
THIRD READING

Bill No: AB 1959
Author: Patel (D)
Amended: 4/9/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/30/26

AYES: Arreguín, Seyarto, Caballero, Pérez, Wiener

NO VOTE RECORDED: Cortese

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 69-0, 5/21/26 - See last page for vote

SUBJECT: Juvenile justice

SOURCE: San Diego County District Attorney's Office

DIGEST: This bill 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.

ANALYSIS:

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. (Welfare and Institutions (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) Provides 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) Provides 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. Specifies that this motion must be made prior to the attachment of jeopardy. (Welf. & Inst. Code, § 707, subd. (a)(2).)
- 5) Requires the court, in order to find that the minor should be transferred to a court of criminal jurisdiction, to find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. Requires the court to consider the following criteria, inclusive, in making its decision:
 - a) The degree of criminal sophistication exhibited by the minor. Requires the juvenile court to 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. Requires the juvenile court to 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. Requires the juvenile court to 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. Requires the juvenile court to 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. Requires the juvenile court to 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. Requires the court to 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 incarcerated person serving a sentence of LWOP for an offense that was committed when the person was under 18 years of age to petition the court to have that sentence recalled and to be resentenced if the person 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) Requires the court, if it finds by a preponderance of the evidence that one or more of the statements provided by the defendant, as specified, is true, to 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. Requires that victims or victims' family members retain rights to participate in the hearing. (Pen. Code, § 1170, subd. (d)(5).)

- 10) Provides 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;
 - 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; and,
 - i) Any other criteria that the court deems relevant to its decision, so long as the court identifies them on the record, provides a statement of reasons for adopting them, and states why the defendant does or does not satisfy the criteria. (Pen. Code, § 1170, subd. (d)(6), (11).)

- 11) Provides that the court has the discretion 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. (Pen. Code, § 1170, subd. (d)(7).)
- 12) Provides that the court may resentence the defendant to a term that is less than the initial sentence if any of the following were a contributing factor in the commission of the alleged offense (but specifies that the court may resentence the defendant to a term that is less than the initial sentence even if none of the circumstances are present):
 - a) The person has experienced psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence.
 - b) The person is a youth or was a youth, as defined, at the time of the commission of the offense.
 - c) Prior to the instant offense, or at the time of the commission of the offense, the person is or was a victim of intimate partner violence or human trafficking. (Pen. Code, § 1170, subd. (d)(8)-(9).)
- 13) Provides 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. Permits the defendant to file another petition after having served 24 years if that petition is denied or the defendant is resentenced to LWOP under the new petition. Authorizes the final petition to be submitted during the 25th year of the defendant's sentence. (Pen. Code, § 1170, subd. (d)(10).)
- 14) 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.)
- 15) Provides that a youth offender parole hearing is a hearing by BPH for the purpose of reviewing the parole suitability of any incarcerated person 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).)

- 16) 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).)
- 17) Requires, in assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by BPH, to be administered by licensed psychologists employed by the board and to 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).)

This bill 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 LWOP or a de facto LWOP sentence to file a motion for recall and resentencing.

Background

Recall and Resentencing via Penal Code section 1170. In accordance with U.S. Supreme Court and California Supreme Court decisions, SB 9 (Yee, Chapter 828, Statutes of 2012), was signed into law 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. SB 1084 (Hancock, Chapter 867, Statutes of 2016), 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 resented to LWOP can submit another petition after a specified number of years.

Youth Offender Parole. After creating the judicial mechanism to resentence youthful offenders from LWOP to a life sentence with the possibility of parole, the Legislature established Youth Offender Parole in 2014, which provides a parole process for some individuals serving both indeterminate sentences and determinate sentences. As originally enacted, Youth Offender Parole only applied to individuals who were under 18 at the time of their commitment offense. Eligibility was expanded in subsequent years and now applies to individuals who were 25 years of age or younger at the time of the offense. Additionally, Penal Code section 3051 was amended to apply to individuals sentenced to LWOP for crimes committed prior to turning 18 years of age.

The LWOP recall and resentencing law and the Youth Offender Parole process are two separate processes with some overlap. The recall and resentencing statute—Penal Code section 1170(d)—provides incarcerated persons sentenced to LWOP for crimes committed prior to turning 18 an opportunity for recall and resentencing after serving 15 years. The Youth Offender Parole process, codified in Penal Code section 3051, 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, with an opportunity for parole. Excluded from both statutes are individuals who committed their offense between the ages of 18 to 25 for which they were sentenced to LWOP.

This bill authorizes a prosecuting attorney to file a motion to transfer 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 (i.e., Penal Code section 1170(d)). Under the provisions of this bill, the prosecutor would 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.

This bill was introduced in response to the recall and resentencing of Andy Williams, who was sentenced to 50 years-to-life in prison after he was convicted of two counts of murder and 13 counts of attempted murder for committing a mass shooting at his high school when he was 15 in 2001. Williams became eligible for parole in September 2024 but was found unsuitable for release by the parole board. 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.)

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:No

According to the Senate Appropriations Committee:

Potentially major incarceration costs on CDCR. 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. CDCR estimates the average annual cost to incarcerate one person in state prison is \$138,000. (General Fund)

Likely significant court cost pressure 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 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.

Transfer hearings are the costliest hearings held in juvenile courts. Though these hearings for 14-15 year olds rarely result in transfer, as opposed to 16-18 year olds, each hearing may last at least a week of court time, with concomitant costs to the District Attorney, appointed defense counsel, and the juvenile probation department. Additionally, there are court costs for expert witnesses that are routinely necessary, including experts in adolescent neuropsychology and state prison conditions, and for those required in individual cases, such as gang influence experts, country of origin conditions experts, and intellectual disability experts.

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 would increase pressure to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 8/13/26)

San Diego County District Attorney's Office (source)
California District Attorneys Association
California Police Chiefs Association
League of California Cities
Los Angeles County District Attorney's Office

OPPOSITION: (Verified 8/13/26)

ACLU California Action
Buen Vecino
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice
Justice2Jobs Coalition
La Defensa
San Francisco Public Defender
San Quentin Skunkworks
South Bay People Power
Universidad Popular

ASSEMBLY FLOOR: 69-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bryan, Calderon, Carrillo, Castillo,

Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel,
Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney,
Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee,
Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan,
Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Michelle Rodriguez,
Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Ta,
Tangipa, Valencia, Wallis, Ward, Wicks, Zbur, Rivas
NO VOTE RECORDED: Arambula, Bonta, Caloza, Chen, Garcia, Lackey,
Ramos, Ransom, Celeste Rodriguez, Sharp-Collins, Wilson

Prepared by: Stephanie Jordan / PUB. S. /
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