
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 464 **Hearing Date:** June 9, 2026
Author: Aguiar-Curry
Version: January 22, 2026
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Sexual assault in prison*

HISTORY

Source: Sister Warriors Freedom Coalition
California Coalition for Women Prisoners
Justice First
VALOR
Prosecutors Alliance Action

Prior Legislation: SB 1069 (Menjivar), Ch. 1012, Stats. of 2024
SB 898 (Skinner), died on the Assembly Floor, 2024
AB 1039 (Rodriguez), held in Assembly Appropriations, 2024
AB 102 (Ting), Ch. 38, Stats. of 2023
AB 1455 (Wicks), Ch. 595, Stats. of 2021
SB 960 (Leyva), Ch. 782, Stats. of 2019
AB 550 (Goldberg), Ch. 303, Stats. of 2005

Support: A New Way of Life Reentry Project; ACLU California Action; California Civil Liberties Advocacy; California Public Defenders Association; Courage California; Drug Policy Alliance; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Friends Committee on Legislation of California; GRIP Training Institute; Justice2Jobs Coalition; La Defensa; Rubicon Programs; San Francisco Public Defender; San Quentin Skunkworks; Smart Justice California; UnCommon Law

Opposition: None known

Assembly Floor Vote: 75 - 0

PURPOSE

The purpose of this bill is to require the California Department of Corrections and Rehabilitation (CDCR) to monitor an incarcerated person who is reported to have suffered sexual assault for 90 days following the report of sexual assault, to report sexual assault allegations to the Office of Internal Affairs, and to notify specified individuals of a sexual assault at the request of the incarcerated person.

Existing law, the Sexual Abuse in Detention Elimination Act (SADEA), establishes requirements for CDCR's protocols for responding to sexual abuse, requires certain standards be implemented to reduce the impact of sexual abuse on incarcerated individuals, and requires certain procedures are performed in the investigation and prosecution of sexual abuse incidents. (Pen. Code, §§ 2635-2644.)

Existing law requires CDCR to ensure that the following procedures are performed in an investigation and prosecution of sexual abuse incidents:

- The provision of safe housing options, medical care, and the like is not contingent upon the victim's willingness to press charges.
- Investigations into allegations of sexual abuse must include, when deemed appropriate by the investigating agency, the use of forensic rape kits, questioning of suspects and witnesses, and gathering of other relevant evidence.
- Physical and testimonial evidence must be carefully preserved for use in any future proceedings.
- Staff attitudes that incarcerated persons and wards cannot provide reliable information must be discouraged.
- If an investigation confirms that an employee has sexually abused an incarcerated person or ward, that employee must be terminated. Requires administrators to report criminal sexual abuse by staff to law enforcement authorities. (Pen. Code, § 2639, subs. (a)-(f).)

Existing law establishes the independent Office of the Inspector General (OIG). (Pen. Code, § 6125.)

Existing law provides that the Inspector General (IG) is responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of CDCR under policies to be developed by the IG. (Pen. Code, § 6126, subd. (a).)

Existing law requires that the IG provide contemporaneous oversight of grievances that fall within CDCR's process for reviewing and investigating allegations of staff misconduct and other specialty grievances, examining compliance with regulations, department policy, and best practices. Requires the IG to issue annual reports on this topic. (Pen. Code, § 6126, subd. (h).)

Existing law provides the OIG with contemporaneous public oversight of CDCR investigations and staff grievance inquiries conducted by the CDCR's Office of Internal Affairs (OIA). (Pen. Code, § 6133, subd. (a)(1).)

Existing law requires the OIG to have staff physically co-located with the CDCR's OIA in order to facilitate oversight of CDCR's internal affairs investigations within a reasonable timeframe and without undue delays. (Pen. Code, § 6133, subd. (a)(2).)

Existing law requires the OIG to be responsible for advising the public regarding the adequacy of each investigation and whether discipline of the subject of the investigation is warranted. (Pen. Code, § 6133, subd. (a)(3).)

Existing law requires the OIG to have discretion to provide public oversight of other CDCR personnel investigations, as needed. (Pen. Code, § 6133, subd. (a)(4).)

Existing law requires the OIG to have investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person. (Pen. Code, § 6133, subd. (a)(5).)

