

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1959 (Patel) – As Amended April 9, 2026

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill authorizes a prosecuting attorney to file a motion to transfer a person to adult criminal court who was previously convicted as an adult for a crime committed at age 14 or 15 and is now subject to resentencing by the juvenile court following a grant of recall under the life-without-the-possibility-of-parole (LWOP) resentencing statute for juvenile offenders.

FISCAL EFFECT:

- 1) Unknown, likely minor costs to the courts (Trial Court Trust Fund) for additional transfer hearings in juvenile court. The bill applies to a narrow population: individuals who were convicted in adult court for crimes committed at age 14 or 15 and whose LWOP or de facto LWOP sentences have been recalled and referred to juvenile court for resentencing. If the juvenile court grants transfer to adult court, the case would be resentenced in adult criminal court rather than adjudicated in juvenile court. The number of individuals affected is expected to be very small.
- 2) Unknown, potentially significant incarceration costs on CDCR (General Fund). To the extent the bill results in individuals being resentenced in adult court rather than juvenile court, it could result in longer periods of incarceration in state prison rather than disposition through the juvenile system. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$128,000. CDCR estimates the annual cost is \$135,921.

COMMENTS:

- 1) **Purpose.** 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) **Background.** Under existing law (SB 9, Chapter 828, Statutes of 2012), a person sentenced to life without the possibility of parole for an offense committed before age 18 may petition the court for recall and resentencing after serving at least 15 years. If the court grants recall, it holds a new sentencing hearing and may impose a lesser sentence. This mechanism was

created in response to a series of U.S. Supreme Court decisions holding that juveniles are constitutionally different from adults for sentencing purposes and that mandatory LWOP sentences for juveniles violate the Eighth Amendment. Separately, courts have extended the recall statute on equal protection grounds to juveniles serving de facto LWOP sentences — sentences so long that they exceed the individual’s natural life expectancy, such as 50 years to life.

In 2001, 15-year-old Charles Andy Williams committed a mass shooting at Santana High School in Santee, killing two students and wounding 13 others. He was tried as an adult, pleaded guilty, and was sentenced to 50 years to life. He was found unsuitable for parole in September 2024. In January 2026, a judge granted Williams’ petition for recall and resentencing, finding that his 50-year-to-life sentence was the functional equivalent of LWOP. With recall granted, Williams’ case was referred to juvenile court for resentencing. The DA sought to transfer the case back to adult court, where Williams could face a longer sentence. However, existing law permits a transfer motion for a 14- or 15-year-old only in limited circumstances — specifically, where the individual was not apprehended before the end of juvenile court jurisdiction. Because Williams was apprehended, tried, and convicted as an adult at the time of his offense, he does not meet that criterion, and there is no other statutory basis for the DA to seek transfer. This bill addresses that gap by creating a new pathway for transfer when a person was previously convicted in adult court and is now before the juvenile court for resentencing under the recall statute. The juvenile court would still be required to find, by clear and convincing evidence, that the individual is not amenable to rehabilitation before ordering transfer.

- 3) **Related Legislation.** AB 1701 (DeMaio) would have prohibited persons sentenced to LWOP for crimes committed as juveniles from seeking recall and resentencing for school shootings. AB 1701 failed passage in Assembly Public Safety.

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