

Date of Hearing: April 7, 2026  
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Nick Schultz, Chair

AB 1959 (Patel) – As Introduced February 13, 2026

**As Proposed to be Amended in Committee**

**SUMMARY:** Authorizes a prosecuting attorney to file a motion to transfer a person who was previously convicted in adult criminal court for a crime committed at the age of 14 or 15 who is now subject to resentencing by the juvenile court pursuant to a grant of recall under provisions of law that authorizes a person who received a sentence of life without the possibility of parole (LWOP) or a de facto LWOP sentence to file a motion for recall and resentencing.

**EXISTING LAW:**

- 1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)
- 2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)
- 3) States that in a case in which a minor is alleged to have committed any felony or any of the enumerated felonies, as specified, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1).)
- 4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, as specified, when the minor was 14 or 15 years of age, but was not apprehended prior to the end of juvenile court jurisdiction, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2).)
- 5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:
  - a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care

- system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;
- b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;
  - c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;
  - d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,
  - e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3).)
- 6) Provides that the penalty for a defendant found guilty of murder in the first degree, in any case in which one or more special circumstances has been found true, who was 16 years of age or older and under the age of 18 years at the time of the commission of the crime, shall be a sentence of LWOP or, at the discretion of the court, 25 years to life. (Pen. Code, § 190.5.)
  - 7) Allows an inmate serving a sentence of LWOP for an offense that was committed when the inmate was under 18 years of age to petition the court to have that sentence recalled and to be resentenced if the inmate has served at least 15 years of their sentence and meets certain other specified criteria. (Pen. Code, § 1170, subd. (d)(1).)
  - 8) Excludes from the recall and resentencing process for persons sentenced to LWOP for offenses committed when the person was under 18 years of age where it was pled and proved that the defendant tortured their victim, or the victim was a public safety official, including a law enforcement personnel or a firefighter. (Pen. Code, § 1170, subd. (d)(1)(B).)
  - 9) Provides that if the court finds by a preponderance of the evidence that one or more of the statements provided by the defendant, as specified, is true, the court shall recall the sentence and commitment previously ordered and hold a hearing to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. Victims or victims' family members shall retain rights to participate in the hearing. (Pen. Code, § 1170, subd. (d)(5).)

- 10) States that the factors the court may consider when determining whether to resentence the defendant to a life term include, but are not limited to, the following:
- a) The defendant was convicted pursuant to felony murder or aiding and abetting murder provisions of law;
  - b) The defendant does not have juvenile felony adjudications for assault or other felony crimes with a significant potential for personal harm to victims prior to the offense for which the defendant was sentenced to LWOP;
  - c) The defendant committed the offense with at least one adult codefendant;
  - d) Prior to the offense for which the defendant was sentenced to LWOP, the defendant had insufficient adult support or supervision and had suffered from psychological or physical trauma or significant stress;
  - e) The defendant suffers from cognitive limitations due to mental illness, developmental disabilities, or other factors that did not constitute a defense but influenced the defendant's involvement in the offense;
  - f) The defendant has performed acts that tend to indicate rehabilitation or the potential for rehabilitation, including, but not limited to, availing themselves of rehabilitative, educational, or vocational programs, if those programs have been available at their classification level and facility, using self-study for self-improvement, or showing evidence of remorse;
  - g) The defendant has maintained family ties or connections with others through letter writing, calls, or visits or has eliminated contact with individuals outside of prison who are currently involved with crime; and,
  - h) The defendant has had no disciplinary actions for violent activities in the last five years in which the defendant was determined to be the aggressor. (Pen. Code, § 1170, subd. (d)(6).)
- 11) States that a defendant whose sentence is not recalled or the defendant is resentenced to LWOP, may submit another petition when the defendant has served at least 20 years. If that petition is denied or the defendant is resentenced to LWOP under the new petition, the defendant may file another petition after having served 24 years. The final petition may be submitted during the 25th year of the defendant's sentence. (Pen. Code, § 1170, subd. (d)(10).)
- 12) Establishes the Youthful Offender Parole Program which provides an incarcerated person the opportunity for a parole hearing before the Board of Parole Hearings (BPH) for crimes committed before the age of 25, after having served 15, 20, or 25 years of incarceration depending on their controlling offense. (Pen. Code, § 3051.)
- 13) Provides that a youth offender parole hearing is a hearing by BPH for the purpose of reviewing the parole suitability of any prisoner who was 25 years of age or younger, or was

under 18 years of age and sentenced to LWOP, at the time of the controlling offense. (Pen. Code, § 3051, subd. (a)(1).)

