increased subpoenas from district attorneys and defense counsel, additional records requests, and increased requests for confidential legal visits and legal calls. The magnitude of this impact is currently unknown.
- 2) This bill could create unknown, potentially significant costs to CDCR by requiring the department to provide exoneration reentry services to individuals whose underlying case involved a juvenile delinquency adjudication, which may include individuals who were never housed in a CDCR institution. Current law related to the provision of exoneree services applies to persons exonerated from a CDCR commitment. As a result, CDCR could incur

additional costs associated with transitional services, housing assistance, and direct payments (including the \$1,000 release payment and the \$5,000 housing payment), as well as potential reimbursement of reasonable housing costs for up to four years following release. The number of eligible individuals is unknown; however, to the extent this bill expands eligibility beyond CDCR's historical exoneration population, ongoing costs could increase correspondingly and may create additional General Fund pressures.

- 3) Unknown, but potentially significant costs (General Fund and Trial Court Trust Fund) to the judicial branch. By expanding access to post-conviction relief, the bill is likely to increase the volume and complexity of habeas corpus petitions and related post-conviction filings across superior courts, courts of appeal, and the California Supreme Court. The Judicial Council points to SB 1134 (Leno, Chapter 785, Statutes 2016) as a reasonable point on comparison, which was estimated to result in ongoing workload impacts in the low millions of dollars. More recent data, however, suggests that habeas filings have declined since that time. At the same time, lower filing volumes do not necessarily translate into reduced workload, as remaining cases may be more complex and resource-intensive to adjudicate.
- 4) Potentially significant annual cost (General Fund) to the Department of Justice due to increases in workload to the extent a greater number of persons are allowed to prosecute writs of habeas corpus under the existence of new evidence, as redefined. Resources could be required for post-verdict investigations, to litigate retrials, appeals, and collateral challenges.

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.** As explained by the author,

Over the past decade, amendments to habeas corpus and related post-conviction statutes have produced inconsistent legal standards, conflicting burdens of proof, and uncertainty regarding discovery. These inconsistencies can result in similarly situated individuals being treated differently across jurisdictions and can require courts to expend significant resources resolving procedural disputes rather than evaluating the merits of a claim... Ensuring that courts can evaluate credible new evidence helps protect the integrity of convictions, supports victims by promoting accuracy and accountability, and strengthens public safety by helping ensure that the correct person is held responsible for the crime.

- 2) **Background.** As discussed in detail in the Public Safety Committee's analysis of this measure, a writ of habeas corpus, often called the "Great Writ," is a constitutional procedure that allows a person in custody to ask a court to review whether their imprisonment is lawful. Under existing law, a person may file a habeas petition if their conviction or sentence was based on constitutional error, including false evidence, newly discovered evidence, or other fundamental legal violations. However, habeas petitions are subject to procedural limits: they must generally be filed within a reasonable time after the claim becomes known, and courts

may reject petitions that are untimely or repetitive unless the petitioner shows good cause, actual innocence, or another narrow exception.

This bill makes several changes designed to expand access to habeas and clarify the standards courts apply. It would unify the legal standard for many claims—requiring courts to grant relief when new evidence, false testimony, or changes in law create a reasonable probability that the result would have been different, rather than requiring the higher or inconsistent standards currently standards applied in some cases. The bill also makes it easier to overcome procedural barriers such as untimeliness or repeat petitions when credible new evidence or legal developments undermine confidence in the conviction.

In fiscal year 2024-2025, there were 3,758 criminal habeas corpus filings in California superior courts. The clearance rate for these cases is 51 percent, meaning courts are clearing only about half the cases coming in, so the number of unresolved cases is rapidly growing.

- 3) **Prior Legislation.** AB 3088 (Friedman), of the 2023-24 Legislative Session, 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.

SB 1134 (Leno, Chapter 785, Statutes 2016) expanded the grounds for habeas corpus relief by authorizing claims based on newly discovered evidence that is credible, material, timely presented, and likely to have changed the outcome at trial.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081