

ASSEMBLY THIRD READING

AB 1595 (Schultz)

As Amended May 18, 2026

Majority vote

SUMMARY

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.

Major Provisions

- 1) States a habeas petition may be prosecuted for false evidence relating to a person's guilt or punishment where there is any reasonable likelihood that the evidence would have affected the outcome of the case.
- 2) Revises the definition of "false evidence" in the listed grounds for a habeas petition to include "opinions of expert that have either been repudiated by the experts who originally provided the opinion at a hearing or trial that may have undermined the state of scientific knowledge or later scientific research or technological advances."
- 3) Clarifies that new evidence exists for purposes of a habeas petition if there is a reasonable probability it would have produced a different result sufficient to undermine confidence in the outcome of the case.
- 4) States that where a significant dispute exists in a petitioner's favor regarding expert medical, scientific, or forensic testimony introduced at trial or a hearing, that there need only be a reasonable probability that the expert testimony affected the outcome of the case and the significant dispute at issue was not previously presented and heard at trial.
- 5) Requires if a prosecutor knew or should have known evidence was false and failed to correct it at trial, the burden to shift to the respondent (or state) to demonstrate there is no likelihood the false evidence impacted the jury.
- 6) States that to overcome a procedural bar to relief based on untimeliness or successiveness in a habeas petition, the petitioner may either identify changes in law or new evidence, or establish that the allegations in the petition, if taken as true, create a reasonable probability of a different result sufficient to undermine confidence in the outcome of the case.
- 7) States that if the Attorney General or district attorney stipulates or concedes to any factual basis for habeas relief, that concession is binding on the parties. A concession in open court, or in a pleading including an informal response or a return to an order to show cause, cannot be withdrawn. A stipulation may be withdrawn only if the moving party proves by a preponderance of the evidence that the other party violated the stipulation's terms or that the state withheld evidence that reasonably could have affected the petitioner's decision to enter into the stipulation.

- 8) Requires a court to grant relief based on a concession or stipulation unless doing so would be contrary to law. If the court rejects a concession or stipulation, it shall issue a written order explaining its legal and factual basis, and that order is appealable.
- 9) Clarifies that a person may file a motion to vacate, as specified:
 - a) Where there is new evidence of fraud by a government official that demonstrates a reasonable probability, it would have produced a different result to undermine confidence in the outcome of the case.
 - b) Where there is new evidence that a government official testified falsely at trial that resulted in the conviction and that there is a reasonable probability the testimony of the government official would have produced a different result sufficient to undermine confidence in the outcome of the case.
- 10) States new evidence is evidence that has not previously been presented and heard at trial and has been discovered after trial without reference to whether the evidence could have been discovered with reasonable diligence prior to judgement.
- 11) States when filing a return of a habeas writ, as specified, the court has the full power and authority to require and compel production of discovery for good cause or witness attendance, by subpoena, and any other necessary acts to ensure a full and fair hearing on determination of the case.
- 12) Requires the court, after a habeas writ is returned and denied following formal briefing, to proceed to a hearing on any proof for or against imprisonment and to resolve the case as justice requires and in a manner that is appropriate and equitable based on the reasons for granting the writ and authorizes the court to dismiss a pending action with or without prejudice.
- 13) Includes other clarifying changes to harmonize various provisions related to various habeas petitions or motions to vacate a conviction or juvenile adjudication pertaining to new or false evidence.

COMMENTS

According to the Author

"AB 1595 strengthens California's criminal legal system by ensuring courts have clear and consistent authority to review credible claims supported by new evidence while preserving long-standing principles of finality and judicial discretion. 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."

"This bill clarifies the standard courts apply when assessing whether new evidence undermines confidence in the outcome of a conviction, aligns post-conviction review with well-established

constitutional principles, and clarifies courts' authority to order discovery for good cause after issuing an order to show cause. AB 1595 also promotes transparency by requiring courts to state their reasons when declining to accept a factual or legal concession from a prosecuting agency, while fully preserving the court's role as the ultimate decision-maker."

"Importantly, AB 1595 does not expand relief or mandate that courts grant petitions. Instead, it ensures courts retain the discretion necessary to distinguish between non-meritorious claims and those that warrant careful judicial review. By reducing unnecessary litigation over threshold procedural issues, the bill helps conserve limited judicial resources and allows courts to focus on claims that meaningfully call the integrity of a conviction into question."

"A consistent statewide framework promotes equal treatment for both represented and self-represented petitioners and reinforces public confidence in the justice system. 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."

"AB 1595 is a measured, procedural clarification that improves fairness, efficiency, and transparency in California's post-conviction process while respecting the balance between finality and justice."

