

Date of Hearing: January 13, 2026  
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Nick Schultz, Chair

AB 767 (Alanis) – As Amended January 5, 2026

**SUMMARY:** Expands areas in which a sexually violent predator (SVP), as specified, may not reside to include within one-quarter mile of a child daycare facility and expands the definition of a private school. Specifically, **this bill**:

- 1) States that a SVP may not reside within one-quarter mile of a child day care facility if a SVP has been convicted of child molestation or continuous sexual abuse of a child.
- 2) Defines “private school” as a facility or home that has filed a private school affidavit with the State Department of Education (CDE) that provides private school instruction to any student between 6 to 18 years of age, inclusive, and is publicly listed on the directory maintained by CDE.
- 3) States a home shall be only considered a private school, as defined, if it was operating as a home school at the time of the SVP’s placement. The subsequent establishment of a private school, including a private school that is a home, shall not render an existing placement of an SVP noncompliant.

**EXISTING LAW:**

- 1) Provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be an SVP after the person has served their prison commitment. This is known as the Sexually Violent Predator Act (“SVPA”). (Welf. & Inst. Code, § 6600, et seq.)
- 2) Defines a “sexually violent predator” as “a person who has been convicted of a sexually violent offense against at least one victim, 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).)
- 3) Permits a person committed as an SVP to be held for an indeterminate term upon commitment. (Welf. & Inst. Code, §§ 6604 & 6604.1.)
- 4) Establishes a process whereby a person committed as an SVP can petition for conditional release or an unconditional discharge any time after one year of commitment, notwithstanding the lack of recommendation or concurrence by the Director of DSH. (Welf. & Inst. Code, § 6608, subds. (a), (f) & (m).)
- 5) Provides that if the petition is made without the consent of the director of the treatment facility, no action may be taken on the petition without first obtaining the written

recommendation of the director of the treatment facility. (Welf. & Inst. Code, § 6608, subd. (e).)

6) Provides that before actually placing a person on conditional release, the community program director designated by the DSH must recommend the program most appropriate for supervising and treating the person. (Welf. & Inst. Code, § 6608, subd. (h).)

7) Provides that a person who is conditionally released shall be placed in the county of domicile of the person prior to the person's incarceration, unless both of the following conditions are satisfied:

- a) The court finds that extraordinary circumstances require placement outside the county of domicile; and
- b) The designated county of placement was given prior notice and an opportunity to comment on the proposed placement of the committed person in the county. (Welf. & Inst. Code, 6608.5, subd. (a).)

8) States the county of domicile shall designate a county agency or program to provide assistance and consultation in the process of locating and securing housing within the county for persons committed as SVPs who are about to be conditionally released. (Welf. & Inst. Code, § 6608.5, subd. (d).)

9) Specifies that in recommending a specific placement for community outpatient treatment, the DSH or its designee shall consider all of the following:

- a) The concerns and proximity of the victim or the victim's next of kin; and
- b) The age and profile of the victim or victims in the sexually violent offenses committed by the person subject to placement. The "profile" of a victim includes, but is not limited to, gender, physical appearance, economic background, profession, and other social or personal characteristics. (Welf. & Inst. Code, § 6608.5, subd. (e)(1)-(2).)

10) Prohibits a conditionally released SVP from being placed within one-quarter mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if either of the following conditions exist:

- a) The person has previously been convicted of child molestation or continuous sexual abuse of a child, or
- b) The court finds that the person has a history of improper sexual conduct with children. (Welf. & Inst. Code, § 6608.5, subd. (f)(1-2).)

