
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1816 **Hearing Date:** June 23, 2026
Author: Davies
Version: March 26, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *Probation: duration*

HISTORY

Source: Chief Probation Officers of California

Prior Legislation: AB 1087 (Joe Patterson), Ch. 180, Stats. of 2025
AB 2823 (Joe Patterson), not heard in Assembly Public Safety, 2024
AB 2106 (McCarty), Ch. 1007, Stats. of 2024
AB 2943 (Zbur), Ch. 168, Stats. of 2024
AB 1744 (Levine), Ch. 756, Stats. of 2022
AB 1950 (Kamlager), Ch. 328, Stats. of 2020
AB 484 (Jones-Sawyer), Ch. 578, Stats. of 2019
AB 597 (Levine), Ch. 44, Stats. of 2019
SB 678 (Leno), Ch. 608, Stats. of 2009

Support: California District Attorneys Association; California Police Chiefs Association; California Sex Offender Management Board; California State Sheriffs' Association; Los Angeles County District Attorney's office; Peace Officers Research Association of California

Opposition: ACLU California Action; California Attorneys for Criminal Justice; California Public Defenders Association; Californians United for a Responsible Budget; Ella Baker Center for Human Rights; Initiate Justice; Justice2Jobs Coalition; La Defensa; Los Angeles County Public Defender's Union, Local 148; Smart Justice California; 1 individual

Assembly Floor Vote: 69 - 0

PURPOSE

The purpose of this bill is to authorize a court to extend probation, up to one year beyond its statutory limits, for certain sex offenders when programming goals have not been met, exempting those sex offenders from the time-based probation model used for most criminal offenses that mandates termination of supervision after a certain number of years regardless of whether rehabilitative goals were achieved, treatment was completed, or risk factors were sufficiently addressed.

Existing law defines probation as “the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer.” (Pen. Code, § 1203, subd. (a).)

Existing law authorizes the court to impose and require any or all of the terms of imprisonment, fine, and other reasonable conditions as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer, and that should the probationer violate any of the terms or conditions imposed by the court in the matter, the court shall have authority to modify and change any and all the terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. (Pen. Code, § 1203.1, subd. (j).)

Existing law requires that, upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation.. (Pen. Code, § 1203.1, subd. (j).)

Existing law provides that the two-year felony probation limit does not apply to:

- A violent felony, as specified, and an offense that includes specific probation lengths within its provisions. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.
- A felony conviction for grand theft, as specified, embezzlement, and fraudulently obtaining money, property, or labor, if the total value of the property taken exceeds twenty-five thousand dollars (\$25,000). For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (1)(1)-(2).)

Existing law, the Sex Offender Registration Act, requires certain sex offenders to register with the chief of police of the city in which the person is residing, or the sheriff of the county if the person is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if the person is residing upon the campus or in any of its facilities, within five working days of coming into, or changing the person’s residence within, any city, county, or city and county, or campus in which the person temporarily resides. (Pen. Code, § 290.)

Existing law requires registered sex offenders to complete an approved sex offender management treatment program; the probation period may end before this requirement is met. (Pen. Code, § 3008.)

This bill authorizes the court to order the term of probation to continue for a period not exceeding one additional year for an offender required to register as a sex offender as a condition of probation, if certain conditions are met.

This bill requires the probation department to file a petition to the court and the court make a finding that the defendant has not successfully completed probation and that additional time is necessary to complete the programming for the term of probation to be extended.

This bill applies to mandatory sex offender registration for the enumerated offenses listed in Penal Code section 290.

This bill does not apply to discretionary sex offender registration under Penal Code section 290.006.

COMMENTS

1. Need For This Bill

According to the author:

Currently, California's arbitrary two-year cap on probation often results in the premature release of serious offenders before they have successfully completed rehabilitative programming or demonstrated they no longer pose a threat to our communities. AB 1816 fixes this broken system by removing that one-size-fits-all limit for sex crimes and serious felonies, allowing probation to extend for the full length of a potential sentence when necessary for public safety. By ensuring that high-risk individuals remain under supervision until they are truly prepared to reintegrate, we are prioritizing the rights of victims and the security of our neighborhoods over administrative convenience.

2. Recent Changes to Probation Terms

Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant's rehabilitation and protect public safety. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*Id.* at p. 1121.)

Prior to 2021, when a defendant was convicted of a felony, the court could impose a term of probation for up to five years, or no longer than the prison term that can be imposed if the maximum prison term exceeds five years. (Pen. Code, § 1203.1.) In misdemeanor cases, the court could impose a term of probation for up to three years, or no longer than the maximum term of imprisonment if more than three years. (Pen. Code, § 1203a.) Under this scheme, a study by the Justice Center of the Council of State Governments found that a large portion of people violated probation and end up incarcerated as a result; 24% of prison admissions in California

are the result of supervision violations, many of which were for technical reasons.¹ Prior to AB 1950, incarceration for supervision revocations cost California taxpayers at least \$2 billion annually.

