

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2014 (Elhawary) – As Amended April 15, 2026

Policy Committee: Public Safety

Vote: 7 - 2

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill authorizes a writ of habeas corpus to be prosecuted based on evidence or argument likely to trigger gender-based stereotypes that was admitted or relied upon by the prosecution at trial in a manner that created a reasonable probability the outcome would have been different.

This bill defines “evidence or argument likely to trigger gender-based stereotypes” to include, but not be limited to: information concerning a defendant's sexual activity, sexual orientation, sexual partners, reproductive choices, gender presentation, clothing, or romantic relationships when offered in a manner that may invoke gender-based stereotypes; sexually suggestive images or photos; evidence related to appearance, dress, or gender expression offered to imply conformity or nonconformity with gender norms; references to parenting expectations, including a defendant's purported failure to conform to traditional gender roles; and appeals to a “woman’s nature,” emotional disposition, or similar generalized gender-based assumptions.

FISCAL EFFECT:

- 1) Costs (General Fund) to the Department of Justice (DOJ) for habeas defense workload, including post-verdict investigations, responding to petitions, reviewing trial records, and litigating retrials, appeals, and collateral challenges. In fiscal year 2024-25, California superior courts received 3,758 criminal habeas corpus filings with a clearance rate of approximately 51%, indicating an existing backlog of unresolved petitions. The Judicial Council has previously identified SB 1134 (Leno), Chapter 785, Statutes of 2016 — which expanded habeas relief based on newly discovered evidence — as resulting in ongoing workload impacts in the low millions of dollars. AB 2014 creates a parallel habeas remedy on a different substantive basis. The Racial Justice Act (AB 2542 (Kalra), Chapter 317, Statutes of 2020, and AB 256 (Kalra), Chapter 739, Statutes of 2022) provides an additional structural parallel that has generated ongoing court and Department of Justice workload since enactment.
- 2) Local prosecution costs to county district attorneys to defend against habeas petitions under the new basis, to the extent the original prosecution was conducted by a county DA. County costs are not reimbursable state-mandated local program costs absent a determination by the Commission on State Mandates.
- 3) Potential offsetting savings to the California Department of Corrections and Rehabilitation (CDCR) from any reduction in the incarcerated population resulting from successful petitions. Marginal CDCR per-person costs are approximately \$21,500 annually per the

Legislative Analyst's Office; magnitude depends on the number of successful petitions and any resulting release or resentencing.

- 4) Cost pressures (Trial Court Trust Fund (TCTF), General Fund) of unknown but potentially significant amount based on impact on court calendars and need for additional clerks to handle any increased filings. Habeas petitions under this section require record review, briefing, and may require evidentiary hearings on whether challenged evidence or argument was likely to trigger gender-based stereotypes and whether there is a reasonable probability the outcome would have been different. One hour of court time has an estimated cost of approximately \$1,000; even a moderate volume of contested petitions could generate court costs exceeding the \$150,000 suspense threshold. As discussed above, comparable habeas-expansion legislation (SB 1134; the Racial Justice Act) has produced ongoing workload impacts in the low millions of dollars. 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. 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.

COMMENTS:

- 1) **Purpose.** According to the author:

When gender-biased evidence is introduced in court, it distracts from the truth and can lead to skewed outcomes, including wrongful convictions that cause lasting harm to individuals and families. AB 2014 helps ensure that court proceedings remain focused on facts and fairness rather than prejudice. By reducing bias in the courtroom, this bill helps prevent unnecessary trauma, strengthens trust in our justice system, and avoids wasting taxpayer resources on wrongful prosecutions and appeals

- 2) **Background.** A writ of habeas corpus, often called the "Great Writ," is a constitutional procedure that allows a person in custody to ask a court to review whether their imprisonment is lawful. Under existing law, a person may file a habeas petition if their conviction or sentence was based on constitutional error, including false evidence, newly discovered evidence, or other fundamental legal violations. However, habeas petitions are subject to procedural limits: they must generally be filed within a reasonable time after the claim becomes known, and courts may reject petitions that are untimely or repetitive unless the petitioner shows good cause, actual innocence, or another narrow exception. California law authorizes the prosecution of a writ of habeas corpus on enumerated grounds set forth in Penal Code Section 1473, including newly discovered evidence, false evidence, repudiated expert testimony, and post-conviction claims under the Racial Justice Act for convictions sought, obtained, or imposed on the basis of race, ethnicity, or national origin. Penal Code Section 1473.5 separately authorizes a habeas petition where competent expert testimony on intimate partner battering was not presented at trial. The general legal standard for habeas relief is that the relevant defect was sufficiently material to create a reasonable probability the result would have been different — sufficient to undermine confidence in the verdict.

This bill creates a new basis for habeas relief, authorizing a petition where evidence or argument at trial was likely to trigger gender-based stereotypes in a manner that created a reasonable probability the outcome would have been different. The bill draws on the California Supreme Court's discussion in *People v. Collins* (2025) 17 Cal.5th 293, in which the Court cautioned that "prosecutors and courts must take care to ensure that this type of gender bias does not infect our criminal justice system" and warned against reliance on assumptions about maternal instinct, intuition, or a woman's purported nature as a basis for criminal liability. The Public Safety analysis notes that *Collins* itself involved gender-based questioning by detectives during interrogation rather than gender-biased evidence introduced at trial, but the Court's concerns map onto the bill's broader concern about gender bias at trial. The bill reflects a recommendation in the California Committee on Revision of the Penal Code's 2025 Annual Report.

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