

SENATE THIRD READING
SB 337 (Menjivar)
As Amended August 20, 2026
Majority vote

SUMMARY

Make a number of changes to existing law designed to prevent sexual misconduct against incarcerated individuals and increase accountability when sexual misconduct occurs; and requires CDCR to establish a pilot program at three institutions to evaluate the effectiveness of replacing unclothed body searches, both routine and nonroutine, of incarcerated persons with scanning technology.

Major Provisions

- 1) Requires CDCR, by January 1, 2028, to develop and implement protocols for when an incarcerated person is subject to a nonroutine search or scan, requiring that the staff conducting the search or scan to do all of the following:
 - a) Obtain approval from a supervising officer of rank sergeant or above before performing a nonroutine search or scan;
 - b) Document the incarcerated person's preference, if any, for the gender of the officer or staff performing the nonroutine search or scan;
 - c) Document the date, location, and time of the nonroutine search or scan, the name of the officer who performed the nonroutine search or scan, the reason for the nonroutine search or scan, the supervising officer who approved the nonroutine search or scan, and any other officers, staff, or other persons present during the performance of the nonroutine search or scan; and,
 - d) As soon as practicable following the completion of the nonroutine search or scan, provide to the incarcerated person who was subject to the nonroutine search or scan, a written receipt or other documentation with the information described, as specified.
- 2) Defines "nonroutine search or scan" as a search or scan that is based on circumstances specific to an individual and does not include a search or scan conducted regularly as part of security protocols, including, but not limited to, a routine search or scan that precedes or follows standard visitation, family visitation, *work change*, or transportation to and from the department facilities.
- 3) Defines "search or scan" as any physical or visual body cavity search, unclothed body search, or body scan of a person, including, but not limited to, ion scanners and low-dose, full-body x-ray scanners.
- 4) Requires CDCR, upon appropriation by the Legislature, to establish a pilot program at three institutions, including one men's and one women's prison, to evaluate the effectiveness of replacing unclothed body searches, both routine and nonroutine, of incarcerated persons with scanning technology.

- 5) Requires CDCR, as part of a search with scanning technology, to accommodate an incarcerated person's preference, if any, for a gender of the officer or staff performing the search or scan to the best of its ability. Incarcerated persons may refuse the use of scanning technology for any reason. If the incarcerated person refuses scanning technology, the department is authorized to conduct an unclothed body search.
- 6) Requires CDCR to implement privacy settings within the scanning technology to maintain reasonable privacy for the searched individual and restrict the availability of body scan images to only staff processing the scan or involved in any subsequent investigations.
- 7) Provides that, if the department does not need to prove that a person was in possession of contraband or a weapon, the department shall delete body scan inmates immediately.
- 8) Provides that unclothed body searches are not prohibited, if necessary.
- 9) Requires CDCR, one year after commencing a pilot program, as specified, to prepare and submit a report to the Legislature containing information on development of the program, engagement with stakeholders, an overview of the program, an explanation of the internal operations required for the program, the outcomes of the implementation of the program, and recommendations for how the program could be implemented at other CDCR facilities.
- 10) Provides that the report shall also include data regarding the number of searches and scans, and the completion of search and scan documentation.
- 11) Requires CDCR, in developing regulations, as specified, to engage with incarcerated individuals serving in peer leadership positions at the facilities and the sexual assault response and prevention working group established by the Budget Act of 2023.
- 12) Provides that notwithstanding existing regulations, an incarcerated person must submit a grievance no later than 120 calendar days after discovering an adverse policy, decision, action, condition, or omission by the department.
- 13) Requires CDCR to adopt, and update regularly, a Prison Sexual Violence Elimination policy.
- 14) Requires CDCR, as part of the policy, to outline all of the following principles:
 - a) The department maintains zero tolerance for sexual violence, staff sexual misconduct, and sexual harassment in its institutions, community correctional facilities, and conservation camps, and for all offenders under its jurisdiction;
 - b) All sexual violence, staff sexual misconduct, and sexual harassment is strictly prohibited. This policy applies to all incarcerated persons and persons employed by the department, including volunteers and contractors assigned to an institution, a community correctional facility, a conservation camp, or parole;
 - c) Retaliatory measures against staff or incarcerated persons who report incidents or cooperate with investigations of sexual violence, staff sexual misconduct, or sexual harassment shall not be tolerated and shall result in disciplinary action and possible referral for criminal prosecution. Retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent

a staff member or incarcerated person from reporting the incident or cooperating with investigation of an incident; and,

