

Date of Hearing: January 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill expands areas in which a sexually violent predator (SVP) may not reside to within one-quarter mile of a child daycare facility and expands the definition of a private school.

Specifically, this bill:

- 1) States that an SVP may not reside within one-quarter mile of a child day care facility if the 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 considered a private school, as defined, only if it was operating as a home school at the time of the SVP’s placement.
- 4) Provides that 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.

FISCAL EFFECT:

Estimated ongoing General Fund costs of \$2.4 million. Department of State Hospitals (DSH) notes that it this bill would significantly increase workload to operate the DSH Conditional Release Program for Sexually Violent Predators (CONREP-SVP) and will likely result in increased placement-related litigation. This bill adds “child daycare facilities,” without definition, to the list of placement locations under quarter-mile placement restriction for CONREP-SVP. The bill clarifies that a new home school after placement does not invalidate the placement. But if a private school (including home school) is established during the pendency of a proposed placement, the proposed placement is no longer valid. These changes further restrict CONREP-SVP potential housing placements and lengthen the placement process. DSH anticipates significant additional ongoing workload in form of searching and assessing prospective properties in coordination with county stakeholders via housing committee meetings. This is further compounded by an increasing backlog of SVP patients that will be awaiting placement to CONREP. As of January 8, 2026, there are 23 SVP patients approved for CONREP and 18 pending approval of court petitions for placement, with current wait times for CONREP placement averaging more than two years.

COMMENTS:1) **Purpose.** 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) **Background.** An SVP is a person who, after incarceration in state prison, must serve a civil commitment in DSH because a court has determined the person is likely to engage in sexually violent criminal behavior upon their release. Generally, once a person is deemed an SVP, they must remain in a state hospital for treatment and confinement until they can show that their condition has changed sufficiently that they no longer pose a significant risk to society. After a judicial review process, if a court determines that an SVP would not be a danger to the health and safety of others, they will be placed in their pre-incarceration county of domicile, unless the court finds that extraordinary circumstances require placement outside the county domicile. “Extraordinary circumstances” is defined as any circumstances that would inordinately limit the DSH’s ability to effect SVP’s conditional release in their county of domicile.

Under existing law, 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. Additionally, a conditionally released SVP must be monitored by a global positioning system until they are unconditionally released.

This bill expands the prohibition on placement to within one-quarter mile of a child daycare facility, which is undefined, and a private school, including home school, publicly listed on the directory maintained by the CDE. People may file a private school affidavit (PSA) online with the CDE by attesting under penalty of perjury the specifics of the school.

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