
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 2727 **Hearing Date:** August 26, 2026
Author: Nguyen
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Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Corrections: parole and prerelease treatment*

HISTORY

Source: Orange County District Attorney's Office; Sacramento County District Attorney's Office

Prior Legislation: SB 286 (Jones), held in Senate Appropriations, 2025
AB 47 (Nguyen), held in Assembly Appropriations, 2025
SB 445 (Jones), failed passage in Senate Public Safety, 2021
AB 3234 (Ting), Ch. 334, Stats. of 2020
SB 411 (Jones), not heard in Senate Public Safety, 2019
AB 1448 (Weber), Ch. 676, Stats. of 2017
SB 224 (Liu), ordered to the Inactive File on the Senate Floor, 2015

Support: California Police Chiefs Association; California State Sheriffs' Association; Chief Probation Officers' of California; Peace Officers Research Association of California

Opposition: ACLU California Action; California Attorneys for Criminal Justice; California Coalition for Women Prisoners; California Public Defenders Association; Californians United for a Responsible Budget; Ella Baker Center for Human Rights; Initiate Justice; Justice2Jobs Coalition; La Defensa; San Francisco Public Defender; Smart Justice California; UnCommon Law

Assembly Floor Vote: 70 - 0

PURPOSE

The purpose of this bill is to require that individuals convicted of specified sex crimes are 65 years of age or older and have served a minimum of 25 years on their current sentence in order to be eligible for the Elderly Parole Program; make the sexually violent predator (SVP) referral process applicable to indeterminately sentenced individuals; and provide that the change to the SVP referral process is retroactive regardless of the date an individual was sentenced or the date the offense was committed.

Existing law requires the Board of Parole Hearings (BPH) to meet with each incarcerated person during the sixth year prior to the person's minimum eligible parole date (MEPD) for the purposes of reviewing and documenting the person's activities and conduct pertinent to both parole eligibility. Requires that the BPH provide the person with information about the parole

hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the person regarding his or her work assignments, rehabilitative programs, and institutional behavior during the consultation. (Pen. Code, § 3041, subd. (a)(1).)

Existing law provides that one year prior to the incarcerated person's MEPD, a panel of two or more commissioners or deputy commissioners shall meet with the person and shall normally grant parole. (Pen. Code, § 3041, subd. (a)(2).)

Existing law requires that an incarcerated person be released upon a grant of parole, subject to all applicable review periods. Prohibits the release of an incarcerated person who has not reached his or her MEPD unless the person is eligible for earlier release pursuant to his or her youth offender parole eligibility date or elderly parole eligible date. (Pen. Code, § 3041, subd. (a)(4).)

Existing law requires the BPH to grant parole to an incarcerated person unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. (Pen. Code, § 3041, subd. (b)(1).)

Existing law prohibits a person imprisoned under a life sentence from being paroled until he or she has served the greater of the following: 1) a term of at least seven calendar years; or 2) a term as established pursuant to any other law that establishes a minimum term or minimum period of confinement under a life sentence before eligibility for parole. Requires that notwithstanding this provision of law, an incarcerated person found suitable for parole pursuant to a youth offender parole hearing or an elderly parole hearing be paroled regardless of the manner in which BPH sets release dates pursuant to other provisions of current law, as applicable. (Pen. Code, § 3046, subds. (a) & (c).)

Existing law requires BPH, if an incarcerated person has a prior conviction for a sexually violent offense, to consider the results of a comprehensive risk assessment for sex offenders in considering parole. (Pen. Code, § 3053.9.)

Existing law establishes the Elderly Parole Program, to be administered by BPH, for purposes of reviewing the parole suitability of any incarcerated person who is 50 years of age or older and has served a minimum of 20 years of continuous incarceration on the person's current sentence, serving either a determinate or indeterminate sentence. (Pen. Code, § 3055, subd. (a).)

Existing law defines "elderly parole eligible date" as the date on which an incarcerated person who qualifies as an elderly offender is eligible for release from prison. (Pen. Code, § 3055, subd. (b)(1).)

