
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1446 (Committee on Public Safety) - Incarcerated persons: release and parole

Version: April 27, 2026

Urgency: No

Hearing Date: May 11, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: SB 1446, Senate Committee on Public Safety, relating to incarcerated persons, release and parole, would do the following:

- 1) Require the decisions and the vote of each Board of Parole Hearing (BPH) commissioner for an en banc review to be a public record.
- 2) Provide that the standard of review that generally applies to an en banc review does not apply for cases referred by the Governor.
- 3) Authorize the executive officer of the BPH to refer sentenced individuals for evaluation if the executive officer determines that the person may be a sexually violent predator (SVP).

Fiscal Impact: Major costs, potentially tens of millions of dollars, annually for SVP evaluations (General Fund). The Secretary of the California Department of Corrections and Rehabilitation has similar referral authority as provided to the BPH executive officer.

Background: Incarcerated individuals who are indeterminately sentenced must be granted parole by the BPH in order to be released from prison. The Penal Code provides that the parole board “shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a lengthier period of incarceration for this individual.” The fundamental consideration when deciding about an individual’s suitability for parole is whether the individual currently poses an unreasonable risk of danger to society if released from prison. The decision whether to grant parole is an inherently subjective determination.

Proposed Law: This bill would allow for referral of individuals with indeterminate sentences to the Department of State Hospitals for an SVP evaluation before the parole hearing and parole decision occurs. Assuming BPH will refer these incarcerated persons to DSH for SVP evaluation before granting parole at the same rate they do for incarcerated persons who have already been granted parole, DSH estimates it would need to evaluate ~250 additional individuals referred each year. To do so, DSH would require ten SVP evaluators, one Senior Psychologist Supervisor, and two Analyst II positions, at a cost of \$3.89M General Fund. Further, if the two initial evaluators disagree on whether the individual meets SVP criteria, two independent evaluators must complete another evaluation. Based on the current rate of difference of opinions, ten percent, DSH would need to fund 50 additional independent evaluations (25 cases of differing opinion, requiring two additional evaluators per case) at a cost of \$250,000 annually. In total, this would result in DSH costs of approximately \$4.13M annually.

Additionally, if DSH assumes 10 percent to 20 percent of the 250 additional SVP evaluations result in positive SVP determinations, DSH SVP commitments would increase by 25 to 50 patients annually. Since SVP patients' length of stay is about 12 years, this would significantly impact DSH bed space. As of March 2026, DSH had a total population of 954 SVP patients. Based on FY 2024-25 expenditures, the average cost of inpatient treatment per day at DSH is \$1,121; thus, the additional cost to treat these additional SVP patients is estimated at approximately \$10.23M to \$20.46M annually.

All available units at DSH-Coalinga are activated and serving SVP patients, incarcerated persons from CDCR, and Offender with Mental Health Disorder (OMD) patients. Depending upon the actual number of SVP patients referred to DSH as a result of this bill, DSH may need to relocate OMD patients to other DSH facilities, which may impact overall bed availability in the DSH system for other patient types. To the extent DSH will need to contract for additional bed capacity to meet these needs, there are additional unknown costs.

Related Legislation: SB 81 (Skinner), 2023 would require the BPH to notify a parole candidate of their right to appeal a parole denial and authorize BPH to appoint counsel to assist the parole candidate with filing a habeas petition challenging a parole denial upon the parole candidate's request. The bill would establish that a parole candidate who has been denied parole after reaching their minimum eligible parole date, youth parole eligible date, or elderly parole eligible date has made a prima facie case for habeas relief; and changes the court's standard of review for parole denials from "some evidence" to "preponderance of the evidence." SB 81 was vetoed by the Governor, with the following message:

This bill would establish that a parole candidate who has been denied parole by the Board of Parole Hearings (Board) after reaching their minimum parole-eligible date, youth parole-eligible date, or elderly parole-eligible date has made a prima facie case for habeas relief. This bill, additionally, would modify the judicial standard of review for a parole denial by the Board to require the parole denial to be overturned unless the court finds, by a preponderance of the evidence, that the person presents a current, unreasonable risk of danger to others. Finally, this bill would require the Board to notify parole candidates the Board finds unsuitable for parole of their right to petition for a writ of habeas corpus.

I am concerned that the bill introduces legal inconsistencies that will have unintended consequences and be detrimental to California's process for assessing suitability for discretionary release on parole.

The current process strikes a delicate balance and has significantly improved parole hearings in recent years, resulting in a one percent recidivism rate among parolees. The changes the bill prescribes will have unpredictable impacts and will result in decades of litigation and uncertainty for victims, families, and those going through the parole process.