

ASSEMBLY THIRD READING
AB 2104 (Carrillo)
As Amended March 9, 2026
Majority vote

SUMMARY

Requires a court presiding over a proceeding involving the commitment of a sexually violent predator (SVP) that is open to the public to provide the public with a remote access option that allows members of the public to remotely observe the proceeding.

Major Provisions

COMMENTS

According to the Author

"AB 2104 improves access to justice by requiring that court hearings related to sexually violent predators (SVPs), that are already open to the public provide a remote access option. Court determinations regarding SVP placement directly affect the residents of the communities where placement may occur, and our constituents have a fundamental right to stay informed about the decision-making process.

"For many Californians, and especially those living in rural areas like my district, lack of reliable transportation can create a significant barrier to attending court hearings in person. Additional challenges, such as financial hardship, the need for childcare, illness or disability, and the inability to miss work, can make traveling to a courthouse nearly impossible. By providing remote access, AB 2104 uses available technology to reduce these barriers and ensure that rural residents can stay informed and engaged when decisions are made that impact their communities."

Arguments in Support

According to the *California District Attorneys Association*, "AB 2104 increases access to the courts for the public and removes procedural and logistic barriers that prevent members of the public from participating in matters of great public interest. Remote access to the courts eliminates the need for gas, public transit fares and costly parking fees. Remote access also reduces the amount of time participants have to be away from their workplace. By allowing increased access to the courts through remote proceedings, the court provides greater institutional accountability and transparency. Strengthening access to the courts encourages members of the public to come forward and actively participate in the judicial process."

Arguments in Opposition

According to the *California Public Defenders Association*, "Sexually Violent Predator [SVP] proceedings are not properly open to the public. Second, this bill would strip the judiciary of properly vested discretion to formulate policies governing public access to remote proceedings.

"The constitutional right held by the public to access non-criminal and ordinary civil proceedings is not absolute, and access can be limited or denied to ensure a fair trial or the privacy of

participants. (See, e.g. *Branzburg v. Hayes* (1972) 408 U.S. 665 (excluding press from grand jury proceedings); *Gannett Co., Inc. v. DePasquale* (1979) 443 U.S. 368 (excluding public from pretrial suppression hearing.) Although the public enjoys a qualified constitutional right to attend criminal and ordinary civil proceedings, SVP proceedings are neither criminal nor ordinary civil cases. Instead, they are "aimed at determining the status of a person's mental health" and "involve primarily personal and confidential matters." (*People v. Dixon* (2007) 148 Cal App 4th 414.) Because civil commitment proceedings are typically closed; because SVP proceedings are designed to ensure treatment, not punishment, of people with mental disorders; and because the psychological evaluations discussed during SVP proceedings must remain confidential, public access to SVP proceedings is properly limited.

"The constitutional right to access proceedings in criminal and ordinary civil cases does not entitle the public to remotely access those proceedings, and the extent to and manner in which members of the public may remotely access the criminal and ordinary civil proceedings they are entitled to personally, physically attend are administrative matters properly sorted out by the judiciary. The Judicial Council is constitutionally tasked with "adopt[ing] rules for court administration, practice, and procedure," (Cal. Const. Art. IV, § 6. and it has crafted detailed, robust rules regarding both remote *proceedings* (Cal. Rule of Court 3.672) and the use of photography, recording, and broadcasting equipment in court. (Cal. Rule of Court 1.150.)

"AB 2104 seeks to curtail and override judicial discretion. Local courts, applying those rules, have implemented county-specific practices for tailoring public access to remote proceedings in criminal and ordinary civil cases. For example, in Los Angeles County, the public may not remotely access criminal or ordinary civil proceedings while in Kern County, a member of the public wishing to access remote proceedings in a criminal or ordinary civil case must submit a form requesting access and explaining why physical, in-person attendance is impossible. Legislative intervention is neither necessary nor appropriate."

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, "Unknown, but potentially significant, costs to courts (Trial Court Trust Fund). It is unclear how many SVP proceedings are open to the public and would fall within the ambit of this bill. To the extent this bill's "observe" requirement implies video streaming, the Judicial Council notes that it would require installation of additional equipment in courtrooms that currently lack it. The Judicial Council indicates it would need to survey courts statewide to determine the full scope of the technology costs, and does not yet have a definitive estimate. The Judicial Council also identifies ongoing workload costs associated with managing livestreams of proceedings in which confidential mental health information may require the court to suspend the stream during closed portions of the hearing. The Judicial Council notes that audio-only streaming could be accomplished with existing court infrastructure at minimal cost. Increased pressure on the Trial Court Trust Fund may create a demand 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."

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: 15-0-0

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

UPDATED

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