

THIRD READING

Bill No: AB 2727
Author: Nguyen (D), et al.
Amended: 8/28/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/30/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 70-0, 5/28/26 - See last page for vote

SUBJECT: Corrections: parole and prerelease treatment

SOURCE: Orange County District Attorney's Office
Sacramento County District Attorney's Office

DIGEST: This bill requires 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; makes the sexually violent predator (SVP) referral process applicable to indeterminately sentenced individuals; and 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.

Senate Floor Amendments of 8/27/26 reduce the length of time a person can be held past their scheduled release date for purposes of completion of an SVP evaluation from 180 days to 90 days.

Senate Floor Amendments of 8/21/26 require the Board of Parole Hearings (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 the Department of State Hospitals (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, the California Department for Corrections and Rehabilitation 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.

ANALYSIS:

Existing law:

- 1) 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. (Penal [Pen.] Code, § 3041, subd. (a)(1).)
- 2) 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).)
- 3) 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 their MEPD unless the person is eligible for earlier release pursuant to their youth offender parole eligibility date or elderly parole eligible date. (Pen. Code, § 3041, subd. (a)(4).)
- 4) 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).)

- 5) Prohibits a person imprisoned under a life sentence from being paroled until they have 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, subs. (a) & (c).)
- 6) 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. 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, subs. (a) & (b).)
- 7) 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).)
- 8) 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).)
- 9) 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).)
- 10) 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).)

- 11) 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. (Welfare and Institutions Code [Welf. & Inst. Code], § 6600, et seq.)
- 12) 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).)
- 13) Requires the Secretary of California Department of Corrections and Rehabilitation (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:

- 1) 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:
 - a) 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).

- b) Sexual intercourse or sodomy with a child who is 10 years of age or younger.
 - c) Oral copulation or sexual penetration with a child who is 10 years of age or younger.
 - d) One Strike Sex Offense statute.
 - e) Habitual sexual offender statute.
- 2) Makes the SVP referral process applicable to indeterminately sentenced individuals.
- 3) 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.

Background

Elderly Parole. 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, subds. (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%, and the three-year conviction rate for individuals released via the program the same year who had an indeterminate term is 0.6%. (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> .)

Sexually Violent Predator Act. The Sexually Violent Predator Act (SVPA) established 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.

This bill has two components: changing the Elderly Parole eligibility criteria for individuals convicted of certain felony sex offense and making the SVP referral process applicable to indeterminately sentenced individuals.

First, 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.
- 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 earlier in the analysis, these individuals are eligible for the court-ordered Elderly Parole Program once the person reaches the age of 65 and has served a minimum of 25 continuous years on their current sentence.

This bill additionally 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. 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Senate Appropriations Committee:

Major annual costs in the millions of dollars to the California Department of Corrections and Rehabilitation (CDCR) for extended incarceration of the affected population. A person sentenced for one of the specified sex offenses is eligible for

elderly parole consideration at age 50 after 20 years served. This bill delays eligibility to age 65 after 25 years served. At CDCR's average per capita incarceration cost of approximately \$138,000 annually, each additional year of incarceration for an affected individual represents a cost of that magnitude. Aggregate costs will depend on the size of the affected population and the extent to which current-law elderly parole grants would otherwise have resulted in release. CDCR notes that some affected individuals may remain eligible for earlier parole consideration through youth offender parole or their minimum eligible parole date, which partially offsets the delayed-eligibility effect.

Annual costs to the California Correctional Health Care Services for geriatric medical care for the affected population. Incarcerated individuals over age 55 incur substantially higher healthcare costs than the general CDCR population due to age-related chronic conditions, long-term care needs, and end-of-life care.

Annual costs in the low millions of dollars for expanded SVP screening and referral workload. The bill's elimination of the determinate-term limitation on SVP referrals would require CDCR to conduct SVP screenings and referrals for indeterminately sentenced persons with qualifying offenses in advance of parole hearings.

Projected \$4.13 million annually to the Department of State Hospitals (DSH) for expanded SVP evaluations. Eliminating the determinate-term limitation on SVP referrals expands the universe of inmates potentially subject to evaluation to include indeterminate-term inmates up for parole, and the new referral authority in the Board of Parole Hearings (BPH) adds an additional referral pathway. Assuming BPH will refer these incarcerated persons to DSH for SVP evaluation before granting parole at the same rate they do for incarcerated persons who have already been granted parole, DSH estimates it would need to evaluate approximately 250 additional individuals referred each year. To do so, DSH would require ten SVP evaluators, one senior psychologist supervisor, and two analyst positions. Further, if the two initial evaluators disagree on whether the individual meets SVP criteria, two independent evaluators must complete another evaluation. Based on the current 10% rate of difference of opinions, DSH would need to fund 50 additional independent evaluations (25 cases of differing opinion, requiring two additional evaluators per case).

Projected \$10.23 million to \$20.46 million annually to treat additional SVP patients. If DSH assumes 10 percent to 20% of the anticipated 250 additional SVP evaluations result in positive SVP determinations, DSH SVP commitments would

increase by 25 to 50 patients annually. Since SVP patients' length of stay is about 12 years, this would significantly impact DSH bed space. As of March 2026, DSH had a total population of 954 SVP patients. Based on FY 2024-25 expenditures, the average cost of inpatient treatment per day at DSH is \$1,121. All available units at DSH-Coalinga are activated and serving SVP patients, incarcerated persons from CDCR, and Offender with Mental Health Disorder (OMD) patients. Depending upon the actual number of SVP patients referred to DSH as a result of this bill, DSH may need to relocate OMD patients to other DSH facilities, which may impact overall bed availability in the DSH system for other patient types. To the extent DSH will need to contract for additional bed capacity to meet these needs, there are additional unknown costs. (General Fund)

Unknown costs to trial courts, county district attorneys, and county public defenders for SVP commitment proceedings generated by the expanded referral population. SVP proceedings are resource-intensive, often involving years of litigation, multiple expert evaluations, and probable cause hearings. These county costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The FY 2026-27 Budget appropriated \$70 million to backfill revenue reductions (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 8/27/26)

Orange County District Attorney's Office (co-source)
Sacramento County District Attorney's Office (co-source)
California Police Chiefs Association
California State Sheriffs' Association
Chief Probation Officers' of California
Peace Officers Research Association of California
Santa Clara County District Attorney's Office

OPPOSITION: (Verified 8/27/26)

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

Fair Chance Project
Friends Committee on Legislation of California
Initiate Justice
Justice2Jobs Coalition
La Defensa
Legal Services for Prisoners With Children
San Francisco Public Defender
Smart Justice California
UnCommon Law

ASSEMBLY FLOOR: 70-0, 5/28/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Caloza, Elhawary, Garcia, Jackson, McKinnor, Quirk-Silva, Celeste Rodriguez, Sharp-Collins, Ward

Prepared by: Stephanie Jordan / PUB. S. /916-651-4118
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