
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1595 (Schultz) - Criminal procedure: writs of habeas corpus and motions to vacate

Version: May 18, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 1595 would expand opportunities for persons to seek post conviction relief.

Fiscal Impact: Estimated \$6 million annually for trial court workload cost pressure. Removing procedural bars that are typically administrative reasons for petitions to be dismissed prior to a merit-based determination, the Judicial Council (JC) estimates a major increase in workload associated with these petitions at the superior court, Court of Appeal, and Supreme Court levels. JC estimates each petition that would currently be dismissed on a procedural bar will require a full merit-based review which can vary in complexity and length and will require review by an experienced attorney and a significant increase in personnel. While the courts are not funded on a workload basis, an increase in workload of this magnitude would result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Increasing the ease to file writs of habeas corpus will likely invite more petitions from Department of State Hospital (DSH) patients challenging their commitment, underlying conviction, or conditions of confinement. It would also increase the number of cases that require the court to solicit responses and or hold an evidentiary hearing rather than summarily dismissing them. Often, committing counties report lack of resources to respond to writs. As the custodian of the patient, DSH must respond and is required to obtain representation from the Department of Justice (DOJ). It would also increase workload for DSH attorneys who review all petitions, draft formal and informal responses, and coordinate with county District Attorney's offices. This bill would increase DSH workload, requiring additional resources. (General Fund)

The cost for DOJ to represent DSH is approximately \$30,000 per petition. Petitions that would otherwise be dismissed would now require consideration and response. Assuming an additional four habeas petitions filed per year will lead to an annual increase of \$120,000 in DOJ for DSH. Additionally, DSH estimates it will need an attorney III position at an annual cost of \$272,000 to address internal workload. In total, DSH estimates annual costs of \$392,000. (General Fund)

Potentially significant costs to the Department of Corrections and Rehabilitation (CDCR) due to increasing post-conviction litigation workload. To the extent incarcerated individuals file additional writs, CDCR could experience increased workload across many institutional Litigation Coordinator offices, who handle most requests for

information related to resentencing efforts, including responding to subpoenas from district attorneys and defense counsel, processing additional records requests, and coordinating confidential legal visits and legal calls. (General Fund).

Background: This bill seeks to unify the standards between habeas petitions based on new evidence and false testimony, requiring a showing of a reasonable probability of a different outcome in the case. This bill authorizes a habeas petitioner, in order to overcome a procedural bar to relief based on untimeliness or successiveness, to demonstrate that the allegations in the petition, if taken as true, combined with any other evidence before the court, including any new or changed law, creates a reasonable probability of a different result sufficient to undermine confidence in the outcome of the case. This bill also specifies that where the prosecutor concedes to a factual basis or stipulates to a factual or legal basis forming the basis of a habeas petition, it is binding on the parties and may not generally be withdrawn. This bill provides that a stipulation may only be withdrawn if the moving party proves beyond a preponderance of 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. Finally, this bill specifies that one of the remedies available to the court in a habeas proceeding is a dismissal of charges that bars further prosecution.

Related Legislation: AB 3088 (Friedman) 2024 proposes requiring habeas corpus petition to be considered by a court on its 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 on the committee's suspense file.

Staff Comments: Judicial Council notes that, if funding is not provided for the new workload created by this bill, it could result in delays and prioritization of court cases and may impact access to justice and that the effective date of this measure should be aligned with the state budget process, July 1, 2027, to ensure the judicial branch has the resources available to implement this bill.