

Date of Hearing: April 21, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2257 (Hart) – As Amended April 15, 2026

SUMMARY: Authorizes a county board of supervisors (BOS) to establish a department of corrections and rehabilitation, to be headed by an executive officer appointed by the BOS, to assume the sheriff's duties under California law pertaining to the county jail. Specifically, **this bill:**

- 1) Clarifies, for purposes of the authority of a BOS of any county to establish a department of corrections to be headed by an officer appointed by the board, that the established department must be a department of corrections and rehabilitation, and the officer appointed by the board must be an executive officer.
- 2) Specifies that a county department of corrections and rehabilitation may employ peace officers, as specified.
- 3) Requires a BOS that exercises its authority to establish a department of corrections and rehabilitation to set forth its reasons for establishing the department, which may include, but are not limited to, any of the following findings:
 - a) A department of corrections and rehabilitation will better protect public health and safety.
 - b) There has been a disproportionate increase in deaths within the county jail.
 - c) There is persistent unequal treatment of individuals within a protected class under the Unruh Civil Rights Act.
 - d) A department of corrections and rehabilitation will provide better administration or operation of the county jail.
 - e) There has been persistent abuse or disregard of the civil and human rights of individuals within the county jail.
 - f) There has been a violation of a federal decree or settlement relating to institutional punishment and rehabilitation.
 - g) County jail operations have failed to adhere to Title 15 of the California Code of Regulations, regarding crime prevention and corrections.
 - h) The county jail failed to secure accreditation by one or more national corrections associations.

- 4) Provides that if a BOS exercises its authority to establish a department of corrections and rehabilitation, the executive officer appointed by the BOS shall meet all of the following qualifications:
 - a) Either have professional experience in corrections management or extensive familiarity with Title 15 of the California Code of Regulations, regarding crime prevention and corrections, and national standards for jail accreditation.
 - b) Extensive familiarity with the requirements of appropriate medical and mental health care within a corrections setting.
 - c) Demonstrated commitment to protecting the civil and human rights of incarcerated individuals.
 - d) Knowledge of best practice and evidence-based approaches to rehabilitation.
- 5) Provides that if a BOS exercises its authority to establish a department of corrections and rehabilitation, the executive officer appointed by the board shall assume a sheriff's duties established in California law, as specified, pertaining to a county jail.
- 6) Specifies that the executive officer must ensure that personnel, including peace officers, working in a county jail, industrial farms, and fire or road camps, meet all minimum requirements and are assigned in compliance with the law.
- 7) Provides that the provision of existing law that requires the sheriff to take charge of and be the sole and exclusive authority to keep the county jail and the incarcerated persons in it, as specified, does not apply to a county that has established a department of corrections and rehabilitation, as described above.
- 8) Specifies that it is the intent of the Legislature that this bill does not require a change in workforce at the county jail, industrial farms, and fire or road camps, and that existing peace officers working in those facilities may maintain their status as peace officers.

EXISTING LAW:

- 1) Requires the Legislature to provide for county powers, an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body in each county. (Cal. Const., art. XI, § 1, subd. (b).)
- 2) Requires a county charter to provide for, among other things, an elected sheriff and other officers, their election or appointment, compensation, terms and removal, the powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein. (Cal. Const., art. XI, § 4, subs. (c) & (e).)
- 3) Requires, notwithstanding any other law, that the office of sheriff be filled by election as provided for elective county officers, and vacancies shall be filled as provided by law for filling elective county offices, unless the county or city and county is chartered and such charter provides for election of the sheriff by vote of the electors. (Gov. Code, § 24205.)