Existing law defines "incarceration" as detention in a city or county jail, local juvenile facility, a mental health facility, a Division of Juvenile Justice facility, or a Department of Corrections and Rehabilitation (CDCR) facility. (Pen. Code, § 3055, subd. (b)(2).)

Existing law requires the BPH to give special consideration to whether age, time served, and diminished physical condition, if any, have reduced the elderly incarcerated individual's risk for future violence, when considering the person's release. (Pen. Code, § 3055, subd. (c).)

Existing law requires the BPH to consider whether the incarcerated person meets or will meet the criteria for the Elderly Parole Program. (Pen. Code, § 3055, subd. (d).)

Existing law requires that an individual who is eligible for an elderly parole hearing meet with the BPH pursuant to existing provisions of law regarding parole hearings. Requires the BPH to release the individual on parole, as provided, if the person is found suitable for parole under the Elderly Parole Program. (Pen. Code, § 3055, subd. (e).)

Existing law requires the BPH to set the time for a subsequent elderly parole hearing if parole is not granted. Provides that no subsequent elderly parole hearing is necessary if the offender is released pursuant to other statutory provisions prior to the date of the subsequent hearing. (Pen. Code, § 3055, subd. (f).)

Existing law excludes the following individuals from elderly parole eligibility: a person who was sentenced pursuant to the “Three Strikes” law; a person who was sentenced to life in prison without the possibility of parole or death; a person who was convicted of first-degree murder of a peace officer who was killed while engaged in the performance of their duties, and the individual knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of their duties, or the victim was a peace officer or a former peace officer, and was intentionally killed in retaliation for the performance of their official duties, as defined. (Pen. Code, § 3055, subds. (g) & (h).)

Existing law provides that the Elderly Parole Program does not alter the rights of victims at parole hearings. (Pen. Code, § 3055, subd. (i).)

Existing law provides that any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child, punishable by imprisonment in the state prison for 15 years to life:

- Rape.
- Rape or sexual penetration, in concert.
- Sodomy.
- Oral copulation.
- Sexual penetration. (Pen. Code, § 269, subds. (a), (b).)

Existing law provides that any person 18 years of age or older who engages in sexual intercourse or sodomy with a child who is 10 years of age or younger is guilty of a felony, punishable by imprisonment in the state prison for a term of 25 years to life. (Pen. Code, § 288.7, subd. (a).)

Existing law provides that any person 18 years of age or older who engages in oral copulation or sexual penetration with a child who is 10 years of age or younger is guilty of a felony, punishable by imprisonment in the state prison for a term of 15 years to life. (Pen. Code, § 288.7, subd. (b).)

Existing law, the One Strike Sex Offense statute, provides for a mandatory sentence of 15-years-to-life or 25-years-to-life if a person is convicted of one several specified felony sex offenses under one or more circumstances, as provided. (Pen. Code, § 667.61, subds. (b)-(e).)

Existing law provides that a habitual sexual offender is a person who has previously been convicted of one or more of the following offenses and who is convicted in the present proceeding of one of these offenses:

- Rape by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, or threat to retaliate in the future.
- Rape of a spouse by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, or threat to retaliate in the future.
- Rape or sexual penetration, in concert.
- Lewd or lascivious act on a child under 14, and lewd or lascivious act on a child under 14 by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- Sexual penetration, by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury or sexual penetration of a person who is under 14 years of age and who is more than 10 years younger.
- Continuous sexual abuse of a child.
- Sodomy of a person who is under 14 years of age and more than 10 years younger, or in concert.
- Oral copulation of a person who is under 14 years of age and more than 10 years younger, or in concert.
- Kidnapping with intent to commit a lewd and lascivious act on a child under 14.
- Kidnapping to commit specified sex offenses.
- Kidnapping with intent to commit rape, oral copulation, sodomy, or other specified sex offense.
- Aggravated sexual assault of a child.
- An offense committed in another jurisdiction that includes all of the elements of one of the above offenses. (Pen. Code, § 667.71, subds. (a), (c).)

Existing law provides that a habitual sexual offender shall be punished by imprisonment in the state prison for 25 years to life. (Pen. Code, § 667.71, subd. (b).)