11) States that if the court determines that placement of a person in the county of their domicile is not appropriate, the court shall consider the following circumstances in designating his or her placement in a county for conditional release:

- a) If and how long the person has previously resided or been employed in the county; and,
- b) If the person has next of kin in the county. (Welf. & Inst. Code, § 6608.5, subd. (g)(1)-(2).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, “AB 767 aims to ensure that families have peace of mind by strengthening protections for all children, regardless of where they learn. Over the past year, I have witnessed firsthand how SVP placement laws have caused fear and anxiety in my district. Children are among our most vulnerable populations, and their safety must always be the top priority. Students who learn at home deserve the same level of protection as those in public schools. California families should feel secure in their own homes—not simply hope that the law will keep them safe. AB 767 is a critical step toward providing the certainty and protection our communities need.”
- 2) **Sexually Violent Predator Act (SVPA):** Enacted in 1996, the SVPA authorizes an involuntary civil commitment of any person “who has been convicted of a sexually violent offense ... 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.**” (Emphasis added.) (Welf. & Inst. Code, § 6601, subd. (a).) The SVPA was designed to accomplish the dual goals of protecting the public, by confining violent sexual predators likely to reoffend, and providing treatment to those offenders. “Those committed pursuant to the SVPA **are to be treated not as criminals, but as sick persons. They are to receive treatment for their disorders and must be released when they no longer constitute a threat to society.**” (Emphasis added.) (*People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774, 783, citing Welf. & Inst. Code, § 6250.)

Civil commitment is not a prison sentence. Once a person has been deemed no longer a threat to public safety, they must, as a matter of law, be released from custody. Involuntary commitment under the SVPA only begins after a person has completed their prison sentence. Originally, the SVP laws provided for an initial commitment of two years and then a review every two years thereafter. However, effective September 20, 2006, the law now provides for indeterminate commitments for persons found to be sexually violent predators. (Welf. & Inst. Code § 6604.) A SVP is a person convicted of specified sex offenses against at least one person 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).)<sup>1</sup>

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<sup>1</sup> Sexually violent offenses include: rape, rape with a foreign object, aggravated sexual assault of a child, sodomy, forcible oral copulation, child molestation, continuous sexual abuse of a child, sexual penetration, kidnapping with the intent to commit a listed sex offense, and assault with intent to commit a listed sex offense. (Welf. & Inst. Code, § 6600, subd. (b).)

*a. Process of SVP designation:*

When the Department of Corrections and Rehabilitation (CDCR) determines that an inmate “may be a sexually violent predator,” the CDCR Secretary refers the inmate to the DSH for a thorough evaluation. (*Hubbart v. Superior Court* (1999) 19 Cal.4th 1138, 1145; Welf. & Inst., § 6601, subd. (b).) A “diagnosed mental disorder” for purposes of determining whether someone is a SVP means a “congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.” (Welf. & Inst. Code, § 6600, subd. (c).)

An evaluation “must be conducted by at least two practicing psychiatrists or psychologists in accordance with a standardized assessment protocol[.]” (Welf. & Inst. Code, § 6601, subd. (c)-(d).) If the two evaluators agree the inmate is likely to reoffend without treatment or custody due to their mental disorder, the Director of DSH must request a petition for commitment pursuant to the Welfare and Institutions Code section 6602 to the county in which the inmate was last convicted. (Welf. & Inst. Code, § 6601, subd. (d).) Thereafter, the county district attorney will file a petition for civil commitment. Due process requires any deprivation of liberty by the state requires notice and a meaningful opportunity to be heard.

Accordingly, a court then reviews the petition and determines whether there is probable cause to believe the inmate “is likely to engage in sexually violent predatory criminal behavior upon their release. If the court or jury determines that the person is a sexually violent predator, the person [is] committed for an indeterminate term” to a state mental hospital “for appropriate treatment and confinement.” (Welf. & Inst. Code, § 6604.)

The burden then shifts to the “offender seeking his or her release from an SVPA commitment” to prove he or she is no longer a significant risk to society. (Ashley Felando (2012) *California’s Sexually Violent Predator Act and the Dangerous Patient Exception*, 40 W. St. U.L. Rev. 73, 76; Note (2014) *Examining the Conditions of Confinement for Civil Detainees under California’s Sexually Violent Predators Act*, 68 Hastings L.J. 1441, 1444-1446.)

If the Director of DSH determines that the inmate’s diagnosed mental disorder has so changed that the inmate is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the Director will forward a report and recommendation for conditional release. If the court at the hearing determines that the SVP would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court will order the person placed with an appropriate forensic conditional release program operated by the state for one year, a substantial portion of which is required to include outpatient supervision and treatment. (Welf. & Inst. Code § 6608, subd. (f).)