14) Specifies the following timeline for youth offender parole hearings to occur:

- a) A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a determinate sentence shall be eligible for release on parole at a youth offender parole hearing during the person's 15th year of incarceration;
- b) A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of less than 25 years to life shall be eligible for release on parole at a youth offender parole hearing during the person's 20th year of incarceration;
- c) A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of 25 years to life shall be eligible for release on parole at a youth offender parole hearing during the person's 25th year of incarceration; and,
- d) A person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the sentence is life without the possibility of parole shall be eligible for release on parole at a youth offender parole hearing during the person's 25th year of incarceration. (Pen. Code, § 3051, subd. (b).)

15) States that in assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by BPH, shall be administered by licensed psychologists employed by the board and shall take into consideration the diminished culpability of youth as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. (Pen. Code, § 3051, subd. (f)(1).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "AB 1959 seeks to close a loophole within resentencing law that has recently been exploited in San Diego County by a school shooter at Santanna High School in 2001. San Diegans deserve to have faith in their justice system to ensure that violent offenders that do not show accountability are using this loophole."
- 2) **Juvenile Court Jurisdiction:** As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to “a juvenile home, ranch, camp, or forestry camp” or “the county juvenile hall.” (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

- 3) **Eighth Amendment’s Prohibition on Cruel and Unusual Punishment and Sentencing of Juveniles:** The Eighth Amendment to the United States Constitution states that “[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” (U.S. Const., 8th Amend.) California’s constitution contains a similar prohibition: “Cruel or unusual punishment may not be inflicted or excessive fines imposed.” (Cal. Const., art. 1, § 17.)

For over two decades, the United States Supreme Court has distinguished the constitutionally permissible punishment of juvenile offenders from adults. In 2005, the United States Supreme Court ruled that persons who were under the age of 18 at the time of the offense are ineligible for the death penalty, reasoning that death is a disproportionately severe punishment for any offender under 18, in violation of the Eighth Amendment. (*Roper v. Simmons* (2005) 543 U.S. 551.) Penal Code section 190.5 codified the holding of *Roper* and stated the penalty for a person 16 to 18 years of age convicted of first-degree murder with special circumstances is either LWOP or, at the court’s discretion, 25-years-to-life. (Pen. Code, § 190.5, subd. (b).)

In 2010, the United States Supreme Court ruled that it is unconstitutional to sentence a youth who did not commit homicide to LWOP. (See *Graham v. Florida* (2010) 560 U.S. 48.) The Court discussed the fundamental differences between a juvenile and adult offender and reasserted its findings from *Roper* that juveniles have lessened culpability than adults due to those differences. The Court stated that “life without parole is an especially harsh punishment for a juvenile,” noting that a juvenile offender “will on average serve more years and a greater percentage of his life in prison than an adult offender.” (*Graham, supra*, 560 U.S. at p. 70.) However, the Court stressed that “while the Eighth Amendment forbids a State from imposing a sentence of life without parole sentence on a juvenile nonhomicide offender, it does not require the State to release that offender during his natural life. Those who commit truly horrifying crimes as juveniles may turn out to be irredeemable and thus deserving of incarceration for the duration of their lives. The Eighth Amendment does not foreclose the possibility that persons convicted of nonhomicide crimes committed before adulthood will remain behind bars for life. It does forbid States from making the judgment at the outset that those offenders never will be fit to reenter society.” (*Id.* at p. 75.)

