UNFINISHED BUSINESS

Bill No: SB 337
Author: Menjivar (D), et al.
Amended: 8/20/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/29/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/28/25
AYES: 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
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 79-0, 8/31/26 - See last page for vote

**SUBJECT:** Prisons

**SOURCE:** Author

**DIGEST:** This bill makes numerous changes to existing law designed to prevent sexual abuse of individuals incarcerated in the state's prisons and increase accountability when sexual abuse occurs.

*Assembly Amendments* remove the requirement that the California Department of Corrections and Rehabilitation (CDCR) document all searches of incarcerated individuals; require CDCR to develop and implement protocols for nonroutine searches and scans of incarcerated individuals by January 1, 2028; delay

implementation of the requirement that CDCR establish policies and procedures related to body-worn cameras; require that body-worn cameras are activated when interacting with incarcerated persons; limit provisions prohibiting certain people from serving in specified roles to appointments and remove references to promotions; and narrow the set of crimes for which a conviction will bar someone from being hired by CDCR.

**ANALYSIS:**

Existing law:

1) Establishes via the Prison Rape Elimination Act (PREA), a zero-tolerance standard for the incidence of prison rape in prisons in the United States, provides for the development and implementation of national standards for the detection, prevention, reduction, and punishment of prison rape, and mandates the review and analysis of the incidence and effects of prison rape. (34 United States Code § 30301 et seq.)

2) Requires the California Department of Corrections and Rehabilitation (CDCR) to develop policies and operational practices that are designed to ensure a safe and productive institutional environment for women incarcerated in the state's prisons. (Penal (Pen.) Code, § 3430, subd. (b).)

3) Provides via the Sexual Abuse in Detention Elimination Act, guidance to CDCR for developing its protocols for responding to sexual abuse, requires certain standards be implemented to reduce the impact of sexual abuse on incarcerated individuals, and requires certain procedures are performed in the investigation and prosecution of sexual abuse incidents. (Pen. Code, §§ 2637-2639.)

4) Requires that a CDCR employee, confirmed by an investigation to have sexually abused an incarcerated person, is terminated. Requires administrators to report criminal sexual abuse by staff to law enforcement authorities. (Pen. Code, § 2639, subd. (e).)

5) Prohibits a male correctional officer from conducting a pat down search of a female incarcerated individual unless the incarcerated person presents a risk of immediate harm to herself or others or risk of escape and there is not a female correctional officer available to conduct the search. Prohibits a male correctional officer from entering into an area of the institution where female

incarcerated individuals may be in a state of undress, or be in an area where they can view female incarcerated individuals in a state of undress, unless an incarcerated person in the area presents a risk of immediate harm to herself or others or if there is a medical emergency in the area. (Pen. Code, § 2644, subds. (a) & (b).)

6) Requires, if a male correctional officer conducts a pat down search or enters a prohibited area, the circumstances for and details of the exception to be documented within three days of the incident. (Pen. Code, § 2644, subd. (c).)

7) Provides that an employee or officer of a public entity health facility, or an employee, officer, or agent of a private person or entity that provides a health facility or staff for a health facility under contract with a public entity, who engages in sexual activity with a consenting adult who is confined in a health facility is guilty of a public offense. (Pen. Code, § 289.6, subd. (a)(1).)

8) Provides that a person who commits the above described offense by rubbing or touching of the breasts or sexual organs of another, or of oneself in the presence of and with knowledge of another, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of oneself or another, is guilty of a misdemeanor. (Pen. Code, § 289.6, subd. (g).)

9) Provides that a person who commits the above described offense by committing sexual intercourse, sodomy, oral copulation, or sexual penetration, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year, or of a felony punishable by imprisonment in the state prison, or by a fine of not more than $10,000, or by both. (Pen. Code, § 289.6, subd. (h).)

10) Provides that any person previously convicted of a violation of the above described offense shall, upon a subsequent violation, be guilty of a felony. (Pen. Code, § 289.6, subd. (i).)

11) Requires that anyone convicted of a felony violation of the above described offense who is employed by a department, board, or authority within CDCR, be terminated and provides that the person is not be eligible to be hired or reinstated by a department, board, or authority within CDCR. (Pen. Code, § 289.6, subd. (j).)

