

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1446 (Committee on Public Safety) – As Amended July 2, 2026

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill revises the procedures governing en banc review of parole decisions by the Board of Parole Hearings (BPH) and expands the authority to refer incarcerated individuals for evaluation as sexually violent predators (SVPs).

Specifically, this bill:

- 1) Makes both the decision and the vote of the commissioners in an en banc review a public record.
- 2) Requires BPH, when reviewing a parole grant referred en banc following the board's 120-day decision review, to determine whether there was a material error of law or fact, or new information that, when corrected or considered, has a substantial likelihood of resulting in a different decision upon rehearing, and to vote to either affirm the decision or vacate the decision and set a new hearing.
- 3) Requires BPH, when reviewing a parole decision referred en banc by the Governor, to address the Governor's stated reasons for the requested review, and to vote to affirm the decision, refer the decision for a rescission hearing for lack of substantial evidence, or, in the case of a parole denial, vacate the decision and set a new hearing.
- 4) Authorizes the Executive Officer of BPH, in addition to the Secretary of the California Department of Corrections and Rehabilitation (CDCR), to refer an individual in CDCR custody for an SVP evaluation, and extends referral authority to individuals serving indeterminate sentences.
- 5) Authorizes a referral less than six months before an individual's scheduled release date if the individual will be scheduled for a parole hearing in the next six months, or if the scheduled release date falls less than six months after a grant of parole.

FISCAL EFFECT:

- 1) Ongoing costs of approximately \$15.1 million to \$25.8 million annually (General Fund) to the Department of State Hospitals (DSH) for additional SVP evaluations and treatment of additional committed patients.

For individuals serving indeterminate sentences, DSH assumes BPH would refer at the same rate CDCR currently refers individuals already granted parole, producing approximately 250

additional referrals and 500 evaluations annually. DSH estimates \$3.87 million annually for that workload, reflecting ten SVP evaluators, one chief psychologist, one supervisor, two analysts, and 50 additional independent evaluations where the initial evaluators disagree. Assuming 10% to 20% of evaluations result in positive determinations, commitments would increase by approximately 25 to 50 patients annually, for treatment costs of approximately \$10.23 million to \$20.46 million at an average inpatient cost of \$1,121 per day.

DSH identifies a second affected population. Because the bill permits referral in advance of a parole hearing rather than only following a grant of parole, determinately sentenced individuals eligible for the Elderly Parole Program with qualifying offenses would be evaluated earlier in the process. DSH estimates approximately 10 additional referrals annually at a cost of approximately \$307,000, with treatment costs of approximately \$409,000 to \$818,000 for one to two additional patients. DSH states that available units at DSH-Coalinga, where SVPs are held, are fully activated, that accommodating additional SVP patients may require relocating other patient populations, and that contracting for additional bed capacity would carry costs of an unknown amount. As of March 2026, DSH had a population of 954 SVP patients, and average length of stay is approximately 12 years, so commitments added in the budget year carry forward for more than a decade. Notably, DSH assumes referrals will occur at current rates even though referral of indeterminately sentenced individuals is permissive rather than mandatory under this bill. Actual costs will depend on how BPH exercises that discretion.

- 2) Potential court cost pressures of an unknown, but potentially significant amount (Trial Court Trust Fund, General Fund), to the extent additional referrals result in additional SVP commitment petitions, probable cause hearings, and commitment trials in superior court. SVP proceedings are resource-intensive and frequently involve protracted litigation and multiple expert evaluations, and a commitment trial may occur well after the petition is filed.
- 3) Costs of an unknown amount to counties (county General Fund) for district attorneys or county counsel to file and handle additional SVP petitions, and for indigent defense in those proceedings. Counties designate either the district attorney or county counsel to assume responsibility for SVP proceedings. The bill contains a provision directing reimbursement if the Commission on State Mandates determines that the bill contains costs mandated by the state.

COMMENTS:

- 1) **Purpose.** According to the author:

These parole decisions aren't easy and require several things to be balanced: due process rights, the public safety risk presented by the individual, victims, and the public's interest. ... SB 1446 provides additional discretion for en banc review while still ensuring those decisions are transparent in order to protect the general public.

- 2) **Background. *En Banc Review.*** Under existing law, a person serving an indeterminate sentence (a prison term expressed as a range with no fixed release date, for example, "15 years to life") must be granted parole by BPH in order to be released. A panel of two or more commissioners conducts the suitability hearing and must grant parole unless public safety requires a more lengthy period of incarceration; the controlling question is whether the

person currently poses an unreasonable risk of danger if released. An en banc review is a second look at a panel decision by a majority of the commissioners holding office, conducted at BPH's monthly public meetings. Cases arrive by several paths, including a tie vote, a request by a member of the hearing panel, referral by the board following its review of a grant during the 120-day period before the decision becomes final, and a request by the Governor. Existing law prescribes procedures for tie-vote reviews only, and this bill supplies separate procedures for board-referred grants and for Governor referrals. Notably, the bill does not carry the existing record limitation into those procedures, which contain no express restriction on what the board may consider.

Opposition, including UnCommon Law and the Post-Conviction Justice Project at the USC Gould School of Law, argues that making the board's en banc votes a public record would expose commissioners to political pressure, and that requiring the board to determine whether a Governor-referred grant is supported by substantial evidence imports a standard foreign to the parole process and would likely require a full due process hearing in every such case. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.

SVP Referrals. The Sexually Violent Predator Act authorizes the involuntary civil commitment, for an indeterminate term, of a person convicted of a sexually violent offense who has a diagnosed mental disorder making the person likely to reoffend. Commitment begins only after the prison term is complete. Under existing law, the Secretary of CDCR must refer a person who may qualify for evaluation at least six months before release, but only where the person is serving a determinate sentence or has had parole revoked. CDCR and BPH screen the person to determine whether they are likely to be a sexually violent predator, DSH evaluates those referred using two clinicians, and where both concur DSH requests that the designated county district attorney or county counsel file a commitment petition, which that office may then file for adjudication in superior court. Notably, this bill makes referral of indeterminately sentenced persons permissive rather than mandatory, so the volume of evaluations and commitments will depend on how BPH exercises that discretion.

The Riverside County District Attorney's Office, in support, states that indeterminately sentenced sex offenders are currently ineligible for assessment and that expanding parole eligibility has brought many toward release without ever having been screened. UnCommon Law, in opposition, argues the expansion is duplicative of the validated risk instruments BPH already administers, and that SVP proceedings are among the most resource-intensive in the state system.

- 3) **Related Legislation.** AB 2727 (Nguyen) would delay elderly parole eligibility for persons sentenced for specified sex offenses and would also expand SVP referral authority. AB 2727 is pending in the Senate Appropriations Committee.
- 4) **Prior Legislation.** AB 47 (Nguyen), of this legislative session, delays elderly parole eligibility for persons sentenced for a one-strike sex offense or as a habitual sex offender. AB 47 was held on this committee's suspense file.

AB 3234 (Ting), Chapter 334, Statutes of 2020, lowered the elderly parole age threshold to 50 years with a minimum of 20 years served.

AB 1448 (Weber), Chapter 676, Statutes of 2017, codified the Elderly Parole Program.

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