

THIRD READING

Bill No: AB 464
Author: Aguiar-Curry (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/9/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE JUDICIARY COMMITTEE: 13-0, 6/23/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

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

ASSEMBLY FLOOR: 75-0, 1/29/26 - See last page for vote

SUBJECT: Sexual assault in prison

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

DIGEST: This bill requires 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; report sexual assault allegations to the Office of Internal Affairs (OIA); and requires, if an investigation confirms that an employee has sexually abused an incarcerated person or ward, that that person is not eligible to be hired or reinstated by CDCR, in addition to being terminated as required under existing law.

Senate Floor Amendments of 8/21/26 require CDCR to develop and implement procedures to notify an incarcerated person's specified contact person of a report of a sexual assault by a staff member; require CDCR, to the extent feasible, to minimize the transfer of an incarcerated person who is reported to have suffered a sexual assault by a staff member for 90 days following the report, unless there is an operational need to do so or safety, security, or health concerns; and add engaging in sexual activity with an adult confined in a detention facility by an officer or employee to the definition of sexual assault for purposes of this bill.

ANALYSIS:

Existing law:

- 1) Establishes requirements for CDCR's protocols for responding to sexual abuse, requires certain standards to 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. (Penal (Pen.) Code, §§ 2635-2644.)
- 2) Requires CDCR to ensure that the following procedures are performed in an investigation and prosecution of sexual abuse incidents:
 - a) The provision of safe housing options, medical care, and the like is not contingent upon the victim's willingness to press charges.
 - b) 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.
 - c) Physical and testimonial evidence must be carefully preserved for use in any future proceedings.
 - d) Staff attitudes that incarcerated persons and wards cannot provide reliable information must be discouraged.
 - e) 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, subds. (a)-(f).)
- 3) Establishes the independent Office of the Inspector General (OIG). 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, §§ 6125, 6126, subd. (a).)

- 4) 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).)
- 5) Provides the OIG with contemporaneous public oversight of CDCR investigations and staff grievance inquiries conducted by the CDCR's Office of Internal Affairs (OIA). 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. 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).)
- 6) Requires the OIG to have discretion to provide public oversight of other CDCR personnel investigations, as needed. (Pen. Code, § 6133, subd. (a)(4).)
- 7) 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).)
- 8) Authorizes the OIG to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person. (Pen. Code, § 6133, subd. (a)(6).)
- 9) Authorizes the OIG to exercise its investigatory authority in both of the following situations:
 - a) Into a complaint that involves sexual misconduct that CDCR has not opened for investigation.
 - b) 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).)

- 10) 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).)
- 11) 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).)
- 12) 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).)
- 13) Provides that a civil action is commenced when the complaint is filed. (Code of Civil Procedure (Code Civ. Proc.), § 350.)
- 14) 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:

- 1) 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.
- 2) 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.

- 3) Requires, if an investigation confirms that an employee has sexually abused an incarcerated person or ward, that that person is not eligible to be hired or reinstated by CDCR, in addition to being terminated as required under existing law.
- 4) Includes the following definitions:
 - a) “Department” means the Department of Corrections and Rehabilitation.
 - b) “Contact person,” also known as “next of kin,” means a person identified in the department’s electronic file for an incarcerated person as the primary or an alternate person to be notified in the event of the death, serious injury, or serious illness of the incarcerated person. is guilty of a public offense.
 - c) “Incarcerated person” means any individual who is in the custody of the department.
 - d) “Staff member” means any employee or agent of the department, including, but not limited to, a correctional peace officer.
 - e) “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.
- 5) 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.
- 6) Requires CDCR to report an allegation of sexual assault of an incarcerated person by a staff member to the department’s OIA.
- 7) Requires CDCR to facilitate, at the request of an incarcerated person who is reported to have suffered a sexual assault, access for the person to meet a rape crisis center, and access for a community-based organization, an attorney, or both, of the incarcerated person’s choosing, regarding the report of sexual assault within one calendar day of the request.

Background

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.*)

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 incarcerated persons 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 incarcerated victims of sexual abuse.

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. (PREA Standards, § 115.67, Prisons and Jails, subdivision (c).) 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.” (*Ibid.*) It additionally provides for continued monitoring beyond 90 days, if necessary. (*Ibid.*)

This bill also requires CDCR to monitor an incarcerated person who is reported to have suffered sexual assault for 90 days following the report of sexual assault, report the sexual assault of an incarcerated person by a staff member to OIA, and requires CDCR to facilitate, at the request of an incarcerated person who is reported to have suffered a sexual assault, access for the person to meet a rape crisis center, and access for a community-based organization, an attorney, or both, of the incarcerated person’s choosing, regarding the report of sexual assault within one calendar day of the request.

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

According to the Senate Appropriations Committee:

Estimated \$1.6 million in FY 2026-27, \$2.8 million in FY 2027-28 annually, ongoing to the Department of Justice for increased workload, and related costs, to defend state agencies in lawsuits brought due to an extension of statute of limitations. (Legal Services Revolving Fund, General Fund)

Unknown, potentially major costs to pay litigation awards for successful claims of sexual harassment that occurred during the period of imprisonment or sentence. (General Fund)

Cost pressures of an unknown but potentially significant amount to the courts to adjudicate any additional filings. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. (Trial Court Trust Fund, General Fund).

SUPPORT: (Verified 8/21/26)

California Coalition for Women Prisoners (co-source)

Justice First (co-source)

Prosecutors Alliance Action (co-source)

Sister Warriors Freedom Coalition (co-source)

VALOR (co-source)

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

Initiate Justice

Justice2Jobs Coalition

La Defensa

Peace and Justice Law Center

Rubicon Programs

San Francisco Public Defender

San Quentin Skunkworks
Smart Justice California
UnCommon Law

OPPOSITION: (Verified 8/21/26)

None received

ASSEMBLY FLOOR: 75-0, 1/29/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Arambula, Gipson, Ransom, Celeste Rodriguez, Valencia

Prepared by: Stephanie Jordan / PUB. S. /
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**** END ****