In 2012, the United States Supreme Court in *Miller v. Alabama* (2012) 567 U.S. 460, held that it is unconstitutional for states to mandate a sentence of LWOP for juveniles convicted of homicide. "Such mandatory penalties, by their nature, preclude a sentencer from taking account of an offender's age and the wealth of characteristics and circumstances attendant to it. Under these schemes, every juvenile will receive the same sentence as every other--the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one. And still worse, each juvenile . . . will receive the same sentence as the vast majority of adults committing similar homicide offenses--but really, as *Graham* noted, a greater sentence than those adults will serve. (*Miller, supra*, 567 U.S. at pp. 476-477.) Following *Miller*, the United States Supreme Court held that *Miller's* prohibition on mandatory LWOP for juvenile offenders must be applied retroactively in all cases. (*Montgomery v. Louisiana* (2016) 577 U.S. 190, 206.)

The California Supreme Court, relying on *Miller*, concluded that sentencing a juvenile offender for a term of years with a parole eligibility date that falls outside the juvenile offender's natural life expectancy constitutes cruel and unusual punishment in violation of the Eighth Amendment. (*People v. Caballero* (2012) 55 Cal.4th 262, 268.) The Court stated that "the state may not deprive [juveniles] at sentencing of a meaningful opportunity to demonstrate their rehabilitation and fitness to reenter society in the future." (*Ibid.*) *Caballero* had received a 110-to-life sentence (three consecutive life terms) for attempted murder. While the court in *Caballero* pointed out that these incarcerated persons may file petitions for writs of habeas corpus in the trial court, the court also urged the Legislature to establish a parole eligibility mechanism for an individual sentenced to a de facto life term for crimes committed as a juvenile.

*Roper, Miller, Graham, and Caballero* establish that minors are constitutionally different from adults and emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit the most serious crimes.<sup>1</sup> Notably, these decisions do not support crime-specific exclusions from their findings on the distinctive attributes of youth that mitigate criminal culpability.

- 4) **Overview of Existing Laws on Resentencing and Parole Process for Youthful Offenders:** In accordance with the decisions of the United States Supreme Court and California Supreme Court discussed above, SB 9 (Yee)<sup>2</sup> was signed into law in 2012 to provide juveniles sentenced to LWOP a mechanism for recall and resentencing. Pursuant to SB 9, a person who was under 18 years of age at the time of committing an offense for which the person was sentenced to LWOP could, after serving at least 15 years in prison, petition the court for recall and resentencing. If a resentencing hearing is granted, the court has the discretion whether to resentence the petitioner to a lower sentence or let the LWOP sentence remain. If granted a lower sentence, the petitioner must still serve the minimum sentence before being eligible for parole consideration and obtain approval of the parole board and the Governor prior to release on parole. A broader version of SB 9 made it through much of the legislative process in 2011 but due to intense opposition by law enforcement and victims

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<sup>1</sup> *Roper* involved burglary and murder in the first degree. *Graham* involved armed burglary and armed robbery. *Miller* involved murder and aggravated robbery. *Caballero* involved attempted murder.

<sup>2</sup> Chapter 828, Statutes of 2012; Pen. Code, § 1170, subd. (d.)

groups the bill failed passage on the Assembly Floor. The bill was held over until the following year and amended to add exclusions for persons sentenced to LWOP for an offense where they tortured their victim or the victim was a public safety official.<sup>3</sup> The bill passed the Legislature in the more limited form and was signed by the Governor in 2012.

A few years later, SB 1084 (Hancock)<sup>4</sup> modified the resentencing law to clarify when a youthful offender could petition for recall and resentencing, the standard by which the court is to review the petition, and that a petitioner who does not have their sentence recalled or is resentenced to LWOP can submit another petition after a specified number of years.

