

THIRD READING

Bill No: AB 1816
Author: Davies (R)
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 6/23/26

AYES: Arreguín, Seyarto, Caballero, Pérez

NOES: Wiener

NO VOTE RECORDED: Cortese

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 69-0, 5/14/26 - See last page for vote

SUBJECT: Probation: duration

SOURCE: Chief Probation Officers of California

DIGEST: This bill authorizes 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. This bill allows the court to consider the probationer's progress in treatment, compliance with other terms of supervision, and whether an extension serves the interests of public safety and rehabilitation.

ANALYSIS:

Existing law:

- 1) 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.” (Penal (Pen.) Code, § 1203, subd. (a).)

- 2) 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).)
- 3) 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).)
- 4) Provides that the two-year felony probation limit does not apply to:
 - a) 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.
 - b) 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. (l)(1)-(2).)
- 5) 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.)

- 6) Requires registered sex offenders to complete an approved sex offender management treatment program. (Pen. Code, § 3008.)

This bill:

- 1) 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.
- 2) 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.
- 3) Allows the court to consider the probationer's progress in treatment, compliance with other terms of supervision, and whether an extension serves the interests of public safety and rehabilitation.

Background

Supervision Reform. Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can be “formal” or “informal.” Formal probation is under the direction supervision of a probation officer. The level of supervision is linked to the level of risk the probationer presents to the community.

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. (The 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/>.) 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. (l).)

Extending probation terms does not reliably reduce recidivism and instead increases the likelihood of technical violations and unnecessary incarceration. (National Institute of Justice (June 2016). *Five Things About Deterrence* <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.) 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.

Extended probation results in increased surveillance, more opportunities for technical violations, and greater system entanglement, particularly for people with unstable housing, employment challenges, or limited access to resources. (Pew Charitable Trusts (July 2019). *To Safely Cut Incarceration, States Rethink Responses to Supervision Violations* <https://www.pew.org/en/research-and-analysis/issue-briefs/2019/07/to-safely-cut-incarceration-states-rethink-responses-to-supervision-violations>.) Data shows that the state's shift toward evidence-based supervision practices has reduced incarceration while maintaining public safety. The Community Corrections Performance Incentives Act was enacted to reduce prison admissions from probation revocations by encouraging counties to adopt practices proven to lower recidivism. (SB 678, Leno, Chapter 608, Statutes of 2009.) 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. (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>.) The report 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 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. (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>.)

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

According to the Senate Committee on Appropriations:

Unknown costs to the counties if an extended term of probation is imposed. Formal (felony) probation generally involves strict conditions, regular check-ins, drug testing, counseling, community services and fees. Informal (summary) probation is lighter supervision and often only requires compliance with court terms. The average annual cost for all forms of probation is an estimated \$20,000 to \$40,000 annually compared to approximately \$78,000 for a year in county jail. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$90,000 per incarcerated person. Actual incarceration costs will depend on the number of convictions and the length of each sentence up to one year. Generally, county probation costs are not reimbursable state mandates pursuant to Proposition 30 (2012). However, increased local incarceration increases pressure to provide funding to alleviate jail overcrowding. (General Fund)

Potentially significant costs to the courts to adjudicate new petitions depending on unknowns, including the numbers of people charged

and the factors unique to each case. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and increase pressure 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).

Unknown, potentially minor costs to county probation departments for continued supervision of offenders whose probation is extended by up to one year under this bill. The bill's fiscal impact depends on the number of felony probationers with a Section 290(c) registration requirement whose probation departments petition for an extension. That figure is not tracked but is likely small given the narrow trigger: the probation department must file a petition, and the court must find that the defendant has not successfully completed probation and that additional time is necessary for programming. Probation supervision costs are borne by county general funds and are potentially reimbursable as a state-mandated local program.

SUPPORT: (Verified 8/13/26)

Chief Probation Officers of California (source)
CA Sex Offender Management Board
California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Los Angeles County District Attorney's Office
Peace Officers Research Association of California

OPPOSITION: (Verified 8/13/26)

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

Local 148 Los Angeles County Public Defender's Union
Smart Justice California

ASSEMBLY FLOOR: 69-0, 5/14/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

NO VOTE RECORDED: Arambula, Bennett, Bonta, Bryan, Caloza, Elhawary, Jackson, Kalra, Lee, Celeste Rodriguez, Zbur

Prepared by: Natalia DaSilva Telles / PUB. S. /
8/17/26 10:42:53

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