Existing law authorizes the OIG to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person. (Pen. Code, § 6133, subd. (a)(6).)

Existing law authorizes the OIG to exercise its investigatory authority in both of the following situations:

- Into a complaint that involves sexual misconduct that CDCR has not opened for investigation.
- During an investigation being performed CDCR, if the OIG determines that CDCR is not performing an adequate investigation, the OIG may perform the supplemental investigative measures it deems necessary to ensure the investigation is performed adequately. (Pen. Code, § 6133, subd. (a)(7)(A)(i)-(ii).)

Existing law prohibits the OIG from exercising its investigative authority in a manner that duplicates investigative efforts or interferes with an ongoing investigation being performed by CDCR. (Pen. Code, § 6133, subd. (a)(7)(B).)

Existing law requires the OIG, upon completion of an investigation, to compile an investigation report and provide a copy of the report, together with all underlying evidence gathered during the investigation, to the appropriate hiring authority within CDCR. Requires OIG to monitor the actions the hiring authority takes after receiving the investigation report and report the results of its monitoring, as specified. (Pen. Code, § 6133, subd. (a)(8).)

Existing law requires the OIG to issue regular reports, no less than annually, to the Governor and the Legislature summarizing its recommendations concerning its oversight of CDCR allegations of internal misconduct and use of force. Requires the OIG to issue regular reports, no less than semiannually, summarizing its oversight of OIA investigations, as specified. (Pen. Code, § 6133, subd. (b)(1).)

Existing law provides that a civil action is commenced when the complaint is filed. (Code Civ. Proc., § 350.)

Existing law provides that if a person entitled to bring an action is imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life, at the time the cause of action accrued, the time of that disability is not a part of the time limited for the commencement of the action. Limits this tolling to two years. (Code Civ. Proc., § 352.1.)

This bill provides, notwithstanding any other law, 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, is tolled during the period of the claimant's imprisonment or sentence.

This bill provides that any claim for sexual assault against a public entity or public employee that is subject to the provisions above is exempt from all state and local government claim presentation requirements.

This bill requires, if an investigation confirms that an employee has sexually abused an incarcerated person or ward, that that employee is prohibited from future employment with CDCR, in addition to being terminated as required under existing law.

This bill includes the following definitions:

- “Department” means the Department of Corrections and Rehabilitation.
- “Immediate family member” means a spouse, domestic partner, parent, guardian, grandparent, aunt, uncle, brother, sister, child, or grandchild who is related by blood, marriage, or adoption.
- “Incarcerated person” means any individual who is in the custody of the department.
- “Staff member” means any employee or agent of the department, including, but not limited to, a correctional peace officer.
- “Sexual assault” means specified sexual offenses, assault with the intent to commit any of those crimes, or an attempt to commit any of those crimes.

This bill requires CDCR to monitor an incarcerated person who is reported to have suffered sexual assault for 90 days following the date of a report of an allegation of sexual assault brought on behalf of the incarcerated person against a staff member. Provides that if the person who made the report is different than the person reported to have suffered the sexual assault, CDCR must monitor the reporting person for possible retaliation.

This bill requires CDCR to report an allegation of sexual assault to the department’s OIA.

This bill requires CDCR to notify, at the request of an incarcerated person who is reported to have suffered a sexual assault, an immediate family member of the incarcerated person regarding the report of sexual assault within 24 hours of the request.

This bill requires CDCR to notify an immediate family member of the 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 unless requested by the incarcerated person not to do so.

This bill requires CDCR to notify, at the request of an incarcerated person who is reported to have suffered a sexual assault, a rape crisis center, community-based organization, or an attorney, of the incarcerated person’s choosing, regarding the report of sexual assault within 48 hours of the request.

This bill prohibits, notwithstanding any other law, 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. States that this provision does not apply if the safety of the incarcerated person would be at risk.

COMMENTS

1. Need For This Bill

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 their release to file claims. 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.

