

---

## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

---

### AB 812 (Lowenthal) - Recall and resentencing: incarcerated firefighters

**Version:** July 10, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** PUB. S. 5 - 1

**Mandate:** No

**Consultant:** Liah Burnley

**Bill Summary:** AB 812 requires the California Department of Corrections and Rehabilitation (CDCR) to promulgate regulations for the resentencing of incarcerated firefighters.

**Fiscal Impact:** CDCR reports that, in developing the regulations required under this bill, CDCR would incur a fiscal impact (General Fund) if the intent of the Legislature is to create an entirely new pathway to resentencing available to incarcerated participants in the California Conservation Camp program or working at institutional firehouses. This would likely equate to low hundreds of thousands to ensure appropriate prioritization of developing these regulations by the July 1, 2026 deadline established in the bill.

**Background:** CDCR has developed an internal process to identify and refer incarcerated individuals for recall and resentencing under Penal Code section 1172.1. The department has identified three categories of individuals that it will consider referring for recall and resentencing: those with “exceptional conduct,” those whose sentences have some sort of discrepancy due to an error, and those with sentencing discrepancies as result of new legislation or case law.<sup>1</sup>

CDCR excludes certain individuals from consideration for referral as a result of “exceptional conduct”, including a person required to register as a tier 2 or 3 sex offender; a person who has not served at least 10 continuous years in CDCR custody; a person found guilty of a serious or violent rules violation within the last five years or who has a pending serious or violent rules violation; a person scheduled for release within the next 18 months; a person eligible for parole consideration within the next 18 months; a person who has had a parole suitability hearing, including under Elderly Parole, Youth Parole, or Second Striker Parole Eligibility; and a person serving the lowest legal term for an individual offense.

The “exceptional conduct” referral process is as follows:

- CDCR will conduct a thorough and complex screening of identified individuals, taking into consideration individual case factors, criminal history, victims, input from institutional staff and Wardens, and other factors.
- Upon the Secretary’s approval, the case will be sent to the court of commitment for consideration.

---

<sup>1</sup> CDCR, Recall and Resentencing Referral available at <<https://www.cdcr.ca.gov/family-resources/recall-resentencing/>>.

- The court may choose to recall the sentence and commitment, and resentence the individual in question as if they had not previously been sentenced. The court may also decide to let the original sentence stand, or may choose to not respond to the referral at all. If the court resents the individual, the prison's Case Records Unit is required to audit all legal documents and recalculate the release date accordingly.

For those in the sentencing discrepancy due to an error category, the person must not be scheduled for release within the next six months. (CDCR, Recall and Resentencing Referral, *supra*.) The following individuals are excluded from consideration for referral as a result of sentencing discrepancies based on new legislation or case law: a person who has not served five continuous years in CDCR custody; a person who has been found guilty of a serious or violent rules violation within the last year, or has a pending serious or violent rules violation; a person scheduled for release within the next 18 months; a person eligible for parole consideration within the next 18 months; or a person who has had a parole suitability hearing. A referral for an individuals who fits into one of the sentencing discrepancy categories may occur following review of the sentence by CDCR attorneys.

**Proposed Law:**

- Requires CDCR to, by no later than July 1, 2026, promulgate regulations regarding the referral for resentencing of current participants in the California Conservation Camp program, former participants in the California Conservation Camp program who are still in custody, and incarcerated persons working at institutional firehouses that establish all of the following:
  - Authorize the referral for resentencing of eligible incarcerated persons who have two or more years remaining to serve in state prison on their sentence;
  - Prohibit the exclusion of individuals from resentencing consideration based solely on past or pending parole hearing dates; and,
  - Prohibit the imposition of a minimum time served requirement as a condition for resentencing consideration.

-- END --