Existing law provides for the civil commitment for psychiatric and psychological treatment of an individual incarcerated in state prison found to be a sexually violent predator (SVP) after the person has served his or her prison commitment. (Welf. & Inst. Code, § 6600, et seq.)

Existing law defines a “sexually violent predator” as “a person who has been convicted of a sexually violent offense against one or more victims and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.” (Welf. & Inst. Code, § 6600, subd. (a)(1).)

Existing law requires the Secretary of CDCR, when they have determined that an individual who is in custody (who is either serving a determinate prison sentence or whose parole has been revoked, and who is not in custody for the commission of a new offense committed while the individual was serving an indeterminate term in a state hospital as an SVP) may be an SVP, to refer the person for evaluation at least six months prior to that individual’s scheduled release date for release from prison. Allows the referral to be made less than six months prior to the person’s scheduled release date if the person was received by CDCR with less than nine months of their sentence to serve, or if the person’s release date is modified by judicial or administrative action. (Welf. & Inst. Code, § 6601, subd. (a)(1).)

This bill requires BPH to review a sexual dangerousness screening to determine if a person is likely to be an SVP before it meets to review or consider the parole suitability of an incarcerated person sentenced to an indeterminate sentence for a sexually violent offense. Requires the screening to be conducted by a licensed psychologist.

This bill provides that individuals may be referred to Department of State Hospitals (DSH) after the initial screening, under certain circumstances, including, but not limited to, any of the following:

- The evaluator opinions that the individual has either of the following:
 - A complex sexual violence risk.
 - An equivocal predatory element to their sexual violence risk.
- The individual has complex sexually violent predator relevant diagnoses linked to criminal sexual offending.
- The person has received sex offender-specific treatment or interventions, and in the professional opinion of the evaluator performing the sexual dangerousness screening, it is unclear if the screening adequately addresses the individual's risk factors.
- Other complex cases as requested by the Board of Parole Hearings and approved by the Director of State Hospitals or a designee.

This bill requires BPH to consider the results of the sexual dangerousness screening or screenings in determining if an individual is suitable for parole.

This bill requires, if BPH grants parole to an individual whose sexual dangerousness screening indicates they may qualify as an SVP, the person to immediately be referred to DSH for an SVP evaluation.

This bill requires the sexual dangerousness screening to be jointly created by BPH and DSH. Requires the screening to be a review that considers the incarcerated person's sexual dangerousness, informed by the SVPA. Requires the screening to include, but is not limited to, both of the following factors:

- The victim demographics and selection, and the nature of the violence perpetrated against the victim or victims, and persistence of offending.
- Evidence of sexual deviance, as demonstrated by objective indicators.

This bill requires the sexual dangerousness screening to be reviewed at least every three years by BPH and DSH, and updated as appropriate to reflect current research on sexually violent predators and risk assessments for people convicted of sex offenses.

This bill changes the Elderly Parole Program eligibility criteria for individuals convicted of the following crimes or sentenced under the following statutes, by requiring that such a person is 65 years of age or older and has served a minimum of 25 continuous years on their current sentence:

- Aggravated sexual assault of a child (i.e., commits rape; rape or sexual penetration, in concert; sodomy; oral copulation; or sexual penetration on a child under 14 and seven or more years younger than the person).
- Sexual intercourse or sodomy with a child who is 10 years of age or younger.

- Oral copulation or sexual penetration with a child who is 10 years of age or younger.
- One Strike Sex Offense statute.
- Habitual sexual offender statute.

This bill requires CDCR, effective January 1, 2027, to recalculate Elderly Parole Eligible Dates for incarcerated individuals. Requires BPH, effective January 1, 2027, to cancel parole hearings for people who were previously scheduled based solely on an Elderly Parole Eligible Date calculated using 50 years of age and 20 years of continuous incarceration.

This bill increases the minimum number of annual training hours that BPH commissioners and deputy commissioners must undergo from 40 hours to 48 hours. Adds training on sex offender behaviors, risks, and treatment considerations to the required annual training.

This bill makes the SVP referral process applicable to indeterminately sentenced individuals.