- 4) Requires the BOS board to supervise the official conduct of all county officers, and particularly insofar as the functions and duties of such county officers relate to the assessing, collecting, safekeeping, management, or disbursement of public funds, and shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection, although this shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. (Gov. Code, § 25303.)
- 5) Prohibits the BOS from obstructing the investigative function of the sheriff of the county. (Gov. Code, § 25303.)
- 6) Authorizes the BOS of any county to, by resolution, establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners, including, but not limited to, the county jail and industrial farms and road camps, their functions and personnel. (Gov. Code, § 23013.)
- 7) Authorizes the BOS of two or more counties to, by agreement and the enactment of ordinances in conformity thereto, establish a joint department of corrections to serve all the counties included in the agreement, to be headed by an officer appointed by the boards jointly. (Gov. Code, § 23013.)
- 8) Provides that notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it including persons confined to the county jail for a violation of the terms and conditions of their post release community supervision, as specified, except for work furlough facilities where by county ordinance the work furlough administrator is someone other than the sheriff. (Gov. Code, § 26605.)
- 9) Provides that the common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated, and are used as follows:
 - a) For the detention of persons committed in order to secure their attendance as witnesses in criminal cases.
 - b) For the detention of persons charged with crime and committed for trial.
 - c) For the confinement of persons committed for contempt, or upon civil process, or by other authority of law.
 - d) For the confinement of persons sentenced to imprisonment therein upon a conviction for a crime.
 - e) For the confinement of persons pursuant to a violation of the terms and conditions of their post-release community supervision, as specified. (Pen. Code, § 4000.)

- 10) Establishes numerous obligations on sheriffs pertaining to county jails, including, among other things, that the sheriff receive all persons committed to jail by competent authority, and receive and keep in the county jail any prisoner committed thereto by process or order issued under the authority of the United States. (Pen. Code, §§ 4005; 4015, subd. (a).)
- 11) Authorizes a county sheriff to contract for healthcare services, as specified, and provides that in those counties in which the sheriff does not administer a jail facility, a director or administrator of a local department of corrections established by the BOS is the person who may contract for services provided to jail inmates in the facilities they administer in those counties. (Pen. Code, § 4011.10, subds. (a) & (h).)
- 12) Establishes the duties and authority of the sheriff, among other things, as follows:
 - a) Requires the sheriff to preserve peace, and to accomplish this object, may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. (Gov. Code, § 26600.)
 - b) Requires the sheriff to arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense. (Gov. Code, § 26601.)
 - c) Requires the sheriff to prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to their knowledge, investigate public offenses which have been committed, and execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease. (Gov. Code, § 26602.)
 - d) Requires the sheriff to command the aid of as many inhabitants of the sheriff's county as they think necessary in the execution of their duties. (Gov. Code, § 26604.)
 - e) Provides that, notwithstanding any other provision of law, no deputy sheriff shall be required to become a custodial or other officer involuntarily. (Gov. Code, § 26605.1.)
 - f) Authorizes the sheriff, after conferring with a specified physician, to release from a county correctional facility for transfer to a medical facility or residential care facility, a prisoner whose physical condition is such that they are rendered incapable of causing harm to others upon or after release from custody. (Gov. Code, § 26605.5, subd. (a).)
 - g) Authorizes the sheriff or their designee the authority, after conferring with a specified physician, to release from a county correctional facility, a prisoner sentenced to a county jail if the sheriff determines that the prisoner would not reasonably pose a threat to public safety and the prisoner is deemed to have a life expectancy of six months or less. (Gov. Code, § 26605.6, subd. (a).)
 - h) Authorizes the sheriff, or his or her designee, after conferring with a specified physician, to request the court to grant medical probation or to resentence a prisoner to medical probation in lieu of jail time for specified prisoners sentenced to a county jail. (Gov. Code, § 26605.7, subd. (a).)

- 13) Provides that custodial officers of a county shall be employees of, and under the authority of, the sheriff, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it. (Pen. Code, § 831.5, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “California's county jails are in crisis. Jail deaths are at record highs. People with mental illness languish without adequate care. Staffing shortages persist, while financial mismanagement threatens essential public services.

“Since the passage of Senate Bill 911 in 1993, elected sheriffs have held sole and exclusive authority over the operation of county jails. At the same time, county boards of supervisors have remained legally obligated to fund those jails — without authority to compel needed changes. With their policymaking authority ending at the jail door, boards of supervisors are put in the position of writing blank checks while jail issues persist. AB 2257 will reintroduce local choice over jail administration and encourage collaboration and accountability. If a sheriff-run model is serving the community well, it should continue. If not—and particularly in the face of longstanding issues—a board of supervisors should have the authority to evaluate and pursue a structure that better serves the community. Whether counties act to change their jail governance systems or not, having a second option raises the incentive for all parties to improve jail operations and management.”

