

## CONCURRENCE IN SENATE AMENDMENTS

AB 848 (Soria)

As Amended June 25, 2025

Majority vote

**SUMMARY**

Makes the fact that a defendant, who is convicted of felony sexual battery, was employed at a hospital where the offense occurred and the victim was in the defendant's care or seeking medical care at the hospital a factor in aggravation at sentencing.

**Senate Amendments**

Add a definition for hospital by way of reference to existing Penal Code section 243.2.

**COMMENTS****According to the Author**

"The medical sector has seen several recent high profile cases across the state of serial sexual abuse in hospitals where medical professionals have preyed on patients while fraudulently disguising their actions as providing critical medical care. At Memorial Hospital Los Banos, an ultrasound technician allegedly sexually battered at least seven women over the course of multiple years during sensitive examinations, and is charged with multiple counts of sexual battery by fraud. However, while current California law allows a prison sentence of up to four years for sexual battery by fraud, a person convicted of multiple counts may only be sentenced to one additional year in prison for each additional victim they violate.

"When sexual predators misuse their position as trusted medical professionals to serially victimize multiple patients, every victim deserves to receive justice for their suffering. AB 848 ensures these heinous criminals face the full weight of the law by allowing full consecutive sentencing for multiple counts of sexual battery by fraud committed in a hospital, and requiring it when the crimes are committed against multiple victims or on different occasions. This is already the case for other sex crimes like sodomy and rape, and this bill simply provides ensures the law treats sexual battery by fraud in hospitals the same way. Hospitals are and should always be places of healing and care, and AB 848 protects patient safety by ensuring that those who would violate this trust to sexually abuse multiple patients face appropriate prison sentences for their grievous crimes."

**Arguments in Support**

According to Riverside Sheriffs' Association: "AB 848 will better protect patient safety by ensuring that those who violate this trust and sexually abuse multiple patients face appropriate prison sentences for their grievous crimes."

**Arguments in Opposition**

None submitted.

**FISCAL COMMENTS**

According to the Senate Appropriations Committee:

- 1) *Trial Courts*: Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the increased criminal penalties in this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). The Sixth Amendment right to a jury trial applies to any factual finding necessary to warrant any sentence beyond the presumptive maximum – e.g., a factor in aggravation.<sup>1</sup> Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- 2) *County Jail*: Unknown, potentially significant costs (local funds) to the counties to incarcerate people under the increased sentences in this bill. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).
- 3) *California Department of Corrections and Rehabilitation (CDCR)*: Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for increased sentences in this bill. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has paid over \$200 million in fines to date, and is still accruing fines. Thus, if even if just one person is sentenced to state prison for an additional year under this bill, it will add significant costs pressures to CDCR. The May Revision to the Governor's 2025-26 Budget proposes total funding of \$13.6 billion (\$13.2 billion General Fund and \$385.4 million other funds) for CDCR in 2025-26. Of this amount, \$4.1 billion General Fund is for health care programs.
- 4) *Department of State Hospitals (DSH)*: Potential cost pressures (General Fund) to the Department of State Hospitals (DSH), in order to adequately house, treat, and care for persons committed to DSH that otherwise would not. Cost pressures to DSH are connected with an increase in state prison sentences. Creating a new crime will increase the number of defendants declared incompetent to stand trial (IST), or committed to DSH due to their being not guilty by reason of insanity. DSH's proposed budget for fiscal year 2025-26 totals \$3.4

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<sup>1</sup> *Apprendi v. New Jersey* (2000) 530 U.S. 466, 490; *Blakely v. Washington* (2004) 524 U.S. 296, 301, 303-04; see also *Cunningham v. California* (2007) 549 U.S. 270.

billion – an increase of \$3.4 million from the 2024 Budget Act. An increase the DSH population would result in the need for additional funding.

## **VOTES:**

### **ASM PUBLIC SAFETY: 9-0-0**

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

### **ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Sanchez

### **ASSEMBLY FLOOR: 77-0-2**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Bryan, McKinnor

### **SENATE FLOOR: 39-0-1**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Reyes

## **UPDATED**

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