12) Provides that the Inspector General (IG) is responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of CDCR under policies to be developed by the IG. (Pen. Code, § 6126, subd. (a).)

13) Authorizes the Office of the Inspector General (OIG) to investigate all staff misconduct cases that involve sexual misconduct with an incarcerated person, and authorizes the OIG to monitor and investigate a complaint involving sexual misconduct with an incarcerated person. (Pen. Code, § 6133, subd. (a)(5), (6).)

14) Requires an incarcerated person to submit a grievance no later than 60 calendar days after discovering an adverse policy, decision, action, condition, or omission by the department. (Cal. Code of Regs., tit. 15, § 3482, subd. (b)(1).)

This bill:

1) 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.

2) Prohibits CDCR from hiring or reinstating an employee confirmed by an investigation to have sexually abused an incarcerated person.

3) Requires CDCR administrators to report any known or suspected sexual abuse by staff to local law enforcement agency.

4) 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.

5) Prohibits CDCR from appointing an individual to a position that may involve contact with incarcerated persons, if that person has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other correctional institution. Prohibits CDCR from engaging a contractor for services that may involve contact with incarcerated persons, if that individual or contractor has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other correctional institution.

6) 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 that

individual or contractor has been convicted of engaging or attempting to engage in any of the following offenses: rape; lewd acts on a child under 14 years of age; any sex offense requiring sex offender registration; a felony offense involving domestic violence; sexual battery; stalking; or sexual activity with a confined person.

7) 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 that individual or contractor has been civilly or administratively adjudicated to have engaged in any of the above enumerated offenses.

8) Requires CDCR to perform a criminal background records check and make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, before appointing new employees to any position that may involve contact with incarcerated persons. Requires CDCR to perform a criminal background records check before enlisting the services of any contractor who may have contact with incarcerated persons.

9) Requires CDCR to either 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 capture that information for current employees and contractors.

10) Requires CDCR to ask all applicants and employees who may have contact with incarcerated persons directly about previous sexual misconduct in written applications or interviews for appointment and in any interviews. Provides that material omissions, or providing materially false information, regarding sexual misconduct, are grounds for termination.

11) Requires a CDCR internal affairs investigator to disclose an actual or potential conflict of interest they may have in an investigation in which they are participating, and requires the department to take appropriate action to remedy the conflict.

12) Requires a CDCR internal affairs investigator to 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, as defined.

13) Authorizes an incarcerated person to file an anonymous grievance relating to an allegation of sexual violence directly to the OIG. Authorizes the IG 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.

14) Requires that an employee or officer of a public entity health facility, detention facility, or CDCR, who is convicted of engaging in sexual activity with a consenting adult who is confined in a health facility, detention facility, or subject to supervision, be terminated. Prohibits such a person from being eligible to be hired or reinstated by a public entity health facility.

15) Requires CDCR to adopt, and update regularly, a Prison Sexual Violence Elimination policy. Specifies the principles that must be included in the policy. Requires the policy to use definitions and terms that are updated regularly and consistent with federal and state law, are culturally competent and gender inclusive, and internally consistent.

**Background**

California's prisons—and the women's prisons in particular—have been plagued with allegations of staff sexual assault and sexual misconduct for years. (See Richard Winton, *'Every woman's worst nightmare': Lawsuit alleges widespread sexual abuse at California prisons for women* (Jan. 18, 2024) available at <https://www.latimes.com/california/story/2024-01-18/every-womans-worst-nightmare-lawsuit-alleges-widespread-sexual-abuse-at-californias-womens-prisons .) 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, 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. (Jeremy Childs, *Ex-corrections officer accused of raping 13 inmates in California women's prison* (May 25, 2023) available at <https://www.latimes.com/california/story/2023-05-

25/ex-corrections-officer-accused-of-raping-inmates-at-california-womens-prison .) He was found guilty on 59 of those counts earlier this year. (Elize Manoukian, *Former guard at California women's prison found guilty of 59 counts of sexual abuse* (Jan. 15, 2025) available at <https://www.kqed/com/news/12022075/former-guard-california-womens-prison-found-guilty-59-counts-sexual-abuse .)