- 2) **County Jail In-Custody Deaths:** There has been a significant increase in in-custody county jail deaths in recent years. According to the California Department of Justice, “Since the passage of Public Safety Realignment in 2011 - which mandated that individuals sentenced for specific non-violent offenses be housed in county jails rather than state prisons - the share of deaths in custody reported from county sheriff's departments (who manage county jail systems) has grown from 17.1 percent in 2010 to 22.2 percent in 2014....”¹ The percentage of county jail deaths rose to 20.6 percent in 2019. (*Id.*) Notably, between 2006 and 2020, 185 people died in San Diego County jails – one of the highest numbers of in-custody deaths among counties in the state.² In 2022, 215 persons died in California jails, a record high considering data going back to 2005.³
- 3) **County Departments of Corrections and Rehabilitation:** Government Code section 23013, enacted in 1957, authorizes the BOS of any county to establish a department of corrections, to be headed by an officer appointed by the board, which shall have jurisdiction over all county functions, personnel, and facilities, or so many as the board names in its resolution, relating to institutional punishment, care, treatment, and rehabilitation of prisoners. (Gov. Code, § 23013.) This statute has survived legal challenges to its

¹ [Department of Justice, *Death in Custody from 2010 to 2019*. \(July 5, 2023\). Available at: <https://openjustice.doj.ca.gov/data-stories/2019/death-custody-2010-2019> \[as of March 26, 2024\].](https://openjustice.doj.ca.gov/data-stories/2019/death-custody-2010-2019)

² California State Auditor, *Report 2021-109, San Diego County Sheriff's Department – It Has Failed to Adequately Prevent and Respond to the Deaths of Individuals in Its Custody*. (Feb. 3, 2022). Available at: <https://www.auditor.ca.gov/reports/2021-109/index.html> [as of March 26, 2024].

³ Duara and Kimelman, *California jails are holding thousands fewer people, but far more are dying in them*. (March 25, 2024). Available at <https://calmatters.org/justice/2024/03/death-in-california-jails/> [as of March 26, 2024].

constitutionality. A 1969 Attorney General opinion found that this authority does not create irreconcilable differences between the sheriff's authority over county jails established in Penal Code section 4000 and does not violate the prohibition against delegation of legislative powers, as specified. (Ops. Cal. Atty. Gen., No. 69-169 (Nov. 7, 1969) p. 7) (finding, "if a board of supervisors of any county in this state elects to establish a county department of corrections under the mandate of section 23013, the chief officer of such department rather than the sheriff will have the responsibility for administering the county jail.") Similarly, in 1988, a California Court of Appeals rejected a challenge that this statute unconstitutionally infringed on electoral power and unconstitutionally modified the office of the sheriff, among other claims, and held that the statute was a valid exercise of legislative power. (*Beck v. County of Santa Clara* (1988) 204 Cal.App.3d 789, 797.)

However, elsewhere, the Government Code provides that notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it. (Gov. Code, § 26605.) Read together, up until 1993, counties had the authority to establish a department of corrections to be headed by an officer appointed by the BOS. However, SB 911 (Calderon), Chapter 1236, Statutes of 1993, largely eliminated this authority by establishing that a county sheriff's authority over the jails and their inmates shall be the sole and exclusive authority. (Gov. Code, § 26605.) At the time, proponents of the bill argued that county sheriffs, as elected officials, are more directly accountable to the voters whose interest is for jails to run safely and efficiently.⁴ SB 911 preserved Government Code Section 23013's language authorizing counties to create a separate department of corrections, but suspended indefinitely the ability of counties to exercise that authority, provided they had not already.

This Committee is only aware of one county – Napa County – that operates a Department of Corrections that does not operate under the authority of the Napa County Sheriff's Office.⁵ The Napa County BOS established the Department of Corrections as a separate entity from the Sheriff's office in 1975.⁶ Because SB 911 contained an exemption for counties where the sheriff, as of July 1, 1993, was not the sole or exclusive authority of the county jail, Napa County continues to operate its Department of Corrections to this day.