Arguments in Support

According to the *California Innocence Coalition*, "Over the past decade, California's post-conviction statutes governing Habeas Corpus have been repeatedly amended, crowding California policy with unnecessary litigation that results in inconsistent legal standards for evaluating wrongful conviction claims, conflicting burdens of proof depending on custody status or statutory pathways, unpredictable access to discovery even after courts issue orders to show cause, and rigid procedural bars that can prevent courts from hearing meritorious claims of innocence."

"Due to these inconsistent legal standards, individuals are treated differently depending on the court and district their cases are heard under. Additionally, courts expend significant resources on evaluating procedural issues rather than contents of the cases themselves, and credible claims of wrongful conviction are either delayed or never heard despite merit. For example, new evidence, not available or not able to be discovered with reasonable diligence at the time of conviction, may surface that undermines or directly contradicts key facts present at trial. In California, a court may or may not meaningfully consider this new evidence depending on which post-conviction statute applies, the defendant's custody status, or if procedural rules bar the claim altogether."

"AB 1595 provides guidelines that would undermine these inconsistent legal standards. In clarifying the standard to be applied to post-conviction review; allowing courts to reach the merits of otherwise barred claims when new evidence undermines the original conviction's validity in meeting the burden of proof; requiring courts to state reasons if a concession by the District Attorney or Attorney General on a factual or legal basis for relief is rejected; clarifying courts' authority to order discovery for good cause after an order to show cause issue; simplifying access to identification, transitional services, health care, and housing support for

exonerated people, AB 1595 helps to amend current legal inconsistencies and their unfair ramifications for defendants navigating the California legal system."

"In wanting to align California law with well-established Constitutional principles and fundamental fairness, we support AB 1595, a bill clarifying habeas corpus, which will result in justice for thousands of innocent people who are currently unfairly reliant on which court or district might hear them rather than if their case has merit."

Arguments in Opposition

According to the *California District Attorneys Association*, "One of the goals of this legislation is to align the "new evidence" standards with the standard for "ineffective assistance of counsel" set forth in *Strickland v. Washington*,¹ which is a "reasonable probability of a different result sufficient to undermine confidence in the outcome of the case." This standard, according to the 2024 Annual Report from the Committee on Revision of the Penal Code, is applied in only four other states. This limited application likely stems from *Strickland* itself,² which explains that its standard should not apply to new evidence claims."

"Instead, our Supreme Court explained that the standard for new evidence claims should be higher. And the Legislature has already corrected course in 2016 through SB 1134 by establishing the current new evidence standard, that it 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." In fact, the analysis prepared for the Assembly Committee on Public Safety on SB 1134 stated that this standard was consistent with other standards of post-conviction relief such as ineffective assistance of counsel and would make California's post-conviction standard consistent with 43 other states. For this reason, we suggest amendments that apply our current new evidence standard consistently in 1473, 1473.6 and 1473.7."

"Another concern is the potential impact on the courts with the amendments to lower the standards exempting a petitioner from the requirement that petitions not be successive and untimely. This could result in overburdening the court with repetitive piecemeal petitions that should be procedurally barred. An additional consideration relating to the court is the requirement that the court and parties be bound by a stipulation or concession by the District Attorney or Attorney General granting relief which divests the court of its current discretion to determine first whether the stipulation or concession is valid based on the record. The related mandate that the court grant relief unless it demonstrates by written opinion why doing so would be contrary to law may also create another burden for the court."

"Other concerns relate to the bill's addition of language shifting the burden to the prosecution to prove there is no likelihood that known false evidence impacted the verdict as well as the proposed deletion of the word "credible" replaced with "qualified" to describe expert testimony. This appears to broaden habeas claims to include those where the evidence in support of the claim is not credible or reliable. Further, replacing the phrase, "newly discovered" with "new" and deleting language that "new evidence" be defined as evidence "that could not have been discovered with reasonable diligence prior to judgment" (also from SB 1134) could impact a

¹ *Strickland v. Washington* (1984) 466 U.S. 668.

² *Strickland, supra*, at p. 694.

defendant's right to a fair trial where it appears to disincentivize the exercise of diligence by counsel to investigate a case fully knowing that habeas no longer requires it.

"Moreover, where the court already has broad powers to fashion appropriate remedies tailored to the specific violation, it appears unnecessary to encourage dismissal with prejudice as a remedy where like others, it is included in the panoply of remedies that already exists. And while the findings and declarations state that this provision is supported by the 2024 Annual Report's findings that judges rarely use their 1385 authority in habeas proceedings "which leads to years of unnecessary legal limbo and litigation while the district attorney reviews the case and determines whether to retry the case" that information does not appear in that Annual Report. Lastly, the amendments to 3007.05 which appears to expand the definition of exonerated person eligible for benefits poses fiscal concerns."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) 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.
- 2) 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.

VOTES

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Ramos, Wilson

ABS, ABST OR NV: Nguyen

ASM APPROPRIATIONS: 12-3-0

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta

NO: Hoover, Dixon, Tangipa

UPDATED

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