

Date of Hearing: April 7, 2026  
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1759 (Elhawary) – As Introduced February 9, 2026

**SUMMARY:** Requires a study of the current California Department of Corrections and Rehabilitation (CDCR) security classification system. Specifically, **this bill:**

- 1) Requires CDCR to contract with an independent research entity to conduct a study to reassess the entire current security classification system to ensure that classification decisions reflect actual safety risk and do not hold incarcerated people in higher-level facilities longer than necessary.
- 2) Requires the study to include at least all of the following:
  - a) Initial classification.
  - b) Annual classification and reclassification.
  - c) The methodology used for annual reclassification point adjustments and the use of administrative determinants and overrides at department facilities.
- 3) Requires the study to contain policy recommendations to enhance the effectiveness of the classification system.
- 4) Provides that the research entity's recommendations for a new classification system shall achieve all of the following objectives:
  - a) Expand access to rehabilitation, reducing both recidivism and violence.
  - b) Ensure that incarcerated people are not held at higher levels of security than necessary.
  - c) Improve institutional safety by accurately identifying who poses a higher risk of violence.
  - d) Save the state money by ensuring incarcerated people can earn programming credits that reduce sentence length.
- 5) Provides that the research entity selected to perform the study shall be selected by the Office of the Inspector General and adhere to all of the following criteria:
  - a) The entity has research institutions based in the California State University or the University of California.

- b) The entity has a history of partnering with government agencies.
  - c) The entity has a commitment to equity in their work and impacts.
  - d) The entity has demonstrated expertise on CDCR policy and data.
- 6) Requires CDCR, on or before January 1, 2028, to publish on its internet website and submit to the Legislature a report on the findings and recommendations of the study.
  - 7) Provides a sunset date of January 1, 2029.
  - 8) Includes findings and declaration.

**EXISTING LAW:**

- 1) Provides that the classification committee at each institution must assign a custodial classification to each incarcerated person, in accordance with the custodial classifications prescribed by the department. (Cal. Code Regs., tit. 15, § 3272.)
- 2) Authorizes the senior custodial officer on duty to temporarily increase the custodial classification of an incarcerated person at any time they believe such action is necessary to protect the security and good order of the institution. (Cal. Code Regs., tit. 15, § 3272.)
- 3) Provides that a temporary increase is subject to classification committee review at the next regular meeting. (Cal. Code Regs., tit. 15, § 3272.)
- 4) Requires any reduction of an incarcerated person's custody classification to be by classification committee action. (Cal. Code Regs., tit. 15, § 3272.)
- 5) Requires the CDCR classification process to be uniformly applied, commencing upon reception of a person committed to the custody and to continue throughout the time the individual remains under the Secretary's jurisdiction. (Cal. Code Regs., tit. 15, § 3375, subd. (a).)
- 6) Provides that each incarcerated person shall be individually classified, as specified. (Cal. Code Regs., tit. 15, § 3375, subd. (a).)
- 7) Provides that the classification process shall take into consideration the incarcerated person's needs, interests and desires, their behavior and placement score in keeping with CDCR and institution's/facility's program and security missions and public safety. (Cal. Code Regs., tit. 15, § 3375, subd. (b).)
- 8) Provides that an automated needs assessment tool that identifies an incarcerated person's criminogenic needs shall be administered, as specified. (Cal. Code Regs., tit. 15, § 3375, subd. (b).)
- 9) Requires each determination affecting an incarcerated person's placement within an institution or facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff

knowledgeable in the classification process, except as specified. (Cal. Code Regs., tit. 15, § 3375, subd. (c).)

