



Please note: The information contained in this overview is not intended as legal advice, nor is this resource a complete list of all the bills that may impact you. If you have questions about how any of these bills may apply to you, please consult an experienced attorney.

IMPORTANT BILLS FROM THE 2022 LEGISLATIVE SESSION IN CALIFORNIA

I. Bills Impacting Trial, Sentencing, and Resentencing Procedures

AB 256 (Kalra)

AB 256 expands the California Racial Justice Act of 2020, making it retroactive. The Racial Justice Act of 2020 prohibited the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin. AB 256 allows currently incarcerated people to challenge their previous convictions if those convictions were made based on their race, ethnicity, or national origin.

AB 960 (Ting)

AB 960 expands the eligibility criteria for the compassionate release program and streamlines the decision-making process. This bill applies to incarcerated people with an advanced disease that puts them on an end-of-life trajectory, incarcerated people with physical impairments that interfere with their ability to perform at least one activity of daily living, and incarcerated people with cognitive impairments or progressive dementia that did not exist at the time of sentencing. This bill also creates a presumption in favor of recall and resentencing if the court finds that the incarcerated person is medically eligible.

SB 467 (Wiener)

SB 467 helps to ensure that anyone wrongfully convicted of a crime due to faulty and unreliable scientific evidence may seek post-conviction relief. This bill clarifies the definition of “false testimony” to include opinions based on flawed scientific research, outdated technology, and opinions about which a scientific dispute has emerged regarding its validity. It also expands the definition of false evidence to include expert opinions that are undetermined by the state of scientific knowledge that existed at the time of the expert’s testimony and opinions.

AB 2167 (Kalra)

AB 2167 requires the court to consider alternatives to incarceration such as justice court programs, diversion, restorative justice, and probation.

II. Bills Impacting Prison Rights, Processes, and Conditions

SB 1008 (Becker)

SB 1008 requires that a state prison, or a state county, city, or youth residential placement or detention center provide voice communication services to the incarcerated individual free of charge to the person initiating and the person receiving the call.

SB 1139 (Kamlager)

SB 1139 helps ensure that incarcerated people and their families have access to a more humane health care process. The bill requires the elimination of all fees for incarcerated people requesting medical records and requires that emergency in-person visits and video calls be made available when an incarcerated person is in a serious condition. This bill also expedites the medical grievance process, and makes other changes to the health care process.

AB 2417 (Ting)

AB 2417 provides incarcerated youth an understanding of their basic rights, ensuring that they are provided a document with those rights. The bill also requires that incarcerated youth have access to postsecondary academic and career technical education and programs and access to information regarding parental rights. Additionally, the bill prohibits discrimination against youth on the basis of gender expression or immigration status.

III. Bills Impacting Formerly Incarcerated People

SB 990 (Hueso)

SB 990 allows people on parole the option to transfer from prison directly to the county where a post-secondary educational or vocational training program opportunity is located, rather than to the county of last legal residence, so long as the transfer does not increase public safety concerns or conflict with existing mandatory release restrictions.

SB 1106 (Wiener)

SB 1106 prohibits unfulfilled orders of restitution or restitution fines from preventing the approval of a petition for relief. This bill allows people on parole to reside in another state even if they have an unfulfilled order for restitution to a victim or a restitution fine with the state they are attempting to leave.

SB 731 (Durazo)

SB 731 addresses many of the barriers faced by people seeking to expunge and otherwise seal their records. It expands eligibility for automatic relief to individuals convicted of certain felonies and sentenced to probation on or after January 1, 2005. The bill

authorizes individuals with specified felony convictions to ask for relief two years after the completion of their sentence.

Please note that the bills below did not pass or become law. Some of the bills were rejected by the State Legislature; others passed through the State Legislature but were vetoed by the Governor. These bills can be reintroduced in subsequent legislative sessions.

IV. Bills That Did Not Become Law in 2022

AB 2409 (Davies)

AB 2409 would require the District Attorney's office to inform any crime survivor or their next of kin of their right to request that the Board of Parole Hearings (BPH) notify them of any hearing to consider an incarcerated individual's parole suitability. This bill would also require the District Attorney's office to provide reasonable notice of any hearing, including a change of date, time, and place of the hearing. UnCommon Law opposed this bill.

SB 300 (Cortese)

SB 300 would reform California's "felony murder special circumstance" law to ensure that the death penalty or a sentence of life without the possibility of parole will not be imposed on those who did not kill a person or intend that a person die during the execution of a felony. Additionally, this bill would restore the ability of judges to impose a sentence of 25 years to life if they determine that an opportunity to earn parole would best serve the interests of justice in a case where a special circumstance has been charged.

ACA 3 (Kamlager)

ACA 3 would change California's constitution by completely prohibiting involuntary servitude, which is currently allowed as punishment for crime.

SB 875 (Skinner)

SB 875 would prohibit the BPH from relying on discriminatory factors to find someone unsuitable for parole. This bill included discriminatory factors such as the person's race, ethnicity, national origin, sexual orientation, gender identity, disability or cognitive or physical impairment, cultural or religious affiliation, ability to articulate complex or abstract concepts, and more.

AB 1670 (Bryan)

AB 1670 would create the Commission on Alternatives to Incarceration within the California Health and Human Services Agency to study alternatives to incarceration, alternative crisis response models, and the effects of family separation in the jail and state prison systems.

AB 2632 (Holden)

AB 2632 would completely ban involuntary segregated confinement for vulnerable populations – such as individuals with disabilities, pregnant women, as well as youth and the elderly – and ban long-term segregated confinement for all incarcerated people. The bill would also require prison staff to maintain clear records of the use of solitary confinement.

SB 1304 (Kamlager)

SB 1304 would increase gate money upon release from \$200 to \$1,300.

AB 937 (Carrillo)

AB 937 would prohibit any state or local agency from arresting or assisting in the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose. This bill would repeal a law that requires prison staff to maintain procedures to identify undocumented people serving time in state prisons and annually report the number of undocumented people in state prisons to the State Legislature.

SB 1731 (Bradford)

SB 1731 would require state prisons to increase the pay scale for incarcerated workers over a five-year period. The bill would adjust the pay scale to allow incarcerated workers to afford quarterly packages, educational materials, and maintain family connections.

AB 1816 (Bryan)

AB 1816 would create a new program to fund evidence-based housing, support services, and workforce development programs for people who were previously incarcerated in state prisons and who are experiencing homelessness or are at risk of homelessness.

AB 1846 (Valladres)

AB 1846 would require BPH to establish to provide crime survivors, their families, and their representatives with compensation if they wish to have an attorney represent them at a parole hearing where no representative from the District Attorney or Attorney General's office would be in attendance. This bill would authorize BPH to approve reimbursements for attorney expenses up to \$900 per victim per hearing. UnCommon Law opposed this bill.

AB 2180 (Wicks)

AB 2180 would establish the Task Force on the Children of Incarcerated Parents and Caregivers to address the unmet needs of system-impacted children.

SB 993 (Skinner)

SB 993 would establish the Flexible Assistance for Survivors of Violence pilot grant program to distribute direct cash assistance to survivors of violence. This bill would expand opportunities for financial support to include vulnerable populations such as crime survivors who have prior involvement in criminal activities.

AB 2250 (Bonta)

AB 2250 would create a pilot program to provide specialized support for women who are released from state prisons. The program would be responsive to each woman's gender and culture, and include the creation of individualized reentry programs for participants.