

ASSEMBLY THIRD READING
AB 1902 (Pellerin)
As Amended April 20, 2026
Majority vote

SUMMARY

Makes various changes to existing law that authorizes a court to order extended confinement for a person who is set to be discharged from a Secure Youth Treatment Facility (SYTF) based on a finding that the person is physically dangerous to the public, as specified.

Major Provisions

- 1) Requires a person to remain in custody in an SYTF, state mental health hospital, or other appropriate adult secure institution until the conclusion of a probable cause hearing and until the conclusion of the proceedings to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem.
- 2) States that the probable cause hearing shall not be continued, except upon a showing of good cause by the party requesting the continuance.
- 3) States that the finding of probable cause may be based in whole or in part on the opinions of an expert admitted through the expert's reports provided that the report was first attached to, or incorporated by, reference in the petition. The finding of probable cause may also be based in whole or in part on the sworn testimony of a law enforcement officer or honorably retired law enforcement officer.
- 4) Clarifies that nothing in the above provisions shall abrogate a person's right to cross-examination or to compel the attendance of witnesses.
- 5) Increases the time for a person to be brought to trial, from within 30 days to within 60 days from the determination that there is probable cause.
- 6) Requires a court, if the court or jury finds that the person has a mental condition or disorder making them physically dangerous to the public as specified, to determine the period of continued detention informed by the evidence presented at trial and a clinical assessment by the person's treatment team at the secure youth treatment facility, State Department of State Hospitals (DSH), or other appropriate adult institution, based on the person's individual treatment needs for the underlying mental condition, disorder, or other problem.
- 7) Extends the maximum period of continued detention from 2 years to 4 years.
- 8) Requires the court state on the record the basis for the period ordered.
- 9) Specifies that if an order for continued detention is made, the control of the probation department, DSH, or other appropriate adult secure institution over the person shall continue until the termination of the specified period unless a new petition is filed for continued detention.
- 10) Clarifies that the criminal discovery process applicable to criminal proceedings shall apply to all proceedings related to a petition for continued detention.

COMMENTS

According to the Author

"In 2015, the Santa Cruz community was devastated when the brutally murdered body of 8-year old Maddy Middleton was discovered. The crime shook Santa Cruz County to its core and forever changed the lives of Maddy's family.

"In 2021 the jury found the defendant, Adrian Gonzalez, guilty of Maddy's murder. Due to changes in the juvenile justice system, he was sent to a secured youth treatment facility. While there, efforts were made to provide him with the tools and treatment to rehabilitate him.

"However, believing he remained a threat, the Santa Cruz County filed a motion for a detention extension hearing. These hearings are intended to determine whether a ward still poses a danger to the public and are reserved for the most serious cases. In 2024, Santa Cruz County became the first county in the state to proceed with this petition. After hearing the evidence, a jury once again found it was best to keep Gonzalez detained.

"But for Maddy's family, justice has not meant closure. Under current law, these cases must be revisited again and again – forcing the family to relive the most painful moments of their lives every two years as they are asked to return to court and confront the facts of Maddy's murder once more. The emotional toll of repeatedly reopening this tragedy cannot be overstated.

"Immediately following the trial, my constituents and the Santa Cruz DA reached out to discuss the many procedural questions that were raised during the course of the 2024 hearing. AB 1902 is the result of those discussions.

"Specifically, AB 1902 clarifies custodial jurisdiction, addresses continuance procedures, allows the DA to request review of a case, and extends the intervals between extension hearings. These changes will provide needed clarity in future proceedings and help ensure the system delivers justice while also recognizing the profound impact these cases have on victims' families."

Arguments in Support

According to the *Santa Cruz District Attorney's Office*, the sponsor of this bill, "In 2021, Gonzalez's case was adjudicated in juvenile court. He was 21 years and six months old. Juvenile jurisdiction terminates when the offender reaches 25 years of age. Welfare and Institutions Code section 1800 allowed the Division of Juvenile Justice to trigger a process to extend detention after the age of 25, though it was infrequently-used as the most serious juvenile offenders were transferred to adult court. DJJ was closed months after Gonzalez's plea and the process was partially shifted to Welfare and Institutions Code section 876, with probation now tasked with triggering the process.

"In 2024, only three years after Gonzalez's plea, Maddy's family was back in court for the first Welfare and Institutions Code section 876 hearing in California. Maddy's family and the community – including jurors – were forced to relive Maddy's sexual assault and murder. Inmates housed with Gonzalez in the Santa Cruz County Jail were so disturbed by Gonzalez's behavior and how he described murdering Maddy that they reached out to law enforcement to testify against him. Expert witness fees alone cost \$72,000. In 2025, a traumatized jury found

beyond a reasonable doubt Gonzalez posed a continued danger to the public. But in two short years, Maddy's family will again be dragged back into court to again relive the crime.