- 10) Provides that the classification of felon inmates shall include the classification score system as established. (Cal. Code Regs., tit. 15, § 3375, subd. (d).)
- 11) States that a lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs. (Cal. Code Regs., tit. 15, § 3375, subd. (d).)
- 12) Provides that, when possible, the incarcerated person shall be given sufficient advance written notice of any classification committee hearing to provide the incarcerated person reasonable preparation time to discuss the matter to be considered. (Cal. Code Regs., tit. 15, § 3375, subd. (e).)
- 13) States that an incarcerated person appearing before a classification committee shall be informed of the incarcerated person's next classification committee hearing date when it is known or can be anticipated. (Cal. Code Regs., tit. 15, § 3375, subd. (e).)
- 14) Gives incarcerated persons the following procedural safeguards regarding classification:
  - a) Incarcerated persons shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect, as defined.
  - b) Except as specified, the incarcerated person shall be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the incarcerated person.
  - c) Except as specified, a classification hearing without the incarcerated person's presence may be held only when the incarcerated person refuses to appear before the committee; or, the incarcerated person is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.
  - d) Provides that, if the incarcerated person was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing shall be postponed for at least 72 hours unless the hearing cannot be postponed because of safety or security factors, or the incarcerated person waives the 72-hour postponement.
  - e) Provides that the incarcerated person shall be permitted to contest the preliminary score or placement score in the hearing.
  - f) Each incarcerated person appearing before a classification committee, among other things, shall be informed of the purpose of the hearing, encouraged to participate in the hearing discussion, and informed of the committee's decision.
  - g) Classification committee decisions shall be based on evaluation of available information and mutual agreement of the committee members. (Cal. Code Regs., tit. 15, § 3375, subd.

(f)(1)-(7.)

- 15) Provides that every classification decision shall be documented by the committee and shall include, among other things, the reason or purpose for the committee hearing, the action taken, the specific reasons for the action including the information upon which the decision was based. (Cal. Code Regs., tit. 15, § 3375, subd. (g)(1)(A)-(C).)
- 16) Provides that documentation from each institution's initial classification reviews shall include prescribed case factors, including, among others, commitment offense; length of sentence; escape related convictions; the current placement score, security level, and custody designation; the reason the incarcerated person was transferred to the current location; and any other pertinent case information and/or casework follow-up needed. (Cal. Code Regs., tit. 15, § 3375, subd. (g)(5)(D), (E), (H), (L), (M) & (S).)
- 17) Provides that an incarcerated person shall not remain at an institution/facility with a security level which is not consistent with the incarcerated person's placement score unless approved by a Classification Staff Representative (CSR) or a staff person designated to serve in that capacity. (Cal. Code Regs., tit. 15, § 3375, subd. (i).)
- 18) Requires a newly incarcerated person convicted of a felony to be given a classification score based on all relevant documents available during the reception center process and an interview of the incarcerated person, and provides that the incarcerated person shall be allowed to contest specific item scores and other case factors. (Cal. Code Regs., tit. 15, § 3375, subd. (j)(1).)
- 19) Provides that the continuous classification process requires recalculation of a person's placement score twelve months after the date that the incarcerated person physically arrived in the reception center and annually thereafter; any six-month period when favorable points are granted or unfavorable points are assessed which would cause the incarcerated person's placement score to fall outside of the facility security level; and each time a case is presented to a CSR for placement consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k)(1)(A)-(C).)
- 20) Provides that, if an incarcerated person's recalculated placement score is not consistent with the institution or facility security level where the incarcerated person is housed, the case shall be presented to a CSR for transfer consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "For far too long, many incarcerated individuals have been held in higher levels of security than necessary. AB 1759 would take steps toward ensuring that our security classification system is reflective of actual safety risks. Doing so will expand access to rehabilitation programs, and thereby, reduce recidivism. This is important because we must build up, rather than tear down, those who have been system-impacted."
- 21) **Effect of this Bill:** The bill would require an evaluation of CDCR's security classification system. After being sentenced to state prison, a newly incarcerated person receives a

classification score during the reception process. (Cal. Code Regs., tit. 15, § 3375, subd. (i)(1); see Cal. Code Regs., tit. 15, § 3272.) The classification process takes into consideration the incarcerated person's needs, interests and desires, their behavior and placement score in keeping with CDCR and an institution's or facility's program and security missions and public safety. (Cal. Code Regs., tit. 15, § 3375, subd. (b).) An automated needs assessment tool that identifies an incarcerated person's criminogenic needs is used. (*Ibid.*) A lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs. (Cal. Code Regs., tit. 15, § 3375, subd. (d).) An incarcerated person is then assigned to a facility with a security level corresponding to their placement score.<sup>1</sup>