- d) To ensure that the department maintains zero tolerance for sexual violence, staff sexual misconduct, and sexual harassment, the department shall ensure that the definitions and terms used by the department, including, but not limited to, terms such as sexual abuse, sexual violence, abusive sexual contact, nonconsensual sex acts, and sexual harassment, are updated regularly and consistent with federal and state law, are culturally competent and gender inclusive, and are internally consistent.
- 15) Provides that, if an investigation into allegation of sexual abuse confirms that any employee has sexually abused an incarcerated person or ward, the employee is not eligible to be hired or reinstated by CDCR.
- 16) Clarifies that CDCR administrators must report any known or suspected sexual abuse by staff to a local law enforcement agency.
- 17) Requires CDCR to establish policies and procedures relating to the implementation and operation of a body-worn camera system that include circumstances under which a body-worn camera may be deactivated. Those circumstances may include, but are not limited to, restroom breaks and confidential departmental meetings or training.
- 18) Requires CDCR to ensure that its policies and procedures reflect a minimum amount of time per shift that a body-worn camera shall be activated and that the body-worn camera shall be activated when interacting with incarcerated persons. CDCR shall develop audit protocols to ensure compliance with these policies.
- 19) Provides that CDCR's policies and procedures shall authorize the deactivation of a body-worn camera during a confidential medical, dental, or mental health assessment, appointment, or consultation.
- 20) Requires CDCR staff, prior to deactivating a body-worn camera, to do both of the following:
- a) Inform the subject that they are deactivating the body-worn camera and the reason for the deactivation; and
 - b) Document the time the body-worn camera was deactivated, the reason for the deactivation, and the time the body-worn camera was reactivated.
- 21) Requires CDCR, before appointing new employees to any position that may involve contact with incarcerated persons, to do all of the following:
- a) Perform a criminal background check; and,
 - b) Consistent with federal, state, and local law, make its best efforts to contact all prior institutional employers *that the department has knowledge of* for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- 22) Requires CDCR to perform a criminal backgrounds records check before enlisting the services of any contractor who may have contact with incarcerated persons.

- 23) Requires CDCR either to conduct criminal background records checks every five years of employees and contractors who may have contact with incarcerated persons or implement a system to otherwise *routinely* capture that information for current employees and contractors.
- 24) Requires CDCR to ask all applicants and employees who may have contact with incarcerated persons directly about previous misconduct, as specified, in written applications or interviews for appointment.
- 25) Provides that material omissions regarding the misconduct, or the provision of materially false information, are grounds for termination.
- 26) Prohibits CDCR from appointing an individual to a position that may involve contact with incarcerated persons, and from engaging a contractor for services that may involve contact with incarcerated persons, if it obtains information, *as specified, that substantiated allegations of sexual abuse* in a prison, jail, lockup, community confinement facility, juvenile facility, or other correctional institution in the course of their role as an employee or contractor *of an institutional employer, have been reported against the employee or contractor.*
- 27) Prohibits CDCR from appointing or promoting an individual to a position that may involve contact with incarcerated persons, and from engaging a contractor for services that may involve contact with incarcerated persons, if it obtains information that the individual or contractor has been convicted of engaging or attempting to engage in any of the following offenses in the course of their role as an employee or contractor where the victim was a confined person, as specified: rape, lewd acts on a child under 14 years of age, any sex offense requiring registration as a sex offender, any felony offense involving domestic violence, sexual battery, stalking, or sexual activity with a confined person.
- 28) Prohibits CDCR from appointing an individual to a position that may involve contact with incarcerated persons, and from engaging a contractor for any services if it obtains information that the individual or contractor has been civilly or administratively adjudicated to have engaged in any of the offenses described above.
- 29) Requires CDCR, unless prohibited by law, to provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom that individual has applied to work.
- 30) Defines "confided person" as a person confined in a public entity health facility or a health facility under contract with a public entity; a person confined in a public or private detention facility; or an incarcerated person, ward, or parolee of CDCR.
- 31) *Defines "institutional employer" as an employer, including a detention facility or a public or private entity that provides staff or volunteers to, or is under contract with, a detention facility, as described.*
- 32) Provides that, to ensure that CDCR investigations are conducted by appropriately trained personnel, the following conditions, among others, must be met:

- a) An investigator shall disclose an actual or potential conflict of interest they may have in an investigation in which they are participating, and the CDCR shall take appropriate action to remedy the conflict;
 - b) An investigator shall recuse themselves from participating in an investigation or a decision related to an investigation if they have a conflict of interest involving a staff member with whom they have a personal relationship; and,
 - c) Defines a "personal relationship" as a relationship that interferes with an investigator's ability to assess the facts of the investigation in an objective manner, including with a person who is related by blood or marriage to, is a domestic partner of, is a cohabitant with, or is a relative within the third degree of the investigator.
- 33) Authorizes an incarcerated person to file an anonymous grievance relating to an allegation of sexual misconduct directly to the Office of the Inspector General.
- Authorizes the Inspector General to review any grievance filed from an incarcerated person, whether or not that grievance had been previously filed with the institution or hiring authority where the grievance occurred.
- 34) Provides that a person who is convicted of engaging in sexual activity with a consenting adult, confined in specified facilities, who is employed by a public entity health facility shall be terminated and shall not be eligible to be hired or reinstated by a public entity health facility.
- 35) Include legislative findings and declarations.

COMMENTS

Sexual Abuse of Incarcerated Persons in California Prisons: California's prisons—and the women's prisons in particular—have been plagued with allegations of staff sexual assault and sexual misconduct for years. In 2024, 130 individuals formerly incarcerated at the California Institution for Women (CIW) and the Central California Women's Facility (CCWF) filed a lawsuit against CDCR and 30 current and former correctional officers alleging that they were sexually abused while in prison. (*Id.*) The lawsuit alleges that the sexual abuse occurred throughout the prisons, including in cells, closets, and storage rooms, and alleges a variety of sexual abuse, including groping, forced oral copulation, and rape. (*Id.*)

In 2023, the then-acting warden of CCWF was moved to another prison after being implicated in sexual harassment and abuse cases involving other staff. The same year, a former correctional officer at CCWF was arrested for sexually assaulting 13 incarcerated individuals over nine years and charged with 96 counts of rape, sodomy, sexual battery, and rape under color of authority. He was found guilty on 59 of those counts earlier this year.

Six women additionally filed a lawsuit in early 2025 alleging that the sole gynecologist at CIW abused them. The women claim that they "endured abusive pap smears and biopsies and coerced exams, including breast and anal examinations, and that those who crossed him...faced retaliation, including withholding of medical treatment." (*Id.*) [citations omitted]

Sexual Assault Response and Prevention Working Group: The 2023-2024 Budget Act established "a sexual assault response and prevention working group and ambassador program" and allocated funds to CDCR as well as the Sister Warriors Freedom Coalition to support the working group in identifying best practices for whistleblower protections and trauma-informed care and support to survivors. The working group consisted of CDCR leadership and staff, correctional officers, community-based organizations led by formerly incarcerated people, representatives from the Sister Warriors Freedom Coalition, and individuals who have survived sexual assault while in custody. The working group met over a six-month period. Two reports were produced as a result of the working group: one authored by CDCR required by the Budget Act and one authored by the community-based organizations that were members of the working group.

The community report on the working group primarily focused on the women's prisons, CIW and CCWF. The report made several recommendations fitting into five categories: expedited release of survivors, culture shifting, services for survivors, the investigation and reporting process, and accountability. (*Id.* at p. 6.) Among its many recommendations, the report provided the following:

- 1) Allowing for increased anonymity and confidentiality in reporting.
- 2) More robust monitoring of gynecological or obstetric exams and strip searches.
- 3) Revising local body worn camera policies, particularly the deactivation of cameras, use of audits, and access to footage. (*Id.* at pp. 38-48.)