After a judicial determination that a person would not be a danger to the health and safety of others (i.e., in that it is not likely that the person will engage in sexually violent criminal behavior due to the person’s diagnosed mental disorder while under supervision and treatment in the community), they will be placed in their pre-incarceration county of domicile, unless the court finds that extraordinary circumstances require placement outside the county domicile. (Welf. & Inst. Code § 6608.5, subd. (a); see Welf. & Inst. Code

§ 6608.5, subd. (b).)

*b. Restrictions on Conditionally Released SVPs*

A conditionally released SVP is deemed by DSH and the courts to no longer pose a danger to the community and may be treated in the community rather than confinement in the state hospital. However, a conditionally released SVP is tightly monitored and supervised in the community. A person released as an SVP may not be released to any residence that is within one-quarter mile of any public or private school providing instruction in kindergarten or any grades 1 through 12, inclusive, if the person has been previously convicted of child molestation or continuous sexual abuse of a child or the court finds the person has a history of improperly sexual conduct with children. (Welf. & Inst. Code, § 6608.5, subd. (f)(1-2).) Additionally, a conditionally released SVP must be monitored by a global positioning system (“GPS”) until they are unconditionally released. (Welf. & Inst. Code, § 6608.1.)

3) **DSH SVP Conditional Release Program (CONREP):** The DSH CONREP is described by DSH as follows:

CONREP is DSH's statewide system of community-based services for court-ordered individuals. Mandated as a state responsibility, CONREP began on January 1, 1986. The SVP Act governs all SVP commitments and releases. Releases from the hospital to the community are either unconditional (direct community discharge) or conditional through CONREP and are court-ordered. CONREP is an intensive community-based treatment, and 24 hours per day monitoring program with gradual steps toward increased community re-entry depending on treatment progress. DSH contracts with Liberty Healthcare to provide SVP CONREP services across the state. SVP CONREP is designed in accordance with best practice standards, called the Risk, Needs, and Responsivity Principles. Research shows that interventions with sex offenders that follow these principles have the greatest reduction in re-offense rates.

Use of a Community Safety Team (CST), a standard practice for providing community supervision and treatment, is the method by which the principles of Risks, Needs, and Responsivity and the Collaboration Model are applied for each patient. Members of the CST include the following: (a) CONREP Regional Coordinator; (b) CONREP Clinical Program Director; (c) Treatment Providers; (d) Victim Advocate; (e) Polygraph Provider; (f) Local law enforcement; (g) Defense attorney; (h) District Attorney; and (i) Others as needed for support, accountability, and/or clinical needs.

The SVP CONREP program utilizes the following supervision and monitoring tools that are carried out by the CST: (a) unannounced and scheduled in person visits onsite and offsite from the residence; (b) collateral contacts and chaperone

training with significant people in the patient's life; (c) covert surveillance; (d) 24-hour GPS monitoring; (e) monitoring of approved electronics (i.e. phone, computer); (f) random urine screens for illicit substances; (g) unannounced residence, vehicle, and personal property searches; (h) Banking and expense reviews; and (i) approval of schedules, locations of outings, and routes of travel for all time outside of residence. This is verified daily by review of GPS tracking. The GPS system also provides "real time" tracking with instant notification of any violations of the inclusion/exclusion zones developed for the patient. Life skills training, residential placement, and other services needed to support safe and successful community reintegration.

Conditional release of an SVP is complex and time consuming and often engenders strong reactions from those in the community where the SVP will be placed. This complex process has been mired in delays for many years. While tight restrictions on conditionally released SVPs is critical, the number of laws that restrict housing has created an untenable reality where a court can no longer deprive someone of their constitutional liberty, but there is nowhere for an SVP to reside outside the facility.