After the initial assessment, CDCR must recalculate a person's placement score twelve months after the date that the incarcerated person physically arrived in the reception center and annually thereafter; any six-month period when favorable points are granted or unfavorable points are assessed which would cause the incarcerated person's placement score to fall outside of the facility security level; and each time a case is presented to a CSR for placement consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k)(1)(A)-(C).) Upon recalculation, if an incarcerated person's recalculated placement score is not consistent with the institution or facility security level where the incarcerated person is housed, the case shall be presented to a CSR for transfer consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k).)

Existing regulations require a classification committee to make determinations affecting an incarcerated person's placement within an institution or facility, transfer between facilities, program participation, privilege groups, or custody designation. (Cal. Code Regs., tit. 15, § 3375, subd. (c).) Whenever possible, an incarcerated person shall be given sufficient advance written notice of any classification committee hearing. (Cal. Code Regs., tit. 15, § 3375, subd. (e).) Regulations also establish other procedural safeguards for classification hearings, including presence at the hearing unless presence is waived, postponement of the hearing if proper notice was not given, the ability to challenge a preliminary score or placement score, and the opportunity to participate in the hearing. (Cal. Code Regs., tit. 15, § 3375, subd. (f)(2), (3), (4), (5), & (6).)

Moreover, an incarcerated person must receive written notice at least 72 hours in advance of a hearing which could result in an adverse effect on their classification. (Cal. Code Regs., tit. 15, § 3375, subd. (f)(1).) An adverse effect includes the involuntary transfer to a higher security level institution/facility, which is not consistent with the incarcerated person's placement score; increase in the incarcerated person's custody designation; involuntary placement in restricted housing; involuntary removal from an assigned program; placement in a reduced work group; involuntary transfer to another institution/facility because of the incarcerated person's misbehavior or receipt of new information that may affect staff, incarcerated persons, the public, or the safety and security of the institution/facility, whether or not their placement score is consistent with the receiving institution's/facility's security level; and transfer of an incarcerated person to a more restrictive institution or program where the security level is higher (*Ibid.*)

An incarcerated person shall not remain at an institution/facility with a security level which is

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<sup>1</sup> <https://www.cdcr.ca.gov/ombuds/ombuds/entering-a-prison-faqs/>

not consistent with the incarcerated person's placement score unless approved by a CSR or a staff person designated to serve in that capacity. (Cal. Code Regs., tit. 15, § 3375, subd. (i).)

Existing regulations also authorize the senior custodial officer on duty to temporarily increase the custodial classification of an incarcerated person at any time they believe such action is necessary to protect the security and good order of the institution. (Cal. Code Regs., tit. 15, § 3272.) However, a temporary increase is subject to classification committee review at the next regular meeting. (*Ibid.*) And any reduction of an incarcerated person's custody classification must be by classification committee action. (*Ibid.*)

This bill would require CDCR to contract with an independent research entity, to be selected by the Office of the Inspector General, to conduct a study to reassess the classification system to ensure that classification decisions reflect actual safety risk and that incarcerated people are not being held in higher-level facilities longer than necessary. Among other things, the study must include the methodology used for annual reclassification point adjustments and the use of administrative determinants and overrides at department facilities. The study also must provide policy recommendations to enhance the effectiveness of the classification system, with the goal to expand access to rehabilitation, reducing both recidivism and violence; ensure that incarcerated people are not held at higher levels of security longer than necessary; improve institutional safety by accurately identifying who poses a higher risk of violence; and save the state money by ensuring incarcerated people can earn programming credits that reduce sentence length.

- 2) **Argument in Support:** According to *Transformative Programming Works*, the bill's sponsor, "AB 1759 requires the California Department of Corrections and Rehabilitation (CDCR) to contract with a research entity to reassess the current security classification system and ensure that classification decisions reflect actual safety risks, thereby minimizing the number of incarcerated people unnecessarily held in higher-level facilities with inadequate access to rehabilitative programs.