Six women additionally filed a lawsuit in early 2025 alleging that the sole gynecologist at CIW abused them. (Anabel Sosa, *Lawsuit accuses gynecologist at California women's prison of abusing patients for years* (Feb. 5, 2025) available at <https://www.latimes.com/california/story/2025-02-05/gynecologist-womens-prison-abuse-lawsuit .) 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*.)

SB 1069 (Menjivar, Chapter 1012, Statutes of 2024), 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.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

Significant ongoing costs (General Fund) to CDCR, possibly in the tens of millions to low hundreds of millions of dollars annually, largely for additional workload. CDCR reports:

Costs for contracting with non-employee advocates to witness searches and medical appointments, and for additional CDCR custody staff to evaluate advocate requests, facilitate the presence of advocates, and fulfill the bill's documentation requirements. CDCR estimates these costs may be in the tens of millions of dollars annually. The department currently incarcerates more than 90,000 people; although it does not track the average number of searches per incarcerated person, the department estimates it conducts tens of thousands of routine searches and appointments each day that may prompt requests for an advocate's presence.

Costs for increased workload to respond to grievances filed during the bill's extended timelines, possibly in the millions of dollars annually. The bill permits an incarcerated person to file a grievance within 120 days of specified adverse actions, rather than 60 days under existing practice. This will result in the filing of many additional grievances that would otherwise be precluded, requiring additional staff time to process, evaluate, and respond to each grievance. On the other hand, CDCR reports its regulations currently impose no timeline for grievances related to staff misconduct, including sexual misconduct; this bill may preclude some of these grievances from being filed by establishing a timeline.

Cost pressures due to the bill's prohibition on contracting with people who have certain criminal convictions. CDCR awards grants and contracts to many program providers who are, or who employ, people with lived experience in the criminal justice system, including people with some of the convictions specified in this bill. To the extent this bill precludes CDCR from entering into those contracts, the department may experience some cost savings in the short term, but would likely experience long-term incarceration costs – if fewer rehabilitative programs are available, incarcerated people will earn fewer credits and will remain in CDCR custody for longer periods of time.

Possible cost pressures of an unknown amount for increased litigation. CDCR reports the extended grievance timeline and the potential unavailability of requested advocates may result in additional liability to the department, resulting in more litigation.

Minor costs for the provisions that largely align with CDCR's existing policies, including those related to body-worn cameras, prison rape elimination policies, conflict-of-interest requirements, and hiring requirements.
Finally, to the extent the bill results in more allegations of sexual violence filed with OIG by incarcerated people, OIG may incur potentially significant workload costs (General Fund).

**SUPPORT:** (Verified 8/28/26)

ACLU California Action
Black Women for Wellness Action Project
California Coalition for Women Prisoners
California Latinas for Reproductive Justice
California Public Defenders Association

Californians for Safety and Justice
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Chispa
Citizens for Choice
Communities United for Restorative Youth Justice
Courage California
Critical Resistance, Los Angeles
Disability Rights California
El/La Para Translatinas
Ella Baker Center for Human Rights
Equality California
Fair Chance Project
Flying Over Walls
Initiate Justice
Initiate Justice Action
Just Detention International
Justice2Jobs Coalition
LA County Public Defenders Union, Local 148
La Defensa
Orthwein Law, P.C.
PFLAG Los Angeles
PFLAG San Jose/Peninsula
Rainbow Families Action Bay Area
San Francisco Public Defender
Silicon Valley De-Bug
Sister Warriors Freedom Coalition
Smart Justice California
Survived & Punished
The W. Haywood Burns Institute
Transgender Law Center
Universidad Popular
Valor US
Women's Foundation California
Youth Leadership Institute
Multiple Individuals

**OPPOSITION:** (Verified 8/28/26)

None received

Assembly Floor: 79 0 0
Ayes: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, 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
Noes:
No Vote Recorded:

Prepared by: Stephanie Jordan / PUB. S. / (916) 651-4118
11/5/26 15:01:48

****** END ******