SB 1069 (Menjivar), Chapter 1012, Statutes of 2024, adopted elements of some of the report's recommendations related to the investigation and reporting process. Specifically, SB 1069 gave the OIG investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person, and authorized the OIG to monitor and investigate a complaint involving sexual misconduct with an incarcerated person. SB 1069 also required the OIG to prepare and submit a report following the completion of an investigation to the appropriate hiring authority. This bill expands on those efforts. [citations omitted]

According to the Author

"CDCR has been plagued for decades with substantiated claims of sexual misconduct and cultivating a culture of fear and abuse within its facilities. Last year I championed legislation to make sure that when abuse happens, our Office of the Inspector General has the ability to step in and ensure the situation is handled correctly and unbiased. While some of SB 337 is following up on that important work. The spirit behind SB 337 is to focus on the preventative side and ensure that abuse does not happen in the first place. Everyone in the custody of CDCR has the right to a safe place with which to engage in rehabilitation and self-reflection. The punishment is the imprisonment, not constant sexual assault, harassment, and fear of abuse. If we want folks to do their time and come back into society reformed, then we have to make sure our prisons do not perpetuate the very violence and harm that put them there in the first place."

Arguments in Support

According to the *California Coalition for Women Prisoners*, one of the bill's sponsors, "Staff sexual assault has had devastating effects on our members and we strongly believe that SB 337 will help protect incarcerated people and increase reporting.

"CDCR has been plagued with staff sexual misconduct that has cultivated a culture of fear and abuse within its prisons. Staff abuses and staff abuse culture have been particularly concentrated at the Central California Women's Facility (CCWF) and the California Institution for Women (CIW). Just two years ago, wardens at both institutions were relieved of duty following reports of widespread sexual abuse and unprecedented rates of suicide. In February of this year several women incarcerated at CIW filed a class action lawsuit reporting years of systematic sexual abuse at the hands of the sole gynecologist on staff, even aided at times by his medical assistant. Not only were years of complaints ignored, but victims of his abuse were routinely retaliated against for their complaints.

"Despite the attention these scandals have received, systemic change is still desperately needed to effectuate true access to justice for incarcerated survivors of sexual abuse. The solutions to this crisis laid out in SB 337 directly address the concerns of individuals with lived experience of staff abuse while incarcerated in CDCR facilities. The bill reflects numerous recommendations by the CA Sexual Abuse Response and Prevention Working Group, created by the 2023 Budget Act, in our March 2024 Community Report. This report made policy recommendations for CDCR facilities based on the insights and analysis from over 700 people incarcerated at CCWF and CIW whose lived experiences provide invaluable perspective about which corrective and protective actions create safety or generate harm.

"SB 337 seeks to address deficiencies in the reporting and investigation of staff sexual misconduct in several meaningful ways. First, many survivors of staff abuse in CDCR facilities have found that by the time they have recovered sufficiently to consider taking on the risk and labor that comes along with reporting a staff member, the deadline to file a grievance has passed. SB 337 would expand the window that incarcerated people have to file a grievance from 60 to 120 days. It would also allow incarcerated people to file grievances anonymously and directly with the Office of the Inspector General (OIG), reducing some of the risk of retaliation that they experience when reporting staff abuse to CDCR and ensuring that their report will receive external oversight. Finally, it seeks to address the recurring issue of CDCR investigators downplaying the severity reports of sexual abuse by requiring CDCR staff to disclose personal relationships that may interfere with an investigation and recuse themselves if necessary.

"The bill also seeks to ensure that abusers cannot evade accountability. Staff who are found to be abusive during investigations are often merely transferred to different posts or prisons, where they continue to interact with incarcerated people. SB 337 would ensure that when CDCR staff or applicants are found guilty of violent or sexual crimes, they cannot be hired in the first place, and if they commit those crimes on the job or in the community, they are fired and never rehired. The bill would also ensure that abusive medical staff employed within the prison, like the gynecologist described above, cannot be rehired.

"Finally, SB 337 seeks to prevent sexual abuse from happening in the first place by increasing the oversight. Incarcerated people consistently report that custody staff improperly deactivate their body worn cameras (BWC) frequently, including during assaults or other staff misconduct. SB 337 would remove loopholes in CDCR's Body Worn Camera policy that staff utilize to avoid detection of their abuse.

