

CONCURRENCE IN SENATE AMENDMENTS

AB 1816 (Davies)

As Amended August 13, 2026

Majority vote

SUMMARY

Provides that, for an offender granted probation and ordered to register as sex offender, as specified, where the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, the court may order the term of probation to continue as necessary to complete programming for a period not exceeding one additional year and under the conditions as it shall determine.

Senate Amendments

- 1) Provide that, in making the finding that the term of probation continue for a probationer to complete programming, the court may 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.
- 2) Make technical changes.

COMMENTS

As Passed by the Assembly, this bill: Provided that, for an offender granted probation and ordered to register as sex offender, as specified, as a condition of probation, where the probation department files a petition to the court and the court makes a finding that the defendant has not successfully completed probation and additional time is necessary for programming, the court may order the term of probation to continue as necessary to complete programming for a period not exceeding one additional year and under the conditions as it shall determine.

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."

Arguments in Support

According to *The Chief Probation of Officers of California*, the bill's sponsor, "Assembly Bill 1950, [(Kamlager)], Chapter 328, Statutes of 2020, set the maximum term of probation for most misdemeanor crimes at one year and the maximum term of probation for most felonies at two years. There are certain crimes which are excluded from AB 1950 such as violent felonies, specified domestic violence offenses, and other crimes. This arbitrary cap set by AB 1950 shifted probation from an evidence-based model to a time-based model, which resulted in limiting the time to reasonably complete treatment for these specified offenses. "

"Other states have already adjusted to lessons learned in California by passing legislation regarding probation term lengths that took into account rehabilitative and treatment needs, and risk factors. Rather than a specific cap regardless of rehabilitation or risk factors, legislation has utilized approaches such as allowing individuals to become eligible for a review after a specified period of time to determine suitability to terminate earlier based on rehabilitative goals and safety considerations, or setting a probation term but allowing for court extensions/modifications in order to meet specific rehabilitation goals that have not yet been achieved. "

"AB 1816 would establish an appropriate pathway for courts to extend probation beyond two years when rehabilitative goals have not yet been met for individuals convicted of these serious offenses. Rehabilitation related to these criminogenic needs often require targeted, structured, and closely monitored programming to address underlying risks and needs. This approach is consistent with evidence-based practices, which emphasize that supervision should end based on progress, stability, and successful completion rather than the simple passage of time."

"AB 1816 ensures that registerable sex offenses and serious felonies are not subject to the arbitrary two-year maximum probation term and authorizes courts to extend a term of probation beyond the two years when the court determines that the person has not successfully completed probation and their required rehabilitative programming."

Arguments in Opposition

According to the *San Francisco Public Defender*, "California has implemented various criminal justice reforms following decades of over-incarceration and misallocation of state funds into jails and prisons rather than prevention, intervention, and treatment services. A few years ago, we passed a historic reform, AB 1950 (Kamlager-Dove) Chapter 328, Statutes of 2020, that limited the term of probation to no more than two years for a felony conviction and one year for a misdemeanor conviction, with limited exceptions. AB 1816 seeks to reverse this progress.

"A 2018 Justice Center of the Council of State Governments study found that a large portion of people violate probation and end up incarcerated as a result. The study revealed that 24% of prison admissions in California are the result of supervised violations, vastly increasing amount of money we spend annually to incarcerate people for these violations. Prior to the AB 1950 reform, 20% of people incarcerated in a California prison were behind bars for supervised probation violations. Most violations are 'technical' and minor in nature, such as missing a drug rehab appointment or socializing with a friend who has a criminal record. Probation — originally meant to reduce recidivism — has instead become a pipeline for reentry into the carceral system.

"Supervision revocations, especially for technical violations, are a major driver of costly jail and prison admissions, and even short jail stays can create serious hardships for individuals, including loss of employment, decreased wages, housing insecurity, and family instability. Prior to the AB 1950 reform, incarceration for supervision revocations cost California taxpayers at least \$2 billion annually. We encourage the legislature to allow for the recent reform to continue taking effect before we make any further changes."

FISCAL COMMENTS

According to the Senate Appropriations Committee, "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 fiscal year (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."

VOTES:

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Haney

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Calderon, Muratsuchi

ASSEMBLY FLOOR: 69-0-11

YES: 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

ABS, ABST OR NV: Arambula, Bennett, Bonta, Bryan, Caloza, Elhawary, Jackson, Kalra, Lee, Celeste Rodriguez, Zbur

SENATE FLOOR: 37-2-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson

NO: Smallwood-Cuevas, Wiener

ABS, ABST OR NV: Becker

UPDATED

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