- 4) **Effect of this Bill:** This bill effectively "unfreezes" the authority of counties to establish a department of corrections. First, it clarifies for purposes of this authority that the established department must be a department of corrections and *rehabilitation*, and the officer appointed by the board must be an *executive* officer. The bill also clarifies that a county department of corrections and rehabilitation may employ peace officers, as specified. Any executive officer appointed by the board must meet certain qualifications, including having relevant professional correctional experience or familiarity with California regulations relating to crime prevention and corrections. Second, it requires a BOS that exercises its authority to establish a department of corrections and rehabilitation to set forth its reasons for establishing the department, which may include findings such as the department will better protect public

⁴ "Bill Analysis – SB 911." Prepared by the Assembly Committee on Public Safety. http://www.leginfo.ca.gov/pub/93-94/bill/sen/sb_0901-0950/sb_911_cfa_930824_152041_asm_comm

⁵ Napa County, *About Corrections* (accessed April 12, 2026), available at: <https://www.napacounty.gov/251/About-Corrections>

⁶ *Ibid.*

health and safety, there is a disproportionate increase in deaths within the county jail, or there is persistent unequal treatment of individuals within a protected class under the Unruh Civil Rights Act, among other basis. Third, it provides that if a BOS establishes a department of corrections and rehabilitation, the executive officer appointed by the board shall assume a sheriff's duties established in California law, as specified, pertaining to a county jail. The executive officer must ensure that personnel, including peace officers, working in a county jail, industrial farms, and fire or road camps, meet all minimum requirements and are assigned in compliance with the law. Finally, to effectuate the above changes, it amends the provision of law establishing the sheriff as the sole and exclusive authority to keep the county jail and the incarcerated persons in it, to state that this does not apply to a county that has established a department of corrections and rehabilitation.

Requiring the appointed executive to “assume” a sheriff's duties relating to the county jail goes a step further than the more general authority to establish a department of corrections to be headed by an officer appointed by the board that is provided for in Government Code section 23013. It is somewhat unclear what an elected sheriff's responsibility would be after their duties relating to the county jail have been “assum[ed].” As previously noted, the legality of Government Code section 23013 has largely withstood legal scrutiny. However, because this bill not only reinstates the authority under Section 23013, but additionally requires any appointed executive to assume the sheriff's duties, it is possible this bill could invite new legal challenges on the ground that this unlawfully transfers the powers of an elected official to an unelected individual, modifies a constitutionally created office, or infringes upon separation of powers. (*Beck v. County of Santa Clara*, supra, 204 Cal.App.3d at pp. 794-801.)

The California Legislature has enacted numerous statutes that refer – either directly or indirectly – to a sheriff's exclusive authority over county jails, as established in 1993. (See e.g., Pen. Code, § 4000 [“providing that the common jails in the several counties of this state are kept by the sheriffs of the counties in which they are respectively situated”]; Pen. Code, § 831.5 [stating that “custodial officers of a county shall be...under the authority of, the sheriff, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it”].) To avoid confusion and conflicts with these separate statutes, the author may wish to amend and update references to the sheriff's exclusive authority, to effectuate the possibility that this authority may be given to an executive officer of a county department of corrections and rehabilitation.

- 5) **Argument in Support:** According to *Smart Justice California*, AB 2257 “would give counties the option to maintain sheriff-run jails or appoint an official other than the sheriff to operate the county jail system, if warranted by the need for improved jail operations and administration. This bill restores local choice in jail governance – a flexibility counties had prior to 1993. This bill also updates existing Government Code section 26605 language for consistency with today's practice...

“AB 1185 (McCarty - 2020) granted counties the authority to oversee sheriff's departments and to investigate matters within their jurisdiction. This authority has been largely underutilized or otherwise severely obstructed in a way that defeats its limited purpose.

“Providing county boards of supervisors the option of removing jail operations from the Sheriff serves as an alternative solution in addressing California's jail crisis. When left to the

sheriff's sole discretion, jail issues have persisted across many counties in California for far too long.