2. Ongoing Concerns Regarding Sexual Abuse of Incarcerated Individuals

California's prisons—and the women's prisons in particular—have been plagued with allegations of staff sexual assault and sexual misconduct for years. (See Richard Winton, *'Every woman's worst nightmare': Lawsuit alleges widespread sexual abuse at California prisons for women* (Jan. 18, 2024) available at <<https://www.latimes.com/california/story/2024-01-18/every-womans-worst-nightmare-lawsuit-alleges-widespread-sexual-abuse-at-californias-womens-prisons>>.) In 2024, 130 individuals formerly incarcerated at the California Institution for Women (CIW) and the Central California Women's Facility (CCWF) filed a lawsuit against CDCR and 30 current and former correctional officers alleging that they were sexually abused while in prison. (*Id.*) The lawsuit alleges that the sexual abuse occurred throughout the prisons, including in cells, closets, and storage rooms, and alleges a variety of sexual abuse, including groping, forced oral copulation, and rape. (*Id.*)

In 2023, the then-acting warden of CCWF was moved to another prison after being implicated in sexual harassment and abuse cases involving other staff. (Sam Stanton, *Warden at troubled California women's prison faced sexual harassment, misconduct lawsuits* (Jan. 21, 2023) available at <<https://www.sacbee.com/news/politics-government/the-state-worker/article271879907.html>>.) The same year, a former correctional officer at CCWF was arrested for sexually assaulting 13 incarcerated individuals over nine years and charged with 96 counts of rape, sodomy, sexual battery, and rape under color of authority. (Jeremy Childs, *Ex-corrections officer accused of raping 13 inmates in California women's prison* (May 25, 2023) available at <<https://www.latimes.com/california/story/2023-05-25/ex-corrections-officer-accused-of-raping-inmates-at-california-womens-prison>>.) He was found guilty on 59 of those counts earlier this year. (Elize Manoukian, *Former guard at California women's prison found guilty of 59 counts of sexual abuse* (Jan. 15, 2025) available at <<https://www.kqed.com/news/12022075/former-guard-california-womens-prison-found-guilty-59-counts-sexual-abuse>>.)

Six women additionally filed a lawsuit in early 2025 alleging that the sole gynecologist at CIW abused them. (Anabel Sosa, *Lawsuit accuses gynecologist at California women's prison of*

abusing patients for years (Feb. 5, 2025) available at <<https://www.latimes.com/california/story/2025-02-05/gynecologist-womens-prison-abuse-lawsuit>>.) The women claim that they “endured abusive pap smears and biopsies and coerced exams, including breast and anal examinations, and that those who crossed him...faced retaliation, including withholding of medical treatment.” (*Id.*)

3. Prison Rape Elimination Act (PREA)

PREA was passed by Congress in 2003. It applies to all correctional facilities, including prisons, jails, and juvenile facilities. Among the many stated purposes for PREA are: to establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States; to develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape; to increase of the available data and information on the incidence of prison rape to improve the management and administration of correctional facilities; and to increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape. (34 U.S.C. § 30301 et seq.) The act also created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of prison rape.

The PREA standards developed by the National Prison Rape Elimination Commission were issued as a final rule by the U.S. Department of Justice in 2012. (77 Fed. Reg. 37106 (Jun. 20, 2012).) Among other things, the standards require each agency and facility to: designate a PREA point person to coordinate compliance efforts; develop and document a staffing plan, taking into account a set of specified factors, that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse; and train staff on key topics related to preventing, detecting, and responding to sexual abuse. In addition, the standards provide requirements regarding the avenues for reporting sexual abuse, investigation of sexual abuse, and access to medical and mental health care for inmate victims of sexual abuse.

CDCR PREA Policy

AB 550 (Goldberg), Chapter 303, Statutes of 2005, established SADEA, which required CDCR to adopt specified policies, practices, and protocols related to the placement of incarcerated individuals, physical and mental health care of victims who are incarcerated individuals, and investigation of sexual abuse.

CDCR’s PREA policy provides guidelines for the prevention, detection, response, investigation, and tracking of sexual violence, staff sexual misconduct, and sexual harassment against individuals incarcerated in CDCR facilities. (Department Operations Manual, §§ 54040.1-54040.22.) The policy applies to all incarcerated individuals and individuals employed by CDCR, including volunteers and independent contractors assigned to an institution, community correctional facility, conservation camp, or parole.