"California currently spends millions of dollars housing people in high-security facilities who do not require that level of custody, while simultaneously restricting their access to programs proven to reduce recidivism. The current classification methodology relies heavily on static factors such as commitment offense, sentence length, age, and prior history. These factors often result in individuals being placed in Level III and Level IV facilities for extended periods of time, even when their in-custody behavior and demonstrated rehabilitation do not warrant high-security placement. As a result, many people are housed in restrictive settings with limited access to rehabilitative programming.

"The data is clear: access to rehabilitation improves outcomes, both inside and outside prisons. In 2024, CDCR reported that individuals who participated in CBO-led rehabilitative programs had a recidivism rate of 21.1%, compared to 45.6% for those who did not. Ensuring earlier and more equitable access to programming is one of the most effective tools for reducing recidivism and strengthening public safety.

"Community-based organizations play a unique and essential role in this work. CBO-led programming is often culturally responsive, trauma-informed, and rooted in lived experience.

"These programs build trust, increase engagement, and create space for accountability and

behavioral change in ways that traditional institutional programming alone cannot. Access to this programming improves institutional behavior, reduces violence, and prepares individuals for successful reentry.

“This bill is also in line with the California Model, which seeks to create a correctional system centered on rehabilitation, normalization, and human dignity. An updated classification system is essential to realizing that vision. Without expanding access to rehabilitative programming, the promise of the California Model cannot be fully achieved.

“This bill would ensure that resources are directed where they are most needed, allowing individuals to earn programming credits sooner and enabling rehabilitation to be accessible earlier and more consistently throughout a person’s incarceration. This strengthens institutional safety and advances long-term public safety goals, while reducing state spending on incarceration.”

3) **Argument in Opposition:** None submitted.

4) **Related Legislation:**

- a) AB 2593 (Elhawary) would prohibit CDCR from denying medically necessary health care prescribed by a licensed health care provider. AB 2593 is pending hearing in the Assembly Appropriations Committee.
- b) AB 1922 (Lowenthal) would prohibit the use of mechanical restraints on an incarcerated person or juvenile who is admitted to a hospital and receiving care. AB 1922 is scheduled for hearing today in this committee.
- c) AB 2259 (Ransom) would establish a pilot program at two CDCR facilities for the provision of mental health therapy either through virtual therapy or contracted license mental health providers. AB 2259 is pending hearing in this committee.

5) **Prior Legislation:**

- a) AB 701 (Ortega), of the 2025-2026 Legislative Session, would have required the Department of Justice to study the use of solitary confinement in all jails, prisons, and private detention facilities operating within the State of California. AB 701 was held in suspense in the Assembly Appropriations Committee.
- b) AB 2632 (Holden), of the 2021-2022 Legislative Session, would have required all detention facilities to impose no limitation on services, treatment, or basic needs such as bedding, clothing and food for individuals in segregated confinement. AB 2632 was vetoed.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

ACLU California Action  
All of US or None (HQ)

All of US or None Orange County  
Alliance for Boys and Men of Color  
Alliance for California Traditional Arts  
Bridges of Hope CA  
California Coalition for Women's Prisoners  
California for Safety and Justice  
California Public Defenders Association  
Californians United for a Responsible Budget  
Center for Restorative Justice Works  
Communities United for Restorative Youth Justice (CURYJ)  
Courage California  
Crop Organization; the  
Defy Ventures  
Ella Baker Center for Human Rights  
Fair Chance Project  
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)  
Friends Committee on Legislation of California  
Friends Outside  
Glide  
Grip Training Institute  
Initiate Justice  
Jail Guitar Doors  
Jesse's Place Org  
Justice2jobs Coalition  
LA Defensa  
Land Together  
Legal Services for Prisoners With Children  
Rubicon Programs  
San Quentin Skunkworks  
Silicon Valley De-bug  
Ten Toes in  
The Prism Way  
The W. Haywood Burns Institute  
Theatreworkers Project  
Transformative Programming Works  
Uncommon Law  
2 Private Individuals

**Opposition**

None submitted

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