"AB 1902 sensibly seeks to reduce trauma to the victims and the community by turning this two-year interval to a ten-year interval. This will give Maddy's family and the community the longest period of time to heal since her murder 11 years ago.

"The ten-year interval will also give the most serious young adult offenders time to work on rehabilitation. Two years is not enough for an offender like Gonzalez to address his criminogenic needs. It is worth noting that ten years is significantly shorter than the indefinite detention the electorate put into place for sexually violent predators and the 15-year maximum parole denial period for incarcerated individuals who need significant rehabilitative work. We feel that AB 1902's ten-year interval sensibly balances victim rights, public safety, the age of the offender, and rehabilitative goals.

"AB 1902 also remedies serious procedural deficiencies that were highlighted by the first detention extension hearing. This includes a lack of clarity regarding the court's continued jurisdiction if an offender turns 25 while a detention extension petition is being actively litigated, the ability to continue a case for good cause such as critical expert witness availability, and the applicability of California's sensible mutual discovery obligations. While Gonzalez's case was the first, it unfortunately will not be the last now that the most serious 14- and 15-year-old offenders can only be adjudicated in juvenile court. This subset of cases, though small, have an outsized impact on victims, the community, and public safety. Californians deserve an airtight process to litigate such serious crimes where the gravamen is the ongoing danger to the public."

Arguments in Opposition

According to *Human Rights Watch*, who has an opposed unless amended position, "AB 1902 would amend Welfare and Institutions Code (WIC) Section 876, modifying the process by which a person committed to a Secure Youth Treatment Facility (SYTF) may be detained beyond their discharge date. Under existing law, if a probation department determines that a person's discharge would be physically dangerous to the public due to a mental or physical condition, it is required to request the prosecuting attorney to petition the court for extended detention, subject to a probable cause hearing and trial. Under existing law, the period of extended detention can be up to two years. There is, however, no limit on the number of times a petition can be filed, allowing for indefinite sequential periods of detention. The bill would significantly expand that framework, extending the maximum detention period from two years to five years, authorizing district attorneys to initiate review of any case, introducing undefined commitment options that could allow detention in non-therapeutic settings, and maintaining an overly broad qualifying standard for commitment.

"We are grateful that the discussion this far with the author's office has resulted in meaningful progress. This letter addresses our remaining concerns.

"1. Five-Year Maximum Detention Period Is Too Long.

"Current law requires that if a court orders extended detention, the length of that commitment is set at two years. Thereafter, the probation department may file a new petition to extend commitment for another two years, ensuring regular judicial review of whether continued detention remains warranted. The bill as introduced proposed extending that period to ten years.

The published amendments propose five years as a maximum, with the court determining the specific period. We appreciate that change, but five years is too long.

We recommend two modifications. First, the maximum detention period should be reduced. Five years cannot be justified clinically for this population — no legitimate treatment framework operates on a multi-year fixed timeline in a secure facility for a young person, and youth, including those in their mid-20s, are by definition more amenable to change and more responsive to treatment than older adults. Under the Mentally Disordered Offender (MDO) statute — the most analogous civil commitment scheme in California law — review is required annually. A two-year maximum is more consistent with that framework, the science of adolescent development, and the treatment-focused purpose the bill is otherwise working to establish. Second, the bill should require that the court-ordered period be the minimum clinically indicated for treatment of the underlying mental condition or disorder, ensuring the court cannot simply default to the maximum without clinical justification. At the end of that court-ordered period, if continued detention is deemed necessary, a new petition must be filed, ensuring that continued confinement is always grounded in a current clinical assessment.

"2. 'Other Appropriate Adult Secure Institution' Should Be Defined or Removed.

"This phrase appears throughout the bill as a commitment option alongside secure youth treatment facilities and the Department of State Hospitals. It is undefined, has no existing legal meaning in the juvenile civil commitment context, and could encompass county jail or adult correctional facilities, which is explicitly prohibited under WIC Section 208.5. Civil commitment requires placement in a therapeutic setting — a non-therapeutic placement cannot be justified under a treatment framework.

"The language appears to contemplate cases where neither an SYTF or a state hospital is appropriate, yet no county facility that would qualify has been identified. The statute cannot leave that question unanswered. We propose two alternatives: either explicitly exclude county jails and CDCR facilities or enumerate the specific institutions intended.

"3. Prosecutors Should No Be Able to Initiate Civil Commitment Proceedings.