This bill provides that a referral for evaluation of an incarcerated person whose sexual dangerousness screening indicates they may qualify as an SVP and who is granted parole may be waived by the mutual agreement of DSH and CDCR, if the incarcerated person is permanently medically incapacitated, as defined.

This bill provides that the change to the SVP referral process is retroactive regardless of the date an individual was sentenced or the date the offense was committed.

This bill authorizes BPH, upon a showing of good cause, to order that a person referred to DSH for an SVP evaluation remain in custody for up to 180 days beyond the person's scheduled release date. Provides that good cause means circumstances where there are less than 180 days prior to the person's scheduled release date for the full SVP evaluation.

COMMENTS

1. Need For This Bill

According to the author:

When someone preys on children, the impact is devastating and it stays with victims for life. Recent cases, including the David Funston case, have raised serious concerns about how California's elderly parole program is being applied, especially when it comes to individuals convicted of violent sexual offenses against children.

That's why I introduced AB 2727. It takes a more targeted approach and draws a clear line for the most serious sexual offenses, including cases involving multiple victims, while raising the bar for others before they can even be considered for release. It also strengthens the process by requiring referral for a sexually violent predator evaluation prior to release consideration. At the end of the day, this is about protecting our communities and making sure the most serious crimes are treated with the seriousness they deserve.

2. Elderly Parole Program

As the result of severe prison overcrowding, the Three-Judge Court ordered CDCR to implement several population reduction measures, including to “[f]inalize and implement a new parole process whereby inmates who are 60 years of age or older and have served a minimum of twenty-five years of their sentence will be referred to the Board of Parole Hearings to determine suitability for parole.” (February 10, 2014 Order, 2:90-cv-0520 LKK DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown*) In response to the order, BPH created the Elderly Parole Program and began holding elderly parole hearings on October 1, 2014. Incarcerated individuals with determinate terms as well as those sentenced to life with the possibility of parole are eligible for the program. (CDCR, *Elderly Parole Hearings*, available at <<https://www.cdcr.ca.gov/bph/elderly-parole-hearings-overview/>>.) Incarcerated individuals who are sentenced to life without the possibility of parole, or who are sentenced to death are not eligible for the program. (*Ibid.*)

AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program. However, AB 1448 narrowed the eligibility criteria by excluding individuals who were sentenced pursuant to the “Three Strikes” law or who were convicted of first-degree murder of a peace officer from the Elderly Parole Program. (Pen. Code, § 3055, subs. (g) & (h).) AB 3234 (Ting), Chapter 334, Statutes of 2020, expanded the eligibility criteria for elderly parole. Specifically, AB 3234 lowered the minimum age at which an incarcerated individual is eligible for elderly parole from 60 to 50 and the amount of time that must be served from 25 years to 20 years. Incarcerated individuals who meet the eligibility criteria of the court-ordered Elderly Parole Program but who are excluded from the statutory Elderly Parole Program are eligible for elderly parole consideration under the court-ordered program. (BPH, *Elderly Parole Fact Sheet* (Mar. 2022), p. 1 available at <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2022/03/Elderly-Parole-Fact-Sheet3_18-1.pdf>.)

The most recent data on recidivism rates for individuals released through the Elderly Parole Program indicate that the three-year conviction rate for all individuals released via the program during fiscal year 2019-2020 is 1.8 percent, and the three-year conviction rate for individuals released via the program the same year who had an indeterminate term is 0.6 percent. (CDCR, Office of Research, *Recidivism Rates for Individuals Released Through Board of Parole Hearing Processes in Fiscal Year 2019-20* (Jul. 2025), p. 6 available at <<https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2025/07/FY-2019-20-BPH-Supplemental-Recidivism-Report.pdf>>.)¹

This bill changes the Elderly Parole Program eligibility criteria for individuals convicted of the following crimes or sentenced under the following statutes, by requiring that such persons are 65 years of age or older and have served a minimum of 25 continuous years on their current sentence:

- Aggravated sexual assault of a child (i.e., commits rape; rape or sexual penetration, in concert; sodomy; oral copulation; or sexual penetration on a child under 14 and seven or more years younger than the person).
- Sexual intercourse or sodomy with a child who is 10 years of age or younger.