After 2021, AB 1950 (Kamlager), Chapter 328, Statutes of 2020, limited probation to two years for a felony and one year for a misdemeanor, except where an offense is a specified violent felony and includes specific probation lengths within its provisions or for certain felony theft offenses where the total value of the property taken exceeds \$25,000. (Pen. Code, § 1203.1, subd. (I).)

After 2021, prison and jail populations decreased; this can be attributed partly to AB 1950 and partly to various changes made during the pandemic, including pre-trial releases from jails, stoppage of in-take from jail to prison, and accelerated prison releases.² In California, about 382,700 adults were under correctional supervision at the state or county level in 2024. This included 255,100 people (67%) at the county level and 127,600 (33%) at the state level. At the state level, 92,600 (73%) adults were held in prison, while 35,000 (27%) adults were supervised in the community on parole. In county jails, 196,700 (77%) adults were supervised in the community while on probation for a felony or misdemeanor, including 37,000 adults in Post-Release Community Supervision and 7,800 adults in mandatory supervision; the remainder of adults, 58,300 (23%), were held in county jails.

3. Supervision Reform

Extending probation terms does not reliably reduce recidivism and instead increases the likelihood of technical violations and unnecessary incarceration. Research examining probation outcomes has repeatedly found that the risk of reoffending is concentrated in the early months of supervision and declines significantly over time, meaning that prolonged supervision produces diminishing public safety benefits while increasing the likelihood of violations unrelated to new criminal conduct.³ Analyses of felony probation outcomes have found that the vast majority of arrests among individuals who recidivate occur during the first year of supervision, suggesting that longer probation periods primarily extend the window for technical violations rather than meaningfully improving safety.

California's own data show that the state's shift toward evidence-based supervision practices has reduced incarceration while maintaining public safety. The Community Corrections Performance Incentives Act (SB 678) was enacted to reduce prison admissions from probation revocations by encouraging counties to adopt practices proven to lower recidivism. In its most recent report to the Legislature, the Judicial Council found that the program has successfully reduced prison commitments resulting from probation violations while supporting expanded use of risk-and-needs assessments, treatment programs, and collaborative supervision strategies.⁴ The report

¹The Council of State Governments, Justice Center (June 2019). *Confined and Costly: How Supervision Violations are Filling Prisons and Burdening Budgets* <https://csgjusticecenter.org/publications/confined-costly/>

² California Legislative Analyst's Office (Dec. 2025). *How many adults are in California's state and county correctional systems and how has this changed over time?* https://lao.ca.gov/PolicyAreas/CJ/5_cj_inmates

³ Pew Charitable Trusts (Dec. 2020). *States Can Shorten Probation and Protect Public Safety* <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/12/states-can-shorten-probation-and-protect-public-safety>.

⁴ Judicial Council of California (Oct. 2025). *California Community Corrections Performance Incentives Act of 2009: 2025 Report to the Legislature* <https://courts.ca.gov/system/files/legislative-reports/lr-2025-ca-community-corrections-performance-incentives-act-2025.pdf>

further notes that the program has distributed more than \$1.6 billion to counties to support evidence-based probation practices, including \$116.1 million in fiscal year 2024-25. The Judicial Council found no evidence that these reforms have compromised public safety.

Probation reform advocates state that being on probation impacts every aspect of a person's life. Requirements, such as frequent reporting, ongoing and random drug testing, curfews, electronic monitoring, and the payment of fines and fees, make it difficult for many people on probation and parole to keep a job, maintain stable housing, participate in drug or mental health treatment, or fulfill financial obligations, such as child support.⁵ Even short jail stays can create serious hardships for individuals, including loss of employment, decreased wages, housing insecurity, and family instability.

4. Effect of This Bill

This bill expands the number of offenses that are exempt from the current term limits on probation. This bill only applies to defendants granted probation and ordered to register as sex offenders, as specified. For those defendants, the probation cap could increase by up to a year if the court makes a finding that a defendant has not successfully completed probation and needs additional time for programming.

This bill, therefore, could increase the number of incarcerated individuals in California as violation of probation is a crime. However, while this bill seeks to exclude individuals required to register as sex offenders from current probation term limits, many sex offenses are already considered violent felonies and, therefore, those offenses may already be exempted from the current probation term cap.