"Existing law requires the probation department, which is tasked with the care, treatment, and daily supervision of the young person, to determine whether a petition should be filed. Proposed WIC Section 876.5 seeks to authorize prosecutors to initiate a review of any case. Civil commitment proceedings should be clinician-driven, not prosecutor-initiated. A prosecutor initiating review based on a belief that someone is dangerous — with lengthy detention as the consequence — is inconsistent with the treatment framework the rest of the bill establishes. A prosecutor does not have access to independent, reliable information on which to base this decision. Probation does. In every analogous California civil commitment scheme, clinicians — those trained to assess the mental status of an individual they are working with — identify, and prosecutors respond. This provision inverts that structure. Within the SYTF, Probation and its behavior health team are the only actors with continuous, firsthand observation of the individual.

"We recommend removal of WIC Section 876.5 entirely.

"4. 'Physical Condition' and 'Other Problem' Preserve an Overly Broad Qualifying Standard.

"AB 1902 extends detention for people confined in a secure youth treatment facility whose discharge would be physically dangerous to the public because of a physical or mental condition, disorder, or other problem causing serious difficulty controlling dangerous behavior. The bill applies this standard at every stage — the threshold determination by probation, the probable cause hearing, and the trial. It is hard to imagine what 'physical condition' would render a person dangerous, and equally difficult to think of a mental health problem that 'other problem' would encompass and is not already covered by the existing law's 'mental condition or disorder' language.

"We propose removing 'physical' and 'other problem' and leaving the existing qualifying standard of "mental condition or disorder." This is not a narrow standard. It encompasses the full range of conditions, including autism spectrum disorder, ADHD, conduct disorder, antisocial personality disorder, paraphilic disorders, trauma-related conditions, and personality disorders. The juxtaposition of "mental condition" to "disorder" implies a broad range of mental health issues.

"Other problem' by contrast is so broad it could capture gang affiliation, peer associations, or generalized antisocial attitudes — none of which constitute a mental condition and none of which are treatable in the clinical sense civil commitment requires. Civil commitment is only permissible as a legal matter because it is for treatment. If the qualifying condition is not treatable, there is no justification for the commitment.

"Since 2020, the WIC 876 civil commitment process has only been used once. The combination of prosecutor initiation under WIC Section 876.5 and "other problem" as the qualifying standard risks increasing this number significantly. Together, these changes create a pathway to extended detention for anyone a district attorney believes is dangerous, without a clinical foundation and without a treatment solution."

FISCAL COMMENTS

According to the Assembly Appropriation Committee:

- 1) Costs of an unknown amount to DSH (General Fund) to the extent persons subject to continued detention orders are placed in DSH custody as an alternative to SYTF or other appropriate adult institution. The bill adds DSH as a custody option not previously authorized for Section 876 detentions—namely, to people who were committed as juveniles and confined in a county-run SYTF, whose SYTF maximum term has expired, and who have been found beyond a reasonable doubt to be physically dangerous to the public because of a mental or physical condition causing serious difficulty controlling dangerous behavior. The bill's specific authority to transfer custody to DSH applies to persons over 25 years of age. As reported by DSH, based on FY 2024-25 data, the average cost of care per patient per day in a state hospital is \$1,121 (\$409,165 General Fund/year). The amount would depend on the number of people who were placed in DSH custody; if only one person detained in SYTF were transferred to DSH custody pursuant to this bill, this would be over the committee's suspense threshold of \$150,000.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) to the trial courts to adjudicate petitions for continued detention, including probable cause hearings and jury trials. This bill extends the maximum period of continued detention from two to four years per court order, potentially reducing the frequency of trials regarding continued detention. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund

may create a need for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

- 3) Increased pressure on the 2011 Realignment funding allocation to county probation departments to support extended SYTF custody periods of up to four years per court order. Per the policy committee analysis and the bill's sponsor, the Section 876 process has been used once statewide since 2020. The Chief Probation Officers of California (CPOC) notes that the bill's scope is very narrow and that when the process is triggered, the person is already in custody.
- 4) Minor and absorbable workload costs (General Fund) to the Office of Youth and Community Restoration's (OYCR) Ombudsperson Division and Compliance Monitoring Section to support potential increases in the number of youth on extended commitments under the bill.
- 5) Local prosecution and public defender costs to county district attorneys and county public defenders to litigate Section 876 petitions. County costs are not state-mandated local program costs absent a determination by the Commission on State Mandates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

VOTES

ASM PUBLIC SAFETY: 7-0-2

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen

ABS, ABST OR NV: Ramos, Sharp-Collins

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Caloza, Sharp-Collins

UPDATED

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