¹ Data from fiscal year 2019-20 is the most current year that data is available. Individuals released during fiscal year 2019-20 via the Elderly Parole Program met the eligibility criteria that existed at that time (i.e., all individuals were at least 60 years old and had served at least 25 years).

- Oral copulation or sexual penetration with a child who is 10 years of age or younger.
- One Strike Sex Offense statute.
- Habitual sexual offender statute.

Under current law, these individuals are eligible for the statutory Elderly Parole Program once a person reaches the age of 50 and has served a minimum of 20 continuous years on their current sentence. As mentioned above, these individuals are eligible for the court-ordered Elderly Parole Program once the person reaches the age of 60 and has served a minimum of 25 continuous years on their current sentence.

3. SVP Background

The Sexually Violent Predator Act (SVPA) establishes an extended civil commitment scheme for sex offenders who are about to be released from prison but are referred to DSH for treatment in a state hospital because they have suffered from a mental illness which causes them to be a danger to the safety of others. The initial screening is conducted by the California Department of Corrections and Rehabilitation (CDCR) and the Board of Parole Hearings. (Welf. & Inst. Code, § 6601, subd. (b).) If a determination is made that the person is likely a sexually violent predator, CDCR is required to refer to the person to DSH for a full evaluation. (*Ibid.*)

Under existing law, a person may be deemed an SVP if: the person has been convicted of specified sex offenses against one or more victims; the person has been diagnosed with a mental disorder that makes the person a danger to the health and safety of others in that it is likely that the person will engage in sexually violent criminal behavior; and, two licensed psychiatrists or psychologists concur in the diagnosis. (Welf. & Inst. Code, §§ 6600, subd. (a), 6601, subd. (d).) If DSH finds that the person meets the criteria to be considered an SVP, the case is referred to the county's designated counsel who may file a petition for civil commitment. (Welf. & Inst. Code, § 6601, subd. (i).)

Once a petition has been filed, a judge holds a probable cause hearing. (Welf. & Inst. Code, § 6602.) If probable cause is found, the case proceeds to a trial at which the prosecutor must prove beyond a reasonable doubt that the person meets the statutory criteria to be considered an SVP. (Welf. & Inst. Code, § 6604.) If the prosecutor meets this burden, the person can be civilly committed to a DSH facility for treatment.

DSH must conduct an examination of an SVP's mental condition at least annually and submit an annual report to the court. (Welf. & Inst. Code, § 6604.9, subd. (a).) This annual review is prepared by a professionally qualified person. (*Ibid.*) In addition, DSH has an obligation to seek judicial review any time it believes a person committed as an SVP no longer meets the criteria. (Welf. & Inst. Code, § 6607.)

The SVPA was substantially amended by Proposition 83 ("Jessica's Law") which became operative on November 7, 2006. An SVP commitment, as originally enacted, was for two years and subject to possible extension. Under Jessica's Law, a person committed as an SVP may be held for an indeterminate term upon commitment or until it is shown that the defendant no longer poses a danger to others. (See *People v. McKee* (2010) 47 Cal.4th 1172, 1185-87.) Jessica's Law also amended the SVPA to make it more difficult for SVPs to petition for less restrictive alternatives to commitment. These changes have survived due process, ex post facto, and equal protection challenges. (See *Id.* at p. 1193 (finding no due process violation because the SVPA

has appropriate constitutional protections in place and the committed person “may not be held in civil commitment when he or she no longer meets the requisites of such commitment” (i.e., the person has the opportunity for release); *People v. McKee* (2012) 207 Cal.App.4th 1325; *People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774.) Due to the significant deprivation of a person’s liberty while SVP proceedings are conducted, and potentially indefinitely after being committed as an SVP, the California Supreme Court recently held that all trial courts in the state are required to advise criminal defendants prior to pleading guilty or nolo contendere to an offense enumerated in the SVPA, or in cases where the court is aware that the defendant has a prior conviction for such an offense, of potential repercussions related to the SVPA. (*In re Tellez* (2024) 17 Cal.5th 77, 92.)

