

CONCURRENCE IN SENATE AMENDMENTS

AB 812 (Lowenthal and Elhawary)

As Amended September 5, 2025

Majority vote

SUMMARY

Requires the Department of Corrections and Rehabilitation (CDCR) to promulgate regulations regarding the referral of participants in the California Conservation Camp Program and incarcerated persons working at institutional firehouses for resentencing, as specified.

Senate Amendments

- 1) Delay the date by which CDCR must promulgate regulations to July 1, 2027.
- 2) Require the regulations to utilize the existing extraordinary conduct referral process.
- 3) Make other clarifying changes.
- 4) Adds a joint author.

COMMENTS

As passed by the Assembly: This bill required CDCR to promulgate regulations by no later than July 1, 2026, regarding the referral of participants in the California Conservation Camp Program and incarcerated persons working at institutional firehouses for resentencing, as specified.

Major Provisions

- 1) Provided that in recognition of the vital role that incarcerated persons have played protecting the people and property of California from wildfires, CDCR shall, no later than July 1, 2027, 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.
- 2) Specified that the regulations shall establish all of the following:
 - a) Authorize the referral for resentencing of eligible incarcerated persons who have two or more years remaining to serve in state prison on their sentence;
 - b) Prohibit the exclusion of individuals from resentencing consideration based solely on past or pending parole hearing dates; and,
 - c) Prohibit the imposition of a minimum time served requirement as a condition for resentencing consideration.
- 3) Contained Legislative findings and declarations regarding California's Conservation Camp Program and recognition of incarcerated firefighters as an essential part of the state's response to wildfires.

According to the Author

"'Second look' sentencing authorizes courts to revisit sentences of incarcerated people when recommended by certain law enforcement authorities. AB 812 will expand opportunities for resentencing to the incarcerated firefighters who play such a critical role in the prevention of, and response to California Wildfires. Not only will this bill incentivize the participation in programs such as the Conservation (Fire) Camps that offer transferable skills, and pathways to employment outside of incarceration, but it will also reward the heroic behavior shown by these firefighters with the ability to petition for resentencing."

Arguments in Support

According to *Initiate Justice*, the sponsor of this bill, "Incarcerated firefighters (hand crew members) exemplify distinct bravery and service supporting the California Department of Forestry and Fire Protection (CalFIRE) on the front lines of California's most devastating wildfires—including the recent Eaton and Palisades Fires, designated as the 2nd and 3rd most destructive in our state's history. Those who serve on these hand crews must already meet rigorous criteria, which includes having "minimum-custody" status, the lowest classification for incarcerated individuals based on sustained good behavior, a demonstrated ability to follow rules, and participation in rehabilitative programming. Additionally, certain convictions automatically disqualify participation. Currently, out of the approximately 91,000 people incarcerated in California's prisons, less than 2,000 (or 2.2%) are serving in the Conservation (Fire) Camp Program.

"This bill creates a 'second look' opportunity for this highly regarded population. It expands the tools made available to CDCR over the past decade to reduce mass incarceration, revisit extreme sentences that would not otherwise be imposed today under current laws, and recognize the rehabilitative efforts of incarcerated people. "Second look" resentencing not only balances our justice system with fairness and equity, but also results in substantial savings for our state. Each year of imprisonment for one person currently costs our state approximately \$133,000.

"AB 812 is not a get-out-of-jail free card for incarcerated firefighters. Judges retain full discretion and prosecutors will be able to argue if someone is an unreasonable risk to public safety and unfit to be resentenced. This bill aligns with California's desire to end mass incarceration, without jeopardizing public safety."

Arguments in Opposition

According to *California District Attorneys Association*, "While we recognize the vital role incarcerated individuals play in California's firefighting efforts, AB 812 raises significant public safety and sentencing integrity concerns. Under existing law, courts already have broad authority to recall and resentence individuals based on statutory changes, recommendations from the Department of Corrections and Rehabilitation (CDCR), or findings that continued incarceration is no longer in the interest of justice. This bill would create an additional, categorical pathway for incarcerated firefighters, prioritizing sentence reductions based on participation in conservation camps rather than individualized rehabilitation assessments or public safety considerations."

FISCAL COMMENTS

According to the Senate Appropriations Committee, "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.”

VOTES:**ASM PUBLIC SAFETY: 8-0-1**

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

ABS, ABST OR NV: Ramos

ASM APPROPRIATIONS: 11-1-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

NO: Dixon

ABS, ABST OR NV: Sanchez, Ta, Tangipa

ASSEMBLY FLOOR: 57-4-18

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio, Ellis, Macedo, Ramos

ABS, ABST OR NV: Bains, Castillo, Chen, Dixon, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Irwin, Krell, Lackey, Pacheco, Patterson, Michelle Rodriguez, Sanchez, Schiavo, Ta, Tangipa

UPDATED

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