"SB 337 also seeks to reduce opportunities for abuse during strip searches. Strip searches are a routine and violating practice within CDCR, and a site of sexual misconduct. Strip searches can occur on a daily basis for incarcerated individuals and are required to access medical care and

visiting. Traumatizing strip searches are a common experience reported by incarcerated people. Incarcerated individuals frequently report that abusive strip searches related to visits lead individuals to avoid visits with loved ones. SB 337 would require that CDCR document every search and body scan and allow for 3rd party advocates to be requested during the search.

"SB 337 takes necessary steps toward preventing further sexual abuse in California prisons, while holding CDCR accountable when abuses do occur."

Arguments in Opposition

According to *Our Duty*, "The bill has the commendable goal of "zero tolerance for sexual violence, staff sexual misconduct, and sexual harassment in its institutions, community correctional facilities, and conservation camps, and for all offenders under its jurisdiction." Yet, in California, there are incarcerated women who spend twenty-four hours a day with trans-identified males who have been convicted of violent and sexual crimes. Unbelievably, these men share showers, bathrooms and small, locked cells with vulnerable, incarcerated females.

"SB337 must close the obvious gap in protection, created by the ill-conceived and anti-female law SB132, that paved the way for men who identify as women to terrorize, rape and sexually assault female inmates who have nowhere to hide. Since SB132 passed, not only have there been sexual assaults and rapes but the incarcerated females live with constant fear and humiliation. SB337 needs to protect the female inmates from these trans-identified males who are steadily infiltrating the female prisons...

"In its August 2023 special review, the California Office of the Inspector General recognized the obvious fact that female inmates would be harmed by males identifying as women.¹ The OIG documented significant safety concerns since SB 132's implementation. Nearly two-thirds of women interviewed reported fearing for their safety around some or all of the male transferees, with over one-quarter reporting negative experiences, including sexual assault...

"The women in California's prison system, the vast majority of whom have had life histories of victimization at the hands of men, are being mercilessly subjected to predatory males in a context in which they are powerless to defend themselves. The need to protect male inmates from assault by other men does not justify subjecting vulnerable women to predatory men. The cycle of cruelty towards women, especially black and Hispanic females, continues unabated. Placing male sex-offenders regardless of their inner belief regarding their gender is harming the most oppressed and vulnerable population of females who have no way to protect themselves."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of an unknown amount (General Fund) to the California Department of Corrections and Rehabilitation (CDCR) to develop and implement, by January 1, 2028, protocols for nonroutine searches and scans. Costs will depend on the volume of nonroutine searches. CDCR previously reported that the department does not track the average number of searches per incarcerated person.
- 2) Costs of an unknown amount (General Fund), contingent upon appropriation by the Legislature, to establish a pilot program at three institutions, including one men's and one women's prison, evaluating the replacement of unclothed body searches with scanning

technology. Costs would include procurement and installation of scanning equipment, implementation of privacy settings restricting image availability and requiring immediate image deletion where the department does not need to prove possession of contraband or a weapon, staff training, and preparation of the report to the Legislature due one year after the program commences.

- 3) Costs of an unknown amount, possibly in the millions of dollars annually (General Fund), for increased workload to respond to grievances filed under the bill's extended timeline.
- 4) Costs of an unknown amount (General Fund) to establish, by July 1, 2027, body-worn camera policies and procedures. CDCR previously characterized the body-worn camera provisions as minor and largely aligned with existing policy. The minimum-activation-time requirement and the audit protocol requirement are new duties, and increases in recorded footage carry associated data storage and retention costs.
- 5) Costs of an unknown amount, likely moderate (General Fund), for the bill's hiring and screening requirements, including criminal background records checks every five years for employees and contractors who may have contact with incarcerated persons.
- 6) Potentially significant workload costs of an unknown amount (General Fund) to the Office of the Inspector General (OIG) to the extent the bill results in additional anonymous grievances filed directly with OIG.

VOTES

SENATE FLOOR: 38-0-2

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

ABS, ABST OR NV: Limón, Reyes

ASM PUBLIC SAFETY: 9-0-0

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

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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