

CONCURRENCE IN SENATE AMENDMENTS

AB 464 (Aguiar-Curry)

As Amended August 21, 2026

Majority vote

SUMMARY

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, and require CDCR to report that allegation to the Office of Internal Affairs.

Senate Amendments

- 1) Clarify that the sexual abuse by staff that CDCR administrators must report to law enforcement is any known or suspected sexual abuse.
- 2) Require CDCR, by January 1, 2028, to develop and implement procedures to notify an incarcerated person's contact person of a report of sexual assault by a staff member.
- 3) Require the procedures to include that the incarcerated person provide written documentation requesting notification of a contact person of the incarcerated person's choosing.
- 4) Require CDCR, upon conclusion of an investigation into an allegation of sexual assault of an incarcerated person by a staff member, to provide the outcome of the investigation to the incarcerated person.
- 5) Provide that the incarcerated person may share the information described in paragraph (1) with their chosen contact person.
- 6) Clarify that CDCR must facilitate an incarcerated person who is reported to have suffered sexual assault by staff access for the person to meet with a rape crisis center, and, if requested, a community-based organization, an attorney, or both of those entities of the incarcerated person's choosing regarding the report of sexual assault in the facility in which the person is incarcerated.
- 7) Provide that the incarcerated person shall provide any necessary contact information for community-based organizations or attorneys.
- 8) Require CDCR to ensure compliance with all appropriate confidentiality and privacy laws, including the appropriate release of medical information concerning the incarcerated person.
- 9) Eliminate the prohibition on transferring an incarcerated person who has reported a sexual assault to another facility, instead requiring 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 there are safety, security, or health concerns.

- 10) "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.
- 11) Delete the definition of "immediate family member" from the bill.
- 12) Make technical and conforming changes.

COMMENTS

As passed by the Assembly, this bill: Required 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, and require CDCR to report that allegation to the Office of Internal Affairs.

Major Provisions

- 1) Required 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) Required CDCR to report an allegation of sexual assault to the CDCR's Office of Internal Affairs.
- 3) Required 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) Required 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) Required 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) Prohibited 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) Provided that a CDCR employee confirmed to have sexually abused an incarcerated person is prohibited from future employment with CDCR.
- 8) Defined "department" as the Department of Corrections and Rehabilitation.
- 9) Defined "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) Defined "incarcerated person" as any individual who is in the custody of the department.
- 11) Defined "staff member" as any employee or agent of the department, including, but not limited to, a correctional peace officer, as specified.
- 12) Defined "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) Provided 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) Provided 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) Contained a severability clause.

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 submitted.

FISCAL COMMENTS

According to the Senate Appropriations Committee, "Estimated \$1.6 million in fiscal year (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)."

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

ASSEMBLY FLOOR: 75-0-5

YES: 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
ABS, ABST OR NV: Arambula, Gipson, Ransom, Celeste Rodriguez, Valencia

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

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CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

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