

CONCURRENCE IN SENATE AMENDMENTS

AB 1595 (Schultz)

As Amended August 19, 2026

Majority vote

SUMMARY

Authorizes a habeas petition on grounds of false evidence related to a petitioner's guilt or punishment where there is any reasonable likelihood the evidence would have affected the outcome of the case. **Senate Amendments**

- 1) Remove the authorization for 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) Mandate that, whenever the prosecution stipulates or concedes that the defendant or petitioner has an intellectual disability, the court accept the stipulation or concession unless it finds the stipulation or concession is not supported by documentary evidence that provides a factual basis for concluding by a preponderance of the evidence that the person has an intellectual disability.
- 3) State if the court declines to accept a stipulation or concession, it must state its factual and legal rationale for doing so on the record.
- 4) Clarify that a significant dispute about evidence admitted as to guilt or sentencing may be established by qualified admissible expert testimony or declaration, or declaration that undermines the reliability or validity of the diagnosis, technique, methods, theories, research, or studies upon which a medical, scientific, or forensic expert at trial, or a hearing, based their testimony, as well as citation peer reviewed literature undermining reliability.
- 5) Eliminate language related to the evidence necessary to overcome the procedural bar to relief based on untimeliness or successiveness.
- 6) Clarify that a concession is binding only if the concession is contained in a return or other filing signed by counsel for respondent and expressly identifies the factual basis for the concession. That concession cannot be withdrawn and is deemed a forfeiture of the right to put forth rebuttal evidence.
- 7) State that if a prosecutor stipulates to a factual or legal basis for habeas relief, the stipulation is binding on the parties only if it is filed with the court, signed by counsel for both parties, and expressly identifies the factual or legal basis being stipulated to. A stipulation is deemed a forfeiture of the right to put forth rebuttal evidence.
- 8) Remove a requirement that a court grant relief based on a concession or stipulation unless doing so would be contrary to law.
- 9) Provide that if the prosecutor in the county of conviction or the Attorney General concedes or stipulates to a factual or legal basis for habeas relief, there shall be a presumption in favor of granting relief. This presumption may be overcome only if the record before the court

contradicts the concession or stipulation or if it would lead to the court issuing an order contrary to law.

COMMENTS

As Passed by the Assembly

Authorized 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) Stated 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) Revised 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) Clarified 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) Stated 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) Required 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) Stated 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) Stated 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) Required 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 should issue a written order explaining its legal and factual basis, and that order is appealable.
- 9) Clarified 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) Stated 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) Stated 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) Required 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) Included 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.

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 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.

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

² *Strickland, supra*, at p. 694.

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 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)."

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

ASSEMBLY FLOOR: 61-14-5

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, 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

NO: Castillo, Davies, DeMaio, Dixon, Ellis, Jeff Gonzalez, Hadwick, Hoover, Johnson, Macedo, Patterson, Sanchez, Tangipa, Wallis

ABS, ABST OR NV: Flora, Muratsuchi, Ransom, Celeste Rodriguez, Soria

UPDATED

VERSION: August 19, 2026

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