
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2593 (Elhawary) - Corrections: treatment of prisoners

Version: June 25, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 2593 would prohibit a California Department of Corrections and Rehabilitation (CDCR) administrator, supervisor, or employee from interring with or refusing to implement prescribed health care that results in substantial emotional distress or serious bodily harm.

Fiscal Impact: Likely major annual costs to CDCR to comply with the requirements of the bill. (General Fund)

Potentially significant annual costs to the Department of Justice for litigation when the CDCR is sued for failing to implement prescribed health care. (General Fund)

Unknown, potentially significant costs to the courts to adjudicate new filings. 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 put pressure on the General Fund 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)

Proposed Law: This bill adds Penal Code 2654 to read:

A supervisor, administrator, or employee of the Department of Corrections and Rehabilitation shall not knowingly countermand, change, interfere with, or refuse to implement health care prescribed or determined to be medically necessary by a licensed health care provider acting within the scope of their licensure that results in substantial emotional distress or serious bodily injury.

The bill defines the following terms:

- 1) Serious bodily injury means a medically diagnosed serious impairment of physical condition, including, but not limited to, acute or protracted loss or impairment of function of any bodily member or organ
- 2) Substantial emotional distress means medically or psychiatrically diagnosed mental or emotional suffering that is acute, chronic, or protracted, or a condition that requires inpatient psychiatric treatment.

Staff Comments: How CDCR will apply the provisions of this bill is as health care and mental health care are operating under the direction of two separate Federal Receivers.

This may infringe on the Plata Receiver's authority to make decisions as it relates to the provision and oversight of health care within CDCR. One of the issues that led to the Plata decision was related to appropriate review and the lack of both supervision and oversight of health care being provided within the prisons. The broad authority this bill would provide could fundamentally make CDCR's efforts to fully delegate health care back to the state much more difficult. As required by Plata, California Correctional Health Care Services has developed protocols to appropriately conduct peer review and oversight of licensed medical providers and their privileges within the prisons which include various levels of review by licensed practitioners. This bill would undo these protocols.

Legislative Analyst's Office has recommended, despite the appointment of the Receiver, the Legislature continue to exercise oversight over the delivery of prison mental health, track progress towards exiting the mental health Receivership, direct CDCR to take additional steps to address mental health vacancies (such as increasing the use of tele-mental health), and monitor the impact of the recent salary increases for CDCR mental health staff implemented by the Receiver.