“California needs smarter solutions for the myriad problems plaguing its jails. This bill moves California forward in providing counties an option for advancing elected sheriff accountability and much needed improvements in operating county jails. In-custody jail deaths are at record highs. Many local governments are struggling with this crisis and the public is frustrated with the lack of accountability and answers. Many families are left devastated by the sudden and unexplained death of a loved one in custody.

“This bill provides county governments with greater leverage to advance jail policy changes aimed at saving lives and safeguarding taxpayer dollars. While this bill does not require counties to change their jail governance structure, it does encourage accountability and results by ensuring that county leaders have local discretion to ensure safe, effective and responsible jail operations.”

- 6) **Argument in Opposition:** According to the *Association for Los Angeles Deputy Sheriffs*, AB 2257 “proposes to create a process to shift oversight and jurisdiction of county jails from the elected county sheriff to an appointed executive officer appointed by a Board of Supervisors.

“AB 2257 implicitly advances a policy direction that could undermine the long-standing statutory authority of the sheriff to maintain custody and control of county jail facilities. California law has historically recognized the sheriff as the sole and exclusive authority responsible for the county jail and the prisoners within it, a structure that promotes clear accountability, operational efficiency, and public safety.

“Creating a separate department of corrections opens the door to shifting jail operations away from the sheriff and toward politically appointed administrators who may lack the training, experience, and operational perspective necessary to safely manage custodial facilities. Jail operations involve complex security, medical, classification, and rehabilitation responsibilities that require experienced sworn leadership and clear lines of command.

“In large jurisdictions such as Los Angeles County, where jail facilities house thousands of inmates and staff, introducing new bureaucratic layers or governance structures risks fragmentation of authority and confusion regarding responsibility for safety and operations. Rather than improving transparency or accountability, this structural change could weaken it.

“ALADS believes that any proposal to fundamentally alter jail governance should involve extensive consultation with the deputies and custody personnel who operate these facilities daily and bear the responsibility for maintaining safety for staff, inmates, and the public.”

7) **Prior Legislation:**

- a) SB 519 (Atkins), Chapter 306, Statutes of 2023, was substantially similar to this bill, before being amended, among other things, to make records relating to an investigation conducted by a local detention facility into a death incident available to the public, as specified.

- b) SB 1137 (Gonzalez), Chapter 365, Statutes of 2022, would have expanded the BSCC's mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities, but was gutted and amended to establish health protection zones that are 3,200 feet in all directions from a sensitive receptor, among other things.
- c) SB 16 (Skinner), Chapter 402, Statutes of 2021, expanded the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA) and modified existing provisions regarding the release of records subject to disclosure.
- d) AB 1185 (McCarty), Chapter 342, Statutes of 2019, authorized a county to create a sheriff oversight board and an inspector general's office and further authorized those entities to issue a subpoena whenever they deem it necessary or important to examine any person or witness upon any subject matter within the jurisdiction of the board, any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department, or any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department.
- e) AB 748 (Ting), Chapter 960, Statutes of 2017, established a standard for the release of body-worn camera footage by balancing privacy interests with the public's interest in the footage.
- f) SB 1421 (Skinner), Chapter 988, Statutes of 2018, permitted inspection of specified peace and custodial officer records pursuant to the CPRA, as specified.
- g) SB 911 (Calderon), Chapter 1236, Statutes of 1993, provided an exemption to counties whose jail operations as of July 1, 1993, are not under the sole and exclusive authority of the sheriff from having to shift their jail operations and custodial officers to the sheriff.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ)
California Coalition for Sheriff Oversight (CCSO)
California Public Defenders Association
Central Coast Alliance United for a Sustainable Economy
County of San Diego Fourth District Supervisor Monica Montgomery Steppe
Fixin San Mateo County
League of Women Voters of California
Legal Services for Prisoners With Children
Nextgen California
Oakland Privacy
San Quentin Skunkworks
Smart Justice California, a Project of Beyond Impact

Opposition

Association for Los Angeles Deputy Sheriffs (ALADS)
California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)

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