After creating the judicial mechanism to resentence youthful offenders from LWOP to a life sentence with the possibility of parole, the Legislature established Youthful Offender Parole, which provides a parole process for inmates sentenced to lengthy prison terms for crimes committed when they were under 18 years of age.<sup>5</sup> This process applies to inmates serving both indeterminate sentences and determinate sentences. In 2015, youthful offender parole was amended to apply to inmates who were under the age of 23 at the time those crimes were committed based on neurological research that “shows that cognitive brain development continues well beyond age 18 and into early adulthood. For boys and young men in particular, this process continues into the mid-20s. The parts of the brain that are still developing during this process affect judgment and decision-making, and are highly relevant to criminal behavior and culpability.”<sup>6</sup> In 2017, youthful offender parole was amended to apply to inmates who were 25 years of age or younger at the time of the offense.<sup>7</sup> Also in 2017, youthful offender parole was amended to apply to persons sentenced to LWOP for crimes committed prior to turning 18 years of age.<sup>8</sup>

The LWOP recall and resentencing law and the Youthful Offender Parole process are two separate processes with some overlap. The recall and resentencing law provides incarcerated persons sentenced to LWOP for crimes committed prior to turning 18 an opportunity for recall and resentencing after serving 15 years. The Youthful Offender Parole process provides persons sentenced to a life sentence for crimes committed prior to turning 26 and persons sentenced to LWOP for crimes committed prior to turning 18. Excluded from both the recall and sentencing law and youth offender parole are persons who committed their offense between the ages of 18 to 25 for which they were sentenced to LWOP.

- 5) **History of Juvenile Transfer Laws:** In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior Court* (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required prosecutors to charge minors 14 years or older

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<sup>3</sup> Assem. Amend to Sen. Bill No. 9 (2011-2012 Reg. Sess.) July 2, 2012.

<sup>4</sup> Chapter 867, Statutes of 2016.

<sup>5</sup> SB 260 (Hancock), Chapter 312, Statutes of 2013.; Pen. Code, § 3051.

<sup>6</sup> SB 261 (Hancock), Chapter 471, Statutes of 2015; Assem. Com. on Public Safety, Analysis of Sen. Bill 261 (2015-2016 Reg. Sess.) as amended June 1, 2015, p. 2.

<sup>7</sup> AB 1308 (Stone), Chapter 675, Statutes of 2017.

<sup>8</sup> SB 394 (Lara), Chapter 684, Statutes of 2017; see *In re Kirchner* (2017) 2 Cal.5th 1040, 1049-1052 [Section 1170, subd. (d)(2), which provides an avenue for juvenile offenders serving LWOP terms to seek resentencing, does not provide an adequate remedy at law for *Miller* error; the inquiry under § 1170, subd. (d)(2), is not designed to address *Miller* error, and will not necessarily provide a defendant with the lawful sentence that *Miller* requires.]

directly in criminal court for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*)

In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., *Roper v. Simmons* (2005) 543 U.S. 551, 569–571 [prohibited capital punishment for juveniles]; *Graham v. Florida* (2010) 560 U.S. 48, 68–75 [prohibited life without the possibility of parole (LWOP) for juveniles in non-homicide cases]; *Miller v. Alabama* (2012) 567 U.S. 460, 469–470 [prohibited mandatory LWOP sentences for juveniles].) The Court summarized those differences in *Miller*:

*Roper* and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, “they are less deserving of the most severe punishments.” *Graham*, 560 U.S., at 68, 130 S.Ct. 2011, 176 L.Ed. 2d 825. Those cases relied on three significant gaps between juveniles and adults. First, children have a “lack of maturity and an underdeveloped sense of responsibility,” leading to recklessness, impulsivity, and heedless risk-taking. *Roper*, 543 U.S., at 569, 125 S.Ct. 1183, 161 L.Ed. 2d 1. Second, children “are more vulnerable . . . to negative influences and outside pressures,” including from their family and peers; they have limited “contro[l] over their own environment” and lack the ability to extricate themselves from horrific, crime-producing settings. *Ibid.* And third, a child’s character is not as “well formed” as an adult’s; his traits are “less fixed” and his actions less likely to be “evidence of irretrievabl[e] deprav[ity].” (*Miller, supra*, 567 U.S. at 570.)

The California Supreme Court, relying on *Graham* and *Miller*, found that a determinate sentence that exceeds the expected lifetime of the juvenile defendant violates the Eighth Amendment because it effectively denies a juvenile any opportunity to demonstrate rehabilitation (*People v. Caballero* (2012) 55 Cal.4th 262, 267) and that a law that provides a presumption in favor of LWOP for juveniles also violates the Eighth Amendment (*People v. Gutierrez* (2014) 58 Cal.4th 1354, 1375-1376).

