

ASSEMBLY THIRD READING

AB 464 (Aguiar-Curry)

As Amended January 22, 2026

Majority vote

SUMMARY

Requires the California Department of Corrections and Retaliation (CDCR) to monitor an incarcerated person who is reported to have suffered sexual assault for 90 days following the report of sexual assault, and require CDCR to report that allegation to the Office of Internal Affairs.

Major Provisions

- 1) Requires CDCR, for 90 days following the date of a report of an allegation of sexual assault brought on behalf of an incarcerated person against a staff member, to monitor the incarcerated person who is reported to have suffered the sexual assault and, if they are different, the person who made the report for possible retaliation.
- 2) Requires CDCR to report an allegation of sexual assault to the CDCR's Office of Internal Affairs.
- 3) Requires CDCR, at the request of an incarcerated person who is reported to have suffered a sexual assault, to notify an immediate family member of the incarcerated person regarding the report of sexual assault within 24 hours of the request.
- 4) Requires CDCR, unless requested by the incarcerated person not to do so, to notify an immediate family member of an incarcerated person who is reported to have suffered a sexual assault within 48 hours regarding any update or progress on the investigation into the allegations of sexual assault.
- 5) Requires CDCR, at the request of an incarcerated person who is reported to have suffered a sexual assault, to notify within 48 hours of the request a rape crisis center, community-based organization, or an attorney, or any combination thereof, of the incarcerated person's choosing, regarding the report of sexual assault.
- 6) Prohibits an incarcerated person who is reported to have suffered a sexual assault by a staff member at a CDCR facility from being transferred to another facility without their written consent, unless their safety would be at risk.
- 7) Provides that a CDCR employee confirmed to have sexually abused an incarcerated person is prohibited from future employment with CDCR.
- 8) Defines "department" as the Department of Corrections and Rehabilitation.
- 9) Defines "immediate family member" as a spouse, domestic partner, parent, guardian, grandparent, aunt, uncle, brother, sister, children or grandchildren who are related by blood, marriage, or adoption.
- 10) Defines "incarcerated person" as any individual who is in the custody of the department.

- 11) Defines "staff member" as any employee or agent of the department, including, but not limited to, a correctional peace officer, as specified.
- 12) Defines "sexual assault" as specified sex crimes, including sexual battery, rape, sodomy, and oral copulation, assault with the intent to commit any of those crimes, or an attempt to commit any of those crimes.
- 13) Provides that the period for bringing an action for sexual assault against a public entity or public employee that is alleged to have occurred while the claimant was imprisoned on a criminal charge, or in execution under the sentence of a criminal court, shall be tolled during the period of the claimant's imprisonment or sentence.
- 14) Provides any claim for sexual assault against a public entity or public employee pursuant to the above is exempt from all state and local government claim presentation requirements.
- 15) Contains a severability clause.

COMMENTS

According to the Author

"California's Department of Corrections and Rehabilitation (CDCR) has a zero tolerance policy on sexual assault and harassment within state prisons. Yet despite the enactment of the Prison Rape Elimination Act over 20 years ago, sexual assault has not been eliminated in CDCR facilities. AB 464 aims to increase accountability for sexual abuse within California's prison system by ensuring that survivors have the ability to seek justice and that abusive correctional staff cannot continue working within the system. The bill extends the statute of limitations, allowing survivors up to four years after their release to file claims, recognizing that many individuals need time to process their trauma before pursuing legal action. It also strengthens monitoring and oversight to prevent retaliation against those who report abuse. Given the widespread and ongoing nature of sexual abuse in California prisons, this bill is essential for breaking the cycle of abuse, ensuring justice for survivors, and fostering a safer prison environment."

Arguments in Support

According to *Smart Justice*, "Despite efforts taken at the state and federal levels, staff sexual misconduct remains a persistent problem within CDCR facilities. Numerous reports and studies have shown high rates of sexual abuse by correctional staff. In September 2024, the Department of Justice launched an investigation at the two prisons in California that hold female inmates to determine whether CDCR has complied with its constitutional obligations to protect the people in their custody from sexual misconduct by staff. "AB 464 will increase monitoring for retaliation for 90 days following a report of staff sexual misconduct, extend the civil statute of limitations for survivors to four years following their release, ensure that any staff who is confirmed to have committed sexual abuse of an incarcerated person cannot be re-employed by CDCR after their termination, and ensure that survivors have adequate access to community support and oversight against retaliation following a report of sexual abuse."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs (General Fund) to CDCR, possibly in the millions of dollars annually, for litigation, staffing and housing infrastructure needed to comply with the bill's requirements for monitoring and restrictions on transfers, and to update the department's policies in compliance with this bill.
- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate additional cases filed as a result of this bill. The bill extends an existing statute of limitations and exempts specified cases from presentation under the GCA, both of which may result in more cases being filed in court. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. 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 fiscal year 2024-25 state budget provides \$37.3 million ongoing General Fund to backfill declining revenue to the Trial Court Trust Fund.

VOTES**ASM PUBLIC SAFETY: 8-0-1**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Sharp-Collins

ABS, ABST OR NV: Ramos

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Essayli, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Stefani, Calderon, Caloza, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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