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# SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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## AB 767 (Alanis) - Sexually violent predators: schools

**Version:** June 10, 2026

**Urgency:** No

**Hearing Date:** June 22, 2026

**Policy Vote:** PUB. S. 6 - 0

**Mandate:** No

**Consultant:** Bob Franzoia

**Bill Summary:** AB 767 would expand the areas in which sexually violent predators may not reside to include day care centers and would define private schools, as specified.

**Fiscal Impact:** Major annual costs, likely in the \$2 million range to the Department of State Hospitals (DSH) for significantly increase workload to operate the DSH Conditional Release Program for Sexually Violent Predators (CONREP-SVP) and for increased placement-related litigation, including the Department of Justice. Further restricting CONREP-SVP potential housing placements will lengthen the placement process with associated costs though more certainty from defining day care centers and private schools may reduce some placement related costs. Significant ongoing workload to search and assess prospective properties in coordination with county stakeholders via housing committee meetings (General Fund).

- Unknown, potentially significant annual costs to house CONREP-SVPs in state facilities due to fewer prospective properties.
- Unknown, potentially significant annual sunk costs when a potential housing placement becomes unavailable due to a later licensing of a day care center or private school (General Fund).

**Background:** Welfare and Institutions Code 6608.5 (f) states:

*(f) Notwithstanding any other law, a person released under this section shall not be 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:*

*(1) The person has previously been convicted of a violation of Section 288.5 of, or subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 of, the Penal Code.*

*(2) The court finds that the person has a history of improper sexual conduct with children.*

According the California Department of Education, during the 2024-25 school year there were over 545,000 K-12 students enrolled in over 33,000 private schools. According to KidsData, in 2023 there are over 10,000 child care centers and over 25,000 family child care homes in California.

**Proposed Law:** This bill defines day care center to mean the same as Health and Safety Code 1596.76, which is a *child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care*

centers, and includes child care centers licensed pursuant to Section 1596.951 (which establishes licensure requirements).

Private school means a facility or home that has filed a private school affidavit with the State Department of Education in accordance with Section 33190 of the Education Code, 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 the State Department of Education.

Education Code 33190 states:

*Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the first and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year:*

- (a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.*
- (b) The address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California.*
- (c) The address, including city and street, of the location of the records of the person, firm, association, partnership, or corporation, and the name and address, including city and street, of the custodian of such records.*
- (d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation.*
- (e) The school enrollment, by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities.*
- (f) That the following records are maintained at the address stated, and are true and accurate:
  - (1) The records required to be kept by Section 48222.*
  - (2) The courses of study offered by the institution.*
  - (3) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each.**
- (g) Criminal record summary information has been obtained pursuant to Section 44237.*

*Whenever two or more private schools are under the effective control or supervision of a single administrative unit, such administrative unit may comply with the provisions of this section on behalf of each of the schools under its control or supervision by submitting one report.*

*Filing pursuant to this section 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 Superintendent of Public Instruction, the State Board of Education, the State Department of Education, 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.*

*The Superintendent of Public Instruction shall prepare and publish a list of private elementary and high schools to include the name and address of the school and the name of the school owner or administrator.*

The affidavit is a self reporting mechanism and not a licensure or permitting process. There does not appear to be requirements in the Education Code that a school physically open, enroll students or operate for an academic period. A school may be “virtual” with one or more students learning remotely from another location.

**Staff Comments:** This bill adds day care centers to the list of locations under the quarter-mile placement restriction for CONREP-SVPs. The bill clarifies that a new private school established after SVP placement does not invalidate the placement but if a private school is established during the pendency of a proposed placement, the proposed SVP placement is no longer valid, pursuant to the following:

Welfare and Institutions Code 6608.5 (f) (2) (B) (ii) is amended to read:

*(ii) A home shall be considered a private school only if it was operating as such at the time of a person’s placement under this section. The subsequent establishment of a private school, including a private school that is a home, shall not render an existing placement under this section noncompliant. As used in this clause, “at the time of a person’s placement” means both the person’s pending placement, following the notice required to be given pursuant to subdivision (a) of Section 6609.1, and the person’s actual placement.*

The CONREP-SVP search and assessment process 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.

Staff Notes that if no housing placement has been found and the court has ordered the person to conditional release, the person can be released as a transient. This is most costly outcome as such a release still requires monitoring and oversight of the person, often at double the cost of a CONREP-SVP released to a fixed residence.

**Recommended Amendments:** Staff Recommends the following clarifications for W&I Code 6608.5 (f) (1):

- 1) A day care center, for the purposes of this subdivision, shall be considered a day care center only if it was operating as such at the time of the person’s placement. The subsequent establishment of a day care center shall not render a location noncompliant, including but not limited to, the return to the placement location of a person after revocation or utilization of the placement location for a different person placed pursuant to section 6608. As used in this clause, “at the time of a person’s placement” means when the location was recommended or proposed pursuant to section 6609.1 or was identified and is being considered, whichever comes first.

- 2) Private school means a facility or home that has filed a private school affidavit with the State Department of Education that provides in-person private instruction.
- 3) A facility or home shall be considered a private school only if it was operating as such at the time of a person's placement under this section. The subsequent establishment of a private school including a private school that is a home, shall not render a location proposed under this section noncompliant, including but not limited to, the return to the placement location of a person after revocation or utilization of the placement location for a different person. As used in this clause, "at the time of placement" means when the location was recommended or proposed, or was identified and is being considered, whichever comes first.

**-- END --**