Following this body of case law and research, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.) The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

This bill would authorize a prosecutor to file a transfer motion for a person who was previously convicted in adult criminal court for an offense enumerated in Welfare and Institutions Code 707(b) when they were 14 or 15 and is now subject to resentencing pursuant to the LWOP resentencing law for juveniles. Generally, a juvenile who committed their offense under the age of 16 is not authorized to receive an LWOP sentence. However, some courts have granted recall under the LWOP resentencing law for persons sentenced to a de facto LWOP sentence, e.g. 50-years-to-life, based on equal protection arguments, which could apply to persons younger than 16 when the crime was committed.

- 6) **Impetus for this Bill:** In 2001, 15-year-old Charles Andy Williams committed a mass shooting at a high school in Santee, killing two students and wounding 13 others. In 2022, Williams was charged as an adult and he pleaded guilty to two counts of murder and 13 counts of attempted murder and was sentenced to 50 years to life in prison. He became eligible for parole in September 2024 but was found unsuitable for release by the parole board.<sup>9</sup>

In January of this year, a judge granted Williams' petition for recall and resentencing relying on case law that found a sentence of 50-year-to-life for a juvenile offender was the functional equivalent of LWOP and excluding someone with his type of sentence from the recall and resentencing law violates equal protection. (*People v. Heard* (2022) 83 Cal.App.5th 608.) The ruling in *Heard* was recently clarified to find that *Heard's* reasoning does not apply to a request for resentencing if the defendant was eligible for youth offender parole under the sentence imposed. (*People v. Superior Court (Valdez)* (2025) 108 Cal.App.5th 791.)

The district attorney handling the resentencing matter has announced they will appeal the superior court's ruling granting recall. If Williams' case remains in the juvenile court, he would not be subject to resentencing on an adult conviction because the crime was committed when he was 15. Existing law specifies that a person may only be transferred to adult court for a crime committed when they were 14 or 15 if they were apprehended after the juvenile court's jurisdiction has ended. Williams was already tried and convicted, thus this exception would not apply.

This bill would provide a narrow expansion to existing law that authorizes persons to be transferred to adult court for a crime committed at the age of 14 or 15 if they were apprehended after the jurisdiction of the juvenile court has ended. The bill would additionally authorize a person who was previously convicted in adult court of a crime that they committed at the age of 14 or 15 and is now before the juvenile court for resentencing. The avenue for triggering resentencing by the juvenile court would be a grant of recall pursuant to the LWOP resentencing statute. A prosecuting attorney would still have to file the transfer motion and the juvenile court would have to make a determination that the person is not amenable to treatment in juvenile court before the person may be transferred.

- 7) **Argument in Support:** No longer relevant.

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<sup>9</sup> See <https://www.courthousenews.com/25-years-later-san-diego-area-high-school-shooter-eyes-release/> [accessed Feb. 24, 2026].

8) **Argument in Opposition:** No longer relevant.

9) **Related Legislation:**

- a) AB 1647 (Bryan) would require the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. The hearing on AB 1647 was canceled at the request of the author.
- b) AB 1701 (DeMaio) would prohibit a person sentenced to LWOP for a crime committed while the person was under the age of 18 from seeking recall and resentencing for an offense that meets the definition of a school shooting as defined by this bill. AB 1701 failed passage in this committee.
- c) AB 1968 (Gallagher) would add the crime of conspiracy to commit murder to the list of specified offenses for which a person may be committed to a secure youth treatment facility (SYTF) for an offense committed at the age of 14 or older, or transferred to adult criminal court for a crime committed at the age of 14 or 15 if they were not apprehended prior to the end of juvenile court jurisdiction. AB 1968 failed passage in this committee and was granted reconsideration.
- d) AB 2040 (Macedo) would lower the burden of proof, from clear and convincing evidence to preponderance of the evidence, required to find a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. AB 2024 is pending hearing in this Committee.