- 4) **"County of Domicile":** An SVP conditionally released for outpatient supervision and treatment must be placed in the county of domicile prior to the person's incarceration, unless the court finds that extraordinary circumstances require placement outside the county of domicile. (Welf. & Inst. Code, § 6608.5, subd. (a)(1).) The county of domicile is the county where the person has their true, fixed, and permanent home and principal residence and to which they have manifested the intention of returning whenever they are absent. (*Id.*)

For purposes of determining the county of domicile, the court may consider information found on a California's driver's license, California identification card, recent rent or utilities receipt, printed personalized checks or other recent banking documents, or any arrest record. If no information can be verified, the county of domicile shall be considered the county in which the person was arrested and convicted or last returned on parole. (Welf. & Inst. Code, § 6608.5, subd. (b)(1).) If that county is not suitable, the court, DSH, and CDCR may choose alternative county for placement.

Based on input from local law enforcement, a court may approve, modify, or reject the recommended or proposed specific address within that community or proposed specific address within that community. A court could approve a specific city but reject a specific address in that city. Therefore, simply having a verified address is not sufficient to satisfy the terms of a conditional release. The city and the address must be approved by the court. (See Welf. & Inst. Code, 6609.1, subd. (a)(5)A.) Furthermore, agencies receiving notice of an SVP's placement in a specific county may comment on the placement or location of release and may suggest alternative locations for placement within a community. (Welf. & Inst. Code, § 6609.1, subd. (a)(5)(A) and (b).)

Based on all the evidence, the court determines whether approve, reject, or modify the terms of conditional release. Welfare and Institutions Code section 6609.1 requires a community be given 30 days' notice if an SVP is pending conditional release in that

community. (Welf. & Inst. Code, § 6609.1, subd. (a)(4).) Notice includes the name and proposed placement address before an SVP is released into the community.

Identifying the county of domicile for an SVP is challenging because in many cases, these individuals have been incarcerated for years – first in state prison and then on civil commitment. There may be no evidence of county of domicile. The SVPA was enacted in 1996 – and used very heavily in the last 15 or 20 years. If an SVP was originally from Hancock Park in Los Angeles in the 1990s – returning to Los Angeles may not be an option because a SVP cannot live near a school or park, or be anywhere children regularly congregate. There may also be additional stay away orders in place that prevent placement in certain areas.

**A finding that a person is eligible for conditional release really eliminates the legal grounds for holding the person in custody.** Again, civil commitment is not a prison sentence wherein a grant of parole may be determined by examining the offender and the nature of the offense. It is a mental health diagnosis wherein the goal of commitment is to treat the mental illness so the person may ultimately be released into the community. (*Hubbart v. Superior Court* (1999) 19 Cal.4th 1138, 1171 [“Here, for instance, the Legislature disavowed any ‘punitive purpose [],’ and declared its intent to establish ‘civil commitment’ proceedings in order to provide ‘treatment’ to mentally disordered individuals who cannot control sexually violent criminal behavior. The Legislature also made clear that, despite their criminal record, those eligible for commitment and treatment as SVP’s are to be viewed ‘not as criminals, but as sick persons.’ Consistent with these remarks, the SVPA was placed in the Welfare and Institutions Code, surrounded on each side by other schemes concerned with the care and treatment of various mentally ill and disabled groups.”].)

Also, conditional release requires weekly individual contact with the SVP, group treatment, and weekly drug screening. It may also include polygraph examinations, anti-androgen therapy, GPS tracking, increased supervision through random visits, and community notification.

- 5) **California Sex Offender Management Board (CASOMB):** On September 20, 2006, Governor Schwarzenegger signed Assembly Bill 1015 (Chu), which created the CASOMB. The author of that bill proposed the CASOMB because after several years of contentious changes to the sex offender and SVP laws, California was left with a patchwork of standards that seemed to ignore best practices in offender management and ultimately, make communities less, not more, safe. The author of AB 1015 stated:

“Sex offenders in California are currently managed through a complex system involving multiple state and local departments. Yet, there is no centralized infrastructure that coordinates communication, research or decision-making amongst the various agencies. ... Almost all convicted sex offenders will eventually return to the community, with a short period of time under direct supervision, either on parole, probation or conditional release. It is integral that during this period of time when sex offenders are under direct supervision, there is a comprehensive and cohesive network of interventions available to control the behavior of sex offenders and prevent recidivism.