This bill makes the mandatory SVP referral process applicable to indeterminately sentenced individuals. Under current law, only individuals who were determinately sentenced (i.e., a person who was sentenced to a finite term of years such as 10 years as opposed to an open-ended sentence such as 15 years-to-life) are referred for SVP evaluation. This change to existing law is likely to result in a greater number of individuals being committed to a state hospital as an SVP following completion of their prison sentence because the number of incarcerated individuals who CDCR will be required to refer for SVP evaluation will be expanded. Finally, this bill makes the change to the SVP referral process retroactive regardless of the date an individual was sentenced or the date the offense was committed.

4. Recent Amendments

This bill was heard in this Committee on June 30, 2026. Recent amendments taken on the Senate Floor on August 21, 2026 do the following:

- Require BPH to review a sexual dangerousness screening for a person who is indeterminately sentenced for a sexually violent offense prior to reviewing or considering the person’s parole suitability;
- Outline the process and requirements for the sexual dangerousness screening;
- Require BPH to refer a person granted parole whose sexual dangerousness screening indicates the person may qualify as an SVP to DSH for an SVP evaluation;
- Allow BPH to order a person referred to DSH for an SVP evaluation to remain in custody for up to 180 days past the person’s scheduled release date in order to complete the evaluation when there are fewer than 180 days prior to the person’s scheduled release date to complete the full evaluation;
- Require, effective January 1, 2027, CDCR to recalculate the Elderly Parole Eligible Dates for individuals convicted of specified sex offenses and to cancel parole hearings that were previously scheduled based solely on the Elderly Parole statutory criteria in effect prior to that date; and
- Add a training requirement for BPH commissioners and deputy commissioners on sex offender behaviors, risks, and treatment, and increase the minimum number of annual hours of training from 40 to 48 hours.

5. Argument in Support

The California Police Chiefs Association writes:

AB 2727 makes important and narrowly tailored improvements to California's elderly parole and sexually violent predator review processes by ensuring that individuals convicted of the most serious sexual offenses are subject to appropriate safeguards before being considered for release into the community. The bill recognizes that while California's elderly parole program serves an important purpose, certain violent sexual offenders warrant additional scrutiny due to the nature of their crimes and the lasting harm inflicted on victims.

Specifically, AB 2727 limits elderly parole eligibility for individuals convicted of specified serious sexual offenses, including aggravated sexual offenses against children and offenses involving multiple victims, unless they have reached an advanced age and served a substantially longer period of incarceration. The bill also strengthens existing sexually violent predator review procedures by requiring referrals for evaluation in additional circumstances and ensuring that individuals serving indeterminate sentences are appropriately screened before release.

From a law enforcement perspective, these changes provide important public safety safeguards while preserving the overall framework of California's elderly parole system. The bill does not eliminate elderly parole eligibility generally, nor does it alter the Board of Parole Hearings' responsibility to conduct individualized suitability determinations. Instead, it recognizes that certain offenders—particularly those convicted of predatory sexual crimes against children or multiple victims—present unique public safety concerns that justify additional review and heightened eligibility standards.

AB 2727 also helps ensure that sexually violent predator evaluations are conducted whenever appropriate before an offender is released. These evaluations serve a critical public safety function by identifying individuals who may continue to present a significant danger to others due to a diagnosed mental disorder. By closing procedural gaps and expanding referral authority, the bill strengthens confidence that potentially dangerous offenders will receive appropriate review before release decisions are finalized.

The bill further promotes fairness and transparency for victims and their families. Victims of serious sexual offenses often endure lifelong trauma, and many reasonably expect that offenders convicted of particularly egregious crimes will be subject to rigorous review before being released into the community. AB 2727 helps ensure that the parole process appropriately accounts for the severity of these offenses while maintaining the state's commitment to individualized consideration and due process.

More broadly, AB 2727 reflects a balanced approach to public safety and corrections policy. The measure preserves opportunities for parole consideration while establishing additional guardrails for a limited category of offenders whose crimes warrant heightened scrutiny. In doing so, it strengthens public confidence

in California's parole system, improves protections for victims and communities, and enhances the state's ability to identify individuals who may continue to pose a serious risk if released.

