

THIRD READING

Bill No: AB 1595
Author: Schultz (D)
Amended: 5/18/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/23/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 61-14, 5/26/26 - See last page for vote

SUBJECT: Criminal procedure: writs of habeas corpus and motions to vacate

SOURCE: California Innocence Coalition

DIGEST: This bill (1) 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; (2) provides that a prosecutorial concession to a factual basis or stipulation to a factual or legal basis for habeas relief is binding, except as specified; and (3) specifies that one of the remedies available to the court in a habeas proceeding is a dismissal of charges that bars further prosecution.

ANALYSIS:

Existing law:

- 1) Authorizes a person unlawfully imprisoned or restrained of their liberty, under any pretense, to prosecute a writ of habeas corpus to inquire into the cause of the imprisonment or restraint. (Penal (Pen.) Code, § 1473, subd. (a).)
- 2) Provides that a writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:
 - a) False evidence that is material on the issue of guilt or punishment was introduced against a person at a hearing or trial relating to the person's incarceration.
 - b) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.
 - c) New evidence exists that is presented without substantial delay, is admissible, and is sufficiently material and credible that it more likely than not would have changed the outcome of the case. Provides that "new evidence" means evidence that has not previously been presented and heard at trial and has been discovered after trial.
 - d) A significant dispute has emerged or further developed in the petitioner's favor regarding expert medical, scientific, or forensic testimony that was introduced at trial or a hearing and that expert testimony more likely than not affected the outcome of the case. Provides that expert medical, scientific, or forensic testimony includes the expert's conclusion or the scientific, forensic, or medical facts upon which their opinion is based. (Pen. Code, § 1473, subd. (b)(1)(A)-(D).)
- 3) Provides that a significant dispute may be as to the reliability or validity of the diagnosis, technique, methods, theories, research, or studies upon which a medical, scientific, or forensic expert based their testimony. (Pen. Code, § 1473, subd. (b)(1)(D)(ii).)
- 4) Provides that a significant dispute can be established by credible expert testimony or declaration, or by peer reviewed literature showing that experts in the relevant medical, scientific, or forensic community, substantial in number or expertise, have concluded that developments have occurred that undermine the reliability or validity of the diagnosis, technique, methods, theories, research, or studies upon which a medical, scientific, or forensic expert based their testimony. (Pen. Code, § 1473, subd. (b)(1)(D)(iii).)

- 5) Provides that in assessing whether a dispute is significant, the court shall give great weight to evidence that a consensus has developed in the relevant medical, scientific, or forensic community undermining the reliability or validity of the diagnosis, technique, methods, theories, research, or studies upon which a medical, scientific, or forensic expert based their testimony or that there is a lack of consensus as to the reliability or validity of the diagnosis, technique, methods, theories, research, or studies upon which a medical, scientific, or forensic expert based their testimony. (Pen. Code, § 1473, subd. (b)(1)(D)(iv).)
- 6) Provides that the significant dispute must have emerged or further developed within the relevant medical, scientific, or forensic community, which includes the scientific community and all fields of scientific knowledge on which those fields or disciplines rely and shall not be limited to practitioners or proponents of a particular scientific or technical field or discipline. (Pen. Code, § 1473, subd. (b)(1)(D)(v).)
- 7) Requires the court, if the petitioner makes a prima facie showing that they are entitled to relief due to a significant dispute that has emerged or developed, to issue an order to show cause why relief shall not be granted. Provides that to obtain relief, all the elements must be established by a preponderance of the evidence. (Pen. Code, § 1473, subd. (b)(1)(D)(vi).)
- 8) Provides that “false evidence” includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by the state of scientific knowledge or later scientific research or technological advances. (Pen. Code, § 1473, subd. (a)(2).)
- 9) Provides that the above provisions do not change the existing procedures for habeas relief, except as provided. (Pen. Code, § 1473, subd. (c).)
- 10) Provides that for purposes of a habeas petition, if the district attorney in the county of conviction or the Attorney General concedes or stipulates to a factual or legal basis for habeas relief, there is a presumption in favor of granting relief. Provides that this presumption may be overcome only if the record before the court contradicts the concession or stipulation, or it would lead to the court issuing an order contrary to law. (Pen. Code, § 1473, subd. (g).)
- 11) Provides that any person no longer unlawfully imprisoned or restrained may prosecute a motion to vacate a judgment for any of the following reasons:

- a) Newly discovered evidence of fraud by a government official that completely undermines the prosecution's case, is conclusive, and points unerringly to his or her innocence.
 - b) Newly discovered evidence that a government official testified falsely at the trial that resulted in the conviction and that the testimony of the government official was substantially probative on the issue of guilt or punishment.
 - c) Newly discovered evidence of misconduct by a government official committed in the underlying case that resulted in fabrication of evidence that was substantially material and probative on the issue of guilt or punishment. Specifies that evidence of misconduct in other cases is not sufficient to warrant relief under this provision of law. (Pen. Code, § 1473.6, subd. (a).)
- 12) Provides that "newly discovered evidence" is evidence that could not have been discovered with reasonable diligence prior to judgment. (Pen. Code, § 1473.6, subd. (b).)
- 13) Provides that the procedure for bringing and adjudicating a motion to vacate a judgment, including the burden of producing evidence and the burden of proof, is the same as for prosecuting a writ of habeas corpus. (Pen. Code, § 1473.6, subd. (c).)
- 14) Provides that a motion to vacate a judgment must be filed within one year of the date the moving party discovered, or could have discovered with the exercise of due diligence, additional evidence of the misconduct or fraud by a government official beyond the moving party's personal knowledge. (Pen. Code, § 1473.6, subd. (d).)
- 15) Provides that a person who is no longer in criminal custody may file a motion to vacate a conviction or sentence for any of the following reasons:
- a) The conviction or sentence is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence. Provides that a finding of legal invalidity may, but need not, include a finding of ineffective assistance of counsel.
 - b) Newly discovered evidence of actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice.

- c) A conviction or sentence was sought, obtained, or imposed on the basis of race, ethnicity, or national origin, as specified. (Pen. Code, § 1473.7, subd. (a).)
- 16) Provides that a motion to vacate a conviction or sentence is timely if filed at any time in which the individual filing the motion is no longer in criminal custody, except as specified. (Pen. Code, § 1473.7, subd. (b).)
- 17) Requires the court to grant the motion to vacate the conviction or sentence if the moving party establishes, by a preponderance of the evidence, the existence of any of the grounds for relief outlined above. (Pen. Code, § 1473.7, subd. (f)(1).)
- 18) Provides that the party brought before the court, on the return of the writ, may deny or controvert any of the material facts or matters set forth in the return, or except to the sufficiency thereof, or allege any fact to show either that the imprisonment or detention is unlawful, or that he is entitled to his discharge. Requires the court to proceed in a summary way to hear such proof as may be produced against such imprisonment or detention, or in favor of the same, and to dispose of such party as the justice of the case may require, and have full power and authority to require and compel the attendance of witnesses, by process of subpoena and attachment, and to do and perform all other acts and things necessary to a full and fair hearing and determination of the case. (Pen. Code, § 1484.)

This bill:

- 1) Provides 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) Provides 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.
- 3) Provides that a significant dispute regarding expert testimony need only exist, there is a reasonable probability that the testimony affected the outcome of the case, and the significant dispute was not previously presented and heard at trial.

- 4) 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 to demonstrate there is no likelihood the false evidence impacted the jury.
- 5) Provides 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.
- 6) Provides that if the Attorney General or district attorney stipulates or concedes to any factual basis for habeas relief, that concession or stipulation is binding on the parties. Provides that 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. Provides that 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.
- 7) Requires a court to grant relief based on a concession or stipulation unless doing so would be contrary to law. Requires the court to issue a written order explaining its legal and factual basis if the court rejects a concession or stipulation. Provides that the order is appealable.
- 8) Provides 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 sufficient 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.
 - c) Where there is new evidence of misconduct by a government official committed in the underlying case that resulted in fabrication of evidence 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.

- 9) Provides that new evidence is evidence that has not previously been presented and heard at trial and has been discovered after trial.
- 10) Provides 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.
- 11) 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. Provides that the court has broad authority to fashion appropriate relief if granting relief from a habeas petition. Authorizes the court to dismiss a pending action with or without prejudice.
- 12) 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

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:No

According to the Senate Appropriations Committee:

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).

SUPPORT: (Verified 8/13/26)

California Innocence Coalition (source)
ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Ella Baker Center for Human Rights
Exonerated Nation
Friends Committee on Legislation of California
Initiate Justice
Justice2Jobs Coalition
La Defensa
Los Angeles County Public Defender's Union, Local 148
San Quentin Skunkworks
Smart Justice California

OPPOSITION: (Verified 8/13/26)

California District Attorneys Association
Peace Officers Research Association of California

ASSEMBLY FLOOR: 61-14, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Elhawary, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ta, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, Davies, DeMaio, Dixon, Ellis, Jeff Gonzalez, Hadwick, Hoover, Johnson, Macedo, Patterson, Sanchez, Tangipa, Wallis

NO VOTE RECORDED: Flora, Muratsuchi, Ransom, Celeste Rodriguez, Soria

Prepared by: Stephanie Jordan / PUB. S. /
8/14/26 10:29:00

**** **END** ****