This bill will bring the major participants in the management of sex offenders together to assess current practices in managing adult sex offenders under supervision, identify best practices and make recommendations on how to implement these changes. Efforts such as the one proposed in this bill has been met with much success in other states and within California counties, including San Diego County, Orange County, Colorado, Oregon, Connecticut and Pennsylvania.”<sup>2</sup>

The CASOMB website summarizes its mission of addressing issues, concerns and problems related to community management of adult sex offenders by identifying and developing recommendations to improve policies and practices. CASOMB also notes that most of the time, the dangers of child sexual abuse is often living in their own homes or are part of their community.

While it is commonly believed that most sexual assaults are committed by strangers, the research suggests that the overwhelming majority of sex offenders victimize people known to them; approximately 90 percent of child victims know their offenders, as do 80 percent of adult victims.<sup>3</sup> The CASOMB issues annual reports to the Legislature on national best practices in the management of sex offenders in the community, including SVPs, and makes recommendations. As explained below, it has repeatedly warned against expanding residence restrictions.

- 6) **Issues Facing the SVPA:** This bill proposes to expand the existing residence restrictions for conditionally released SVPs to within one-quarter mile of a daycare and expands the definition of private school. As explained above, conditionally released SVPs are closely monitored in the community and may be returned to in-patient status for any violation of the conditions of release. Also explained above, existing law states an SVP may be placed on conditional release if the court determines a person would not present a danger to others due to their diagnosed mental disorder while under supervision and treatment in the community. Supervised community release is for an initial period of one year.

Quite simply, once a person is deemed no longer a threat to public safety, constitutional due process largely demands that the person be released into the community. (See Welf. & Inst. Code, § 6608, subd. (d); *People v. Otto* (2001) 26 Cal.4th 200, 209.) Once the court determines an SVP should be placed in a conditional release program, the community program director must make the necessary placement arrangements, and within 30 days after receiving notice of the court's finding, the person shall be placed in the community in accordance with the treatment and supervision plan unless good cause for not doing so is presented to the court.

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<sup>2</sup> Assm. Com. on Public Safety, on AB 1015 (2006 Reg. Sess.), January 10, 2006, located at [https://lis.calegis.net/LISWeb/faces/bills/billanalysis.xhtml;jsessionid=OMiBPf4b0n6kIGVGgtZ6WdS4edZw7UvERft9bnurJBhA5f\\_7jQLf!93566180!33372586](https://lis.calegis.net/LISWeb/faces/bills/billanalysis.xhtml;jsessionid=OMiBPf4b0n6kIGVGgtZ6WdS4edZw7UvERft9bnurJBhA5f_7jQLf!93566180!33372586)

<sup>3</sup> Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.K. (1992) *Rape in America: A Report to the Nation*. Arlington, VA: National Victim Center.

The CASOMB pointed out that the inability to find suitable housing for conditionally released SVPs in their county of domicile only increases the chances that SVPs will be placed in other communities that may be more rural. Rural communities may present challenges in the effective monitoring of SVPs.<sup>4</sup>

In response to AB 201 (Brough), of the 2015-2016 Legislative Session, which proposed to let local agencies adopt their own residence restrictions, the CASOMB submitted a letter in opposition wherein it stated “Based upon knowledge of the research and scientific evidence related to policies such the ones proposed by AB 201, CASOMB has previously concluded that policies creating these types of restrictions are not effective and, in fact, actually increase the risk of sexual recidivism.” CASOMB submitted a white paper outlining the research supporting their position.

In support of the statement that residence restrictions actually make communities less safe because they increase the risk of sexual recidivism, some yet-unpublished research recently conducted as part of a 2016 California study provides data showing that about 18% of sexual re-offenses in the probation group of registered sex offenders were committed by individuals who were registered as transients at the time of arrest on the new sex offense. Even more striking is the finding that 29% of sexual re-offenses in the parolee sex offender group were committed by individuals who were registered as transients at the time of re-arrest.