10) **Prior Legislation:**

- a) SB 481 (Durazo), of the 2021-22 Legislative Session, would have authorized a court to dismiss a special circumstance in cases where a person was sentenced to LWOP. SB 481 was ordered to the inactive file.
- b) AB 965 (Stone), Chapter 577, Statutes of 2019, requires a person's youth offender parole hearing to occur within six months of the first year they become eligible for a youth offender parole hearing.
- c) AB 1308 (Stone), Chapter 675, Statutes of 2017, expanded the youth offender parole process to persons who committed their crimes when they were 25 years of age or younger.
- d) SB 394 (Lara), Chapter 684, Statutes of 2017, made a person who was convicted of an offense that was committed before the age of 18 and for which a sentence of LWOP has been imposed eligible for youth offender parole hearing during their 25th year of incarceration and required BPH to complete, by July 1, 2020, all hearings for individuals who are or will be entitled to have their parole suitability considered at a youth offender parole hearing.
- e) SB 1084 (Hancock), Chapter 867, Statutes of 2016, made technical clarifying changes to the recall and resentencing law enacted by SB 9 (Yee), Chapter 828, Statutes of 2012.

- f) SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded the youth offender parole process to apply to those who committed their crimes before the age of 23.
- g) SB 260 (Hancock), Chapter 312, Statutes of 2013, established a process for BPH to conduct youth offender parole hearings for inmates who committed their crimes prior to the age of 18, except inmates sentenced under the Three Strikes law or One Strike Sex Offense Law, or sentenced to LWOP.
- h) SB 9 (Yee), Chapter 828, Statutes of 2012, authorized an inmate who was under 18 years of age at the time of committing an offense for which they were sentenced to LWOP to petition the sentencing court for recall and resentencing, except inmates who tortured their victim or whose victim was a public safety official.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Arcadia Police Officers' Association  
 Brea Police Association  
 Burbank Police Officers' Association  
 California Association of School Police Chiefs  
 California Coalition of School Safety Professionals  
 California District Attorneys Association  
 California Narcotic Officers' Association  
 California Police Chiefs Association  
 California Reserve Peace Officers Association  
 California State Sheriffs' Association  
 Claremont Police Officers Association  
 Corona Police Officers Association  
 Culver City Police Officers' Association  
 Fullerton Police Officers' Association  
 Los Angeles County Deputy Probation Officers Afscme Local 685  
 Los Angeles School Police Management Association  
 Los Angeles School Police Officers Association  
 Murrieta Police Officers' Association  
 Newport Beach Police Association  
 Palos Verdes Police Officers Association  
 Placer County Deputy Sheriffs' Association  
 Pomona Police Officers' Association  
 Riverside County District Attorney  
 Riverside Police Officers Association  
 Riverside Sheriffs' Association  
 San Diego County District Attorney's Office  
 Teamsters Local 986  
 2 Private Individuals

### **Opposition**

ACLU California Action  
Alliance for Boys and Men of Color  
Alliance for Children's Rights  
Building Healthy Communities Monterey County  
California Alliance for Youth and Community Justice  
California Attorneys for Criminal Justice  
California Coalition for Women Prisoners  
California Juvenile Justice Commissioners Collaborative  
California Public Defenders Association  
California Youth Defender Center  
Californians for Safety and Justice (CSJ)  
Californians United for a Responsible Budget  
Center on Juvenile and Criminal Justice  
Communities United for Restorative Youth Justice (CURYJ)  
Community Interventions  
Courage California  
Ella Baker Center for Human Rights  
Felony Murder Elimination Project  
Fresh Lifelines for Youth (FLY)  
Friends Committee on Legislation of California  
Glide  
Hoops 4 Justice  
Human Rights Watch  
Initiate Justice  
Justice2jobs Coalition  
LA Defensa  
Milpa Collective  
National Center for Youth Law (NCYL)  
Restore 180  
Restoring Hope California  
Rubicon Programs  
San Francisco Public Defender's Office  
Sister Warriors Freedom Coalition  
The Collective for Liberatory Lawyering  
The Gathering for Justice  
The W. Haywood Burns Institute  
Universidad Popular  
Urban Peace Institute  
Urban Peace Movement  
Welcome Home Oasis  
Youth Alliance  
Youth Forward  
Youth Law Center  
1 Private Individual

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