

ASSEMBLY THIRD READING
AB 767 (Alanis)
As Amended January 5, 2026
Majority vote

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.

Major Provisions

- 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.

COMMENTS

Sexually Violent Predator Act: 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, Section 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, Section 6250.)

A conditionally released SVP is deemed by the Department of State Hospitals (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, Section 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, Section 6608.1.) *State Audit Reports:* 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. 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.

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.

Arguments 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 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.

Arguments 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.

FISCAL COMMENTS

Estimated ongoing General Fund costs of \$2.4 million. Department of State Hospitals (DSH) notes that 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.

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Stefani, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache, Ta, Tangipa

UPDATED

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