Since transient sex offenders make up only about 8% of the overall population of sex offenders living in California communities, it is obvious that the rate of reoffending among those who are transient seems disproportionately high. A substantial body of criminal justice research supports the fact that “lifestyle stability” is a “protective factor” and that anything which undermines such stability amplifies the risk of reoffending.<sup>5</sup>

As previously stated, once a court rules a person is no longer a danger to the community, they must be placed on conditional release even if the DSH has not been successful in finding appropriate housing. This catch-22 was demonstrated by *People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774, 784. In *Karsai*, the defendant was designated an SVP in 1998 and scheduled for conditional release in 2012 in County of Santa Barbara. However, Santa Barbara County was unable to find any suitable housing for Karsai and argued that he either could not be conditionally released or should be released to another county. The court found Santa Barbara was Karsai’s county of domicile. Santa Barbara objected and argued San Luis Obispo was Karsai’s county of domicile and he should be released there. Santa Barbara also argued because it had no place to house Mr. Karsai, the SVPA prevented the court from releasing him as a transient.

The court further held in *Karsai* that the SVPA **does not** prevent release of an SVP even as a transient particularly where the court ruled Santa Barbara was the county of domicile. The court reasoned that portions of the SVPA may prevent transients from being released into a county other than the county of domicile, but not if a person is released into their own county. (*Karsai, supra*, 213 Cal.App.4th at 788.) Santa Barbara brought a writ of mandate

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<sup>4</sup> See CASOMB Year-End Report 2023 “Sexually Violent Predator Project: Conditional Release Program Housing and Community Placement Barriers,” located at <https://casomb.org/index.cfm?pid=1214>

<sup>5</sup> CASOMB Letter Regarding Residence Restrictions, February 2015, located at <https://casomb.org/index.cfm?pid=1214>

arguing that the SVPA prohibited Karsai's release as a transient. First, the court held that an SVP may only be placed on conditional release if a court determines they will pose no danger to others if ordered into an outpatient supervision program and will no longer be an SVP with supervision and treatment.

A finding that a person is eligible for conditional release really eliminates the legal grounds for holding the person in custody. Again, civil commitment is not a prison sentence wherein a grant of parole may be determined by examining the offender and the nature of the offense. It is a mental health diagnosis wherein the goal of commitment is to treat the mental illness so the person may ultimately be released into the community.

Here, for instance, the Legislature disavowed any 'punitive purpose [],' and declared its intent to establish 'civil commitment' proceedings in order to provide 'treatment' to mentally disordered individuals who cannot control sexually violent criminal behavior. The Legislature also made clear that, despite their criminal record, people eligible for commitment and treatment as SVP's are to be viewed 'not as criminals, but as sick persons.' Consistent with these remarks, the SVPA was placed in the Welfare and Institutions Code, surrounded on each side by other schemes concerned with the care and treatment of various mentally ill and disabled groups." (*Hubbart v. Superior Court* (1999) 19 Cal.4th 1138, 1171.)

Since this bill proposes even more residence restrictions than the status quo, including expanding the definition of private schools, there is more of a chance that the SVP will be released as a transient - making our communities less safe.

7) **State Audit Report:** In both 2019 and 2024, the California State Auditor's Office (CSA) reported on the rates of success in the conditional release program for SVPs. Since the beginning of the SVPA in 2003, only 56 people have been released into the community on supervised release. Since 2003, only two people have committed any new offenses, and both those individuals committed new offenses while on release – one for possession of child pornography for which he was returned to custody and one failed to timely register as a sex offender.<sup>6</sup> However, individuals unconditionally released, meaning they were deemed by the courts not to have a diagnosed mental disorder re-offend at a higher rate. Those individuals are not supervised in the community because they have long since ended their period of imprisonment and parole.<sup>7</sup>

The evidence amassed by the CSA clearly indicates that public safety is greater served through a process of conditional release. However, because SVP status is a civil commitment based on a diagnosed mental condition, once a person is determined not to have a mental condition, they must be released from custody. That is the only way the SVPA is constitutional. (*Kansas v. Hendricks* (1997) 521 U.S. 346, 358 ["A finding of dangerousness, standing alone, is ordinarily not a sufficient ground upon which to justify indefinite involuntary commitment. We have sustained civil commitment statutes when they have

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<sup>6</sup> California State Audit Report No. 2023-130, p. 9 located at <https://www.auditor.ca.gov/reports/2023-130/>

<sup>7</sup> See Ibid.

coupled proof of dangerousness with the proof of some additional factor, such as a "mental illness" or "mental abnormality."].) The harder the Legislature makes it to allow for conditional release, the more likely it is people will be released by the courts unconditionally and the SVPA deemed unconstitutional.

