

ASSEMBLY THIRD READING

AB 1959 (Patel)

As Amended April 9, 2026

Majority vote

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.

Major Provisions**COMMENTS****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."

Arguments in Support

According to the San Diego District Attorney's Office, the sponsor of this bill, "Under existing law, Penal Code section 1170(d)(1) allows recall and resentencing of individuals sentenced to life without parole as minors after at least 15 years of incarceration. The 2022 Court of Appeal decision in *People v. Heard* expanded this process to include those with what the court termed "de facto" life sentences, meaning sentences that allow parole consideration by a parole board, resulting in a surge of petitions from those convicted of the most egregious crimes. This interpretation bypasses critical judicial review and undermines the Legislature's original intent. Especially concerning is that juvenile offenders under 16 can be released without any meaningful demonstration of rehabilitation, remorse, or assurance of public safety. Instead of thorough resentencing, they move directly to a juvenile disposition, often resulting in release without a true assessment of risk or justice for victims.

"AB 1959 is a targeted, balanced response. It restores the court's discretion to weigh factors related to rehabilitation, youthful offender factors, and public safety. Critically, AB 1959 amends Welfare and Institutions Code (WIC) section 707 to allow prosecutors to seek transfer hearings for minors who commit violent crimes. This change empowers courts to consider whether such perpetrators should be resentenced as adults, ensuring that the most serious offenses receive appropriate accountability while maintaining judicial oversight and the possibility of rehabilitation for deserving youth."

Arguments in Opposition

No longer applicable.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 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.

VOTES**ASM PUBLIC SAFETY: 8-0-1**

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

ABS, ABST OR NV: Sharp-Collins

ASM APPROPRIATIONS: 14-0-1

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

ABS, ABST OR NV: Caloza

UPDATED

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