

Date of Hearing: May 7, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 994 (Hadwick) – As Amended April 29, 2025

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill allows a person incarcerated in prison who is alleged to have committed another crime to petition the court to allow them to serve their pretrial confinement in the prison where the person is currently incarcerated, instead of in a county jail.

**FISCAL EFFECT:**

Costs (General Fund) to the California Department of Corrections and Rehabilitation (CDCR) to incarcerate people authorized by the court to remain in prison who would otherwise be transferred to county jail. CDCR anticipates fiscal impact in the high hundreds of thousands to low millions of dollars annually. Actual costs will depend on the number of petitions granted, although it is not clear whether CDCR will be required to keep a person in custody if their petition is granted. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$133,000. CDCR provided preliminary data to this committee, estimating that the department released around 2,000 people from prison on a county detainer in 2024. If, due to this bill, even two people remain in CDCR custody instead of being transferred to county jail pending criminal proceedings, costs to CDCR will exceed this committee's suspense threshold. CDCR also anticipates costs to update its case records system and procedures, and for its case records staff to communicate with the courts about pending criminal cases, and to track and assess release dates and credits for people affected by the bill.

**COMMENTS:**

In general, a person who is detained pending disposition of criminal charges is held in a city or county jail. Once convicted, the person may remain in county jail or be sent to state prison, depending on the seriousness of the offense. If an incarcerated person is charged with a new crime committed while they were in prison, the person will sometimes be transferred from prison to county jail while they wait for the new criminal charges to proceed. According to the author of this bill:

State prison inmates who commit new crimes while in prison tend to serve their pre-trial confinement for the new charges in county jail if their original prison release date falls after the new crime but before the completion of court proceedings on the new charges. The timing of the process when a defendant faces new charges as described results in risk to the security and safety of county jails that could be avoided by having the

California Department of Corrections and Rehabilitation maintain custody of these defendants.

This bill allows a person who is incarcerated in prison and has been charged with a new crime to petition the court to stay in CDCR custody, instead of being transferred to county jail pending disposition of the new criminal charges against them. As noted above, it is not clear from the language of the bill whether CDCR will be obligated to continuing housing a person whose petition is granted by the court, or if CDCR will be able to refuse such a request. If CDCR may refuse such a request, its costs will be lower.

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