The CSA also noted that, although DSH is required to place someone on conditional release within 30 days of a court order for supervised community release, it often takes 17 months to secure housing for the person on release.<sup>8</sup> Courts have consistently held that SVPs deemed eligible for conditional release, cannot be detained for months at a time without violating due process. (See *Karsai, supra*, 213 Cal.App.4th at 788.) CSA recommended transitional housing supervised by DSH that allows SVPs on conditional release to begin living in a less restrictive housing while DSH and its private contractor Liberty Healthcare, to locate permanent housing.

- 7) **Private Schools:** Any person who desires to establish a private school, either in their home or somewhere else, must file an affidavit annually stating the business name, the address, the address of the custodian of records, the school enrollment, number of teachers, and whether it is co-educational and if not, whether it is for boys or girls, that records are properly maintained, and that all required criminal background checks have been completed. (Ed. Code, § 33190, subd. (a-f).)

Private school teachers are not required to obtain a state teaching credentialing but are required to undergo a background check. Private facilities are also not subject to mandatory attendance laws.<sup>9</sup> People may file a private school affidavit (PSA) online with the California Department of Education (CDE) and is easy to do. CDE makes clear that it does not endorse or authorize any private school and certifies only that it complies with the PSA requirements.<sup>10</sup>

All that is required for a PSA is a statement under penalty of perjury of the specifics of the school even if it only being established for purposes of preventing SVP placement. According to CDE, there are approximately 500,000 students enrolled in a total of 3134 private schools statewide. However, CDE only compiles information on private schools with six or more students. This bill has recently been amended to state that the definition of private school includes any school that has six or more students and has an address publicly available on the CDE website.

- 8) **Argument in Support:** According to the *Los Angeles County Board of Education*: Keeping individuals convicted of sexual misconduct away from schools and childcare facilities is critical to protecting children and reducing the risk of victimization. Sexual assault can have devastating and long-term effects, leading to emotional trauma and disrupting a child's

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<sup>8</sup> Id., at 13-14.

<sup>9</sup> See generally, <https://www.cde.ca.gov/sp/ps/affidavit.asp>

<sup>10</sup> The CDE website states: "Filing the PSA shall not be interpreted to mean, and it shall be unlawful for any school to expressly or impliedly represent by any means whatsoever, that the State of California, the State Superintendent of Public Instruction, the State Board of Education, the CDE, or any division or bureau of the Department, or any accrediting agency has made any evaluation, recognition, approval, or endorsement of the school or course unless this is an actual fact. Filing the PSA does not mean that the State of California or any accrediting agency has granted a license or authorization to operate a school."

development. By expanding existing safety measures, this bill reinforces California's commitment to preventing sexual predators from accessing vulnerable populations and strengthens policies that prioritize child safety.

The safety of all learners is paramount, and LACOE commends the Legislature's ongoing efforts to ensure that early learning is included as part of the broader educational continuum. Steps like these not only safeguard students but also provide peace of mind to parents, educators, and the broader community. Additionally, implementing this measure would align with California's broader efforts to promote child welfare and ensure that public policy reflects the evolving understanding of child safety. Strengthening safeguards around educational and childcare environments acknowledges the importance of comprehensive, proactive measures that mitigate risks before they become incidents. This bill is a logical and necessary extension of existing protections and underscores the Legislature's commitment to fostering a secure learning environment for all children.

- 9) **Argument in Opposition:** According to *Ella Baker Center for Human Rights*: We know that many people who return home from incarceration face extreme barriers to reintegrating into society as they work to find stable jobs and housing. Finding placement in any community for a formerly incarcerated person who is conditionally released and labeled as an "SVP" patient is particularly challenging, no matter what county the person is returning to. As context to these housing barriers that conditionally released patients already experience, in most cases, the residence must comply with Jessica's Law (residency must be more than 2,000 feet from a school), and there must be a landlord willing to rent to them. Many counties struggle to find housing that is compliant with Jessica's Law, given the number of schools and parks in many of our California cities already.