6. Argument in Opposition

According to the ACLU California Action:

AB 2727 represents a dramatic and unwarranted rollback of a program that over a decade has effectively protected public safety while saving critical state resources. Despite its stated intent, AB 2727 does not advance public safety. Instead, AB 2727 promotes fear-based policymaking that is inconsistent with empirical criminal justice research, locking California into decades of wasteful prison spending without any tangible public safety benefit.

Since its implementation, California's Elderly Parole program has proven to be extraordinarily effective at protecting public safety. The three-year recidivism rate for people released through California's elderly parole hearing process is remarkably low — among the lowest in the nation — at 1.8%, or just 0.6% when accounting for crimes against another person. This is even lower than the low recidivism rate for California's general parole hearing process, which is consistently about 2 to 3% — nearly 20 times lower than the roughly 40% recidivism rate for all people released from CDCR custody — or less than 1% for violent re-offense. Furthermore, there has never been a documented case of sexual re-offense by someone released through the Elderly Parole program, further undermining the premise of this bill.

These positive outcomes are consistent with a substantial body of research demonstrating that people age out of crime, with recidivism rates dropping sharply after age 50 and approaching zero by age 65. Notably, this pattern holds true across crime types, including for sexual offenses. In fact, contrary to common misconception, most people convicted of sexual offenses do not reoffend sexually, and the likelihood of sexual re-offense declines significantly with age.

Nonetheless, this is a conservative release program with very low grant rates; between 2022 and 2024, only 16% of elderly parole hearings resulted in a parole grant, with just 9% of first-time elderly parole hearings leading to a grant. These numbers decline dramatically for people with sexual offenses. Even in elderly parole hearings held for people already assessed as a low risk by the parole board's Forensic Assessment Division, the parole board denies parole roughly 40% of the time. Rather than guaranteeing release, Elderly Parole affords candidates an opportunity to undergo a rigorous parole suitability evaluation by the parole board, including extensive evaluation of rehabilitation informed by forensic psychological assessments and actuarial risk tools.

On top of standard sex registry requirements, the victim-centered "Containment Model" California employs requires highly coordinated supervision among teams composed of a parole officer, sex offense treatment provider, and polygraph examiner; GPS ankle monitoring, mandatory participation in both individual and group sex offense-specific treatment tailored to risk level, continuous risk

assessment administration, and regular polygraph testing. Furthermore, sex registrants in the highest risk tier are placed on lifetime intensive parole supervision. This intensive supervision framework already empowers law enforcement with ample tools for monitoring people paroled for sex offenses, rendering expanded civil commitment for this population unnecessary.

AB 2727's expansion of the Sexually Violent Predator (SVP) program is unnecessary and counterproductive. The parole board already conducts thorough, structured assessments of risk before granting parole, rendering parallel SVP referrals duplicative. For people with sexual convictions, both the parole suitability and supervision processes additionally require the administration of research-validated, actuarial risk instruments specifically for assessing sexual re-offense risk, including the Static-99R and the STABLE 2007. It would waste critical state resources to also conduct SVP proceedings duplicating a public safety inquiry the parole board has already completed.

Furthermore, applying SVP proceedings to individuals already deemed suitable for parole invites the use of civil commitment as a back-end mechanism to override release decisions, particularly in cases that attract public scrutiny. AB 2727 also expands one of the most inefficient and costly public safety systems in the state, as SVP proceedings are notoriously resource-intensive ...

At the same time, AB 2727 would impose major fiscal costs on the state by keeping aging people incarcerated far beyond the point of any meaningful public safety benefit. Older people that are incarcerated are the most expensive to imprison because of age-related medical needs. ... [The] average annual healthcare costs for an individual who is 80 or older is \$240,000, climbing to upwards of \$450,000 for certain individuals. In other words, this bill will cost billions in taxpayer dollars over the next decade.

The bill also raises serious humanitarian and legal concerns. ... The creation of the Elderly Parole program was to address a constitutional overcrowding crisis in California's state prisons. Release of elderly people was the safest and most fiscally sound option to reduce the prison population. AB 2727 threatens to undo that progress and open the door to more litigation. ...

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