The California District Attorneys Association has suggested the following amendment to clarify an element of the bill that the Committee may wish to consider:

CDAA requests a minor amendment that we believe would be necessary to achieve the goals of AB 1816. Specifically, CDAA requests striking the language: "as a condition of probation," in proposed § 1203.1(1)(3). The reason for this request is that the court's order of registration pursuant to § 290 is not made "as a condition of probation," and thus, this clause could be read as a condition which in practice prevents the bill from having its intended effect. (See *People v. Eastman* (2018) 26 Cal.App.5th 638, 644 [Heading in the case stating: "Sex Offender Registration May Not Be Imposed as a Probation Condition"].) In other words, although a sentencing court can place a person on probation who the court has also ordered to register as a sex offender pursuant to § 290, the registration order is something distinct from a condition of probation. By striking the language "as a condition of probation," this bill would have the effect of allowing for the extension of probation for a person who was ordered to register pursuant to § 290 as a sex offender, was placed on probation, and for whom probation and the court believes additional time is necessary for programming.

⁵ Pew Charitable Trusts (April 2020). *Policy Reforms Can Strengthen Community Supervision*
<https://www.pew.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>

5. Argument in Support

According to the California Police Chiefs Association:

AB 1816 makes a targeted and important improvement to California law by authorizing courts to extend probation beyond current statutory limits for certain serious offenses, including specified sex offenses and serious felonies. This approach recognizes that some offenders require longer periods of supervision to successfully complete treatment programs, satisfy restitution obligations, demonstrate sustained compliance with court orders, and reduce the risk of reoffending.

Current law imposes rigid limitations on probation duration that may not adequately account for the complexity of certain cases or the needs of victims and communities. While probation reform has appropriately focused on reducing unnecessary supervision for lower-risk offenders, a one-size-fits-all approach can undermine accountability in cases involving more serious criminal conduct. In many instances, courts, probation departments, and treatment providers need additional time to ensure meaningful compliance with rehabilitative programming and other court-ordered requirements. AB 1816 addresses this concern by restoring limited judicial discretion to extend supervision when warranted by the facts of a particular case.

From a law enforcement perspective, this bill advances both accountability and public safety. Continued supervision allows probation departments to monitor compliance, enforce court-imposed conditions, and intervene when concerning behavior emerges. Extended probation may also help ensure completion of treatment programs, payment of victim restitution, compliance with registration or counseling requirements, and adherence to other conditions specifically designed to reduce recidivism and promote long-term behavioral change.

Law enforcement agencies across California routinely encounter individuals who continue to pose elevated risks after the expiration of abbreviated probation terms. In some cases, offenders have not completed treatment, have failed to satisfy restitution obligations, or continue to exhibit behaviors that raise legitimate public-safety concerns. AB 1816 provides courts with a practical and measured tool to address those circumstances while maintaining individualized judicial review and oversight.

Importantly, AB 1816 does not mandate longer probation terms. Instead, it preserves judicial discretion to determine when additional supervision is necessary based on the unique facts of each case. This flexibility allows courts to balance rehabilitation, accountability, victim interests, and public safety while ensuring that probation resources remain focused on offenders who present the greatest need for continued oversight.

6. Argument in Opposition

According to the California Public Defenders Association:

The central premise of AB 1816 is that probation should be extended when a person has not completed required programming. However, failure to complete programming is not always a reflection of unwillingness or noncompliance. Individuals frequently encounter barriers beyond their control, including waitlists, transportation challenges, housing instability, employment obligations, financial hardship, and limited program availability. Extending probation because treatment or programming remains unfinished risks penalizing individuals for systemic shortcomings rather than addressing the barriers themselves.

AB 1816 risks legislating further inequality based on socioeconomic status. In other words, an affluent individual with full insurance coverage or the means to pay for sex offender treatment and reliable transportation or the means to pay for a car service, may complete the sex offender treatment program within the probationary period. In contrast, an economically challenged individual with no insurance who may have to wait for a sliding scale fee opening in a program and lacking a reliable vehicle or even access to public transportation in rural California will have their probation extended.

Research consistently demonstrates that the public safety benefits of probation supervision are concentrated in the earliest period of supervision and diminish substantially over time. The Pew Charitable Trusts has found that most recidivism occurs during the first year of supervision and that unnecessarily prolonged probation increases opportunities for technical violations without corresponding improvements in public safety. (Pew Charitable Trusts, *States Can Shorten Probation and Protect Public Safety* (Dec. 2020), available at: <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/12/states-can-shorten-probation-and-protect-public-safety>.)

AB 1816 would create an offense-specific exception to California's probation reforms without demonstrating that longer supervision is necessary to achieve rehabilitation or improve public safety outcomes. If additional programming is needed, the more effective solution is to increase access to evidence-based treatment and services during the probation period already authorized by law rather than extending court supervision beyond the limits established by the Legislature.

California has spent the last decade moving toward a probation system grounded in evidence, targeted interventions, and efficient use of limited resources. Although the amended bill is significantly narrower than its original form, it nevertheless represents a step away from those reforms by authorizing additional supervision based on program completion rather than demonstrated risk or new misconduct.