When compliant housing is located, public pressure is often placed on landlords willing to rent to conditionally released patients, often through public shaming and harassment. Public hearings bring negative media attention, which ignites and fosters collective efforts to block a patient's release back into the community. The negative media attention, coupled with the public shaming and harassment, leads many landlords to back out of rental contracts. When this happens, individuals must start their housing search over again. This can go on in perpetuity; all the while, conditionally released patients must remain confined at Coalinga State Hospital, even though they have been deemed safe to return to the community under treatment and supervision. AB 767 (Alanis) seeks to make the process of releasing an individual who has already been found to be safe under supervision even more difficult by expanding the restrictions on where they could be released to not within a quarter mile of child daycare facilities or private home schools.

The Ella Baker Center respectfully asserts that furthering the punishment and barriers to reentry housing for any formerly incarcerated person is not in the interest of community safety, healing, or justice for survivors. Increasing barriers to stable housing and reentry for people who have already been found suitable for release will only increase the hurdles to freedom and successful reentry. We do not need increased punishment; instead, we need greater investment in schools, jobs, mental health, and other services that can prevent acts of violence. This bill will further exacerbate inequities and destabilize community members who are attempting to find stable housing, as a necessary step toward successfully reentering society.

**10) Related Legislation:**

- a) AB 22 (DeMaio) requires, among other things, DSH to approve a potential placement before a department employee or vendor proposes a potential placement to a court, including signing a lease or rental agreement regarding the placement of a SVP who is scheduled to be conditionally released into the community. AB 22 was referred to, but never heard in, this committee.
- b) SB 379 (Jones) states that the DSH is responsible for ensuring that department vendors consider public safety in the placement of a conditionally released SVPs. SB 379 was held on the Assembly Appropriations Committee suspense file.
- c) SB 380 (Jones), Chapter 581, Statutes of 2025 requires the DSH to conduct an analysis of the benefits and feasibility of establishing transitional housing facilities for the CONREP for SVPs.

**11) Prior Legislation:**

- a) AB 763 (Davies) of the 2023-24 Legislative Session, would have prohibited placing an SCP released on conditional release within 1/4 mile of a home school. AB 763 was referred to this committee but never heard.
- b) AB 2035 (Patterson), of the 2023-24 Legislative Session, would have prohibited the DSH from placing a conditionally released SVP into the community if the person does not have housing in a qualified dwelling, which is defined as a structure intended for human habitation by one person or a single family and that is not within 10 feet of another dwelling. AB 2035 failed passage in this committee.
- c) SB 841 (Jones), of the 2021-22 Legislative Session, would have enacted the Sexually Violent Predator Accountability, Fairness, and Enforcement Act, would have required the DSH to take specified actions regarding the placement of SVPs in communities, including notifying the county's executive officer of the placement location, as specified. SB 841 failed passage in the Senate Public Safety Committee.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Arcadia Police Officers' Association  
Brea Police Association  
Burbank Police Officers' Association  
California Association of School Police Chiefs  
California Coalition of School Safety Professionals  
California Narcotic Officers' Association  
California Reserve Peace Officers Association  
Claremont Police Officers Association  
Corona Police Officers Association

Culver City Police Officers' Association  
Fullerton Police Officers' Association  
Los Angeles County Office of Education  
Los Angeles School Police Management Association  
Los Angeles School Police Officers Association  
Murrieta Police Officers' Association  
Newport Beach Police Association  
Palos Verdes Police Officers Association  
Placer County Deputy Sheriffs' Association  
Pomona Police Officers' Association  
Riverside County Sheriff's Office  
Riverside Police Officers Association  
Riverside Sheriffs' Association

### **Opposition**

ACLU California Action  
California Public Defenders Association (CPDA)  
Ella Baker Center for Human Rights  
Felony Murder Elimination Project  
Initiate Justice  
Justice2jobs Coalition  
LA Defensa  
Smart Justice California, a Project of Tides Advocacy

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