4. Sexual Assault Response and Prevention Working Group

The 2023-2024 Budget Act established “a sexual assault response and prevention working group and ambassador program” and allocated funds to CDCR as well as the Sister Warriors Freedom Coalition to support the working group in identifying best practices for whistleblower protections and trauma-informed care and support to survivors. The working group consisted of CDCR leadership and staff, correctional officers, community-based organizations led by formerly incarcerated people, representatives from the Sister Warriors Freedom Coalition, and individuals

who have survived sexual assault while in custody. The working group met over a six-month period. Two reports were produced as a result of the working group: one authored by CDCR required by the Budget Act and one authored by the community-based organizations that were members of the working group.

The community report on the working group primarily focused on the women's prisons, CIW and CCWF.¹ The report made several recommendations within five categories: expedited release of survivors, culture shifting, services for survivors, the investigation and reporting process, and accountability. (*Id.* at p. 6.) Among its many recommendations, the report provided the following:

- Increasing access to trauma services.
- Ensuring access to legal support.
- Enacting policies to end retaliatory transfers.
- Ensuring more meaningful monitoring for retaliation. (*Id.* at pp. 29-36, 43-47.)

This bill adopts elements of each of these recommendations to improve the services available to survivors and increase whistleblower protections.

5. Effect of This Bill

This bill codifies an existing PREA standard that requires monitoring for retaliation of the person who reported sexual assault and the incarcerated person alleged to have suffered sexual assault for at least 90 days follow a report of sexual abuse.² The standards also provide: “Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance review or reassignments of staff.”³ It additionally provides for continued monitoring beyond 90 days, if necessary.⁴

This bill also requires CDCR to make several notifications following a report of a sexual assault. First, CDCR must notify an immediate family member of the incarcerated person regarding the report of sexual assault if the incarcerated person who is reported to have suffered a sexual assault requests it. The bill specifies that the notification must occur within 24 hours of the request. Second, this bill requires CDCR to notify an immediate family member of the 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 unless requested by the incarcerated person not to do so. Third, this bill requires CDCR to notify, at the request of an incarcerated person who is reported to have suffered a sexual assault, a rape crisis center, community-based organization, or an attorney, of the incarcerated person's choosing, regarding the report of sexual assault within 48 hours of the request.

This bill additionally 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 the safety of the incarcerated person would be at risk. Finally, this

¹ (Sister Warriors Freedom Coalition et al., *California Women's Prisons—Sexual Abuse Response and Prevention Working Group, Community Report to the Legislature* (Mar. 2024) available at <https://assets.nationbuilder.com/swactionfund/pages/342/attachments/original/1709747546/CA_Women's_Prisons_Sexual_Abuse_Response_and_Prevention_Working_Group.pdf?1709747546>.)

² PREA Standards, § 115.67, Prisons and Jails, subdivision (c).

³ *Ibid.*

⁴ *Ibid.*

bill 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, is tolled during the period of the claimant's imprisonment or sentence.

6. Argument in Support

The Ella Baker Center for Human Rights writes:

[AB 464] seeks to protect incarcerated survivors of sexual assault who report staff misconduct from retaliation and provide increased safety and services following violence. AB 464 will increase monitoring for retaliation for 90 days following a report of staff sexual misconduct, ensure that any staff who is confirmed to have committed sexual abuse of an incarcerated person cannot be reemployed by the California Department of Corrections and Rehabilitation (CDCR) after their termination, and ensure that survivors have adequate access to community support and oversight against retaliation following a report of sexual abuse. Additionally, the bill provides needed clarity in the Civil Code that the period for bringing an action for sexual assault against a public employee or public entity that is alleged to have occurred while the person was incarcerated shall be tolled during the period of the person's incarceration.

...

Despite efforts taken at the state and federal levels, staff sexual misconduct remains a persistent problem within CDCR facilities. ... In September 2024, the Department of Justice launched an investigation at both California women's designated prisons (CIW and CCWF) to determine whether CDCR has complied with its constitutional obligations to protect the people in its custody from sexual misconduct by staff.

AB 464 is an important step. This bill adds protections to provide a safer environment for those who report staff sexual misconduct in prison. This bill will allow survivors to pursue legal claims for staff sexual abuse when they are no longer incarcerated and susceptible to retaliation by prison staff.

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