



November 1, 2023

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 pending bills may apply to you, please consult an experienced attorney.

IMPORTANT BILLS FROM THE 2023 LEGISLATIVE SESSION IN CALIFORNIA

1. ***Signed Bills*** – *These bills were signed by the Governor and will become effective on January 1st, 2024.*

AB 600 (Ting)

AB 600 will expand judicial authority to recall a sentence at any time if the law a person was sentenced under was changed after they were convicted. It would also allow courts to resentence individuals without approval from the District Attorney or the Attorney General. This bill would also clarify the presumption guiding the judge's use of discretion, require the court to consider specified post-conviction factors at resentencing, and require judges to inform people petitioning for resentencing of their right to appeal a denial.

SB 97 (Wiener)

SB 97 will expand on existing laws and allow incarcerated individuals to petition for a writ of habeas corpus if new evidence that had not been previously presented or heard is discovered after a plea or trial. This bill would also establish a presumption toward granting relief if the prosecuting attorney concedes that the petitioner has been wrongfully convicted, allowing a petitioner to not appear at certain hearings.

Conditions of Confinement

SB 474 (Becker)

SB 474 will temporarily reduce excessive mark-ups on items sold at canteens across California state prisons. This bill would prohibit the prices of items offered for sale at canteens from exceeding 35% above the amount they were purchased from vendors until January 1st, 2028, down from the current markup of 65%.

AB 1226 (Haney)

AB 1226 will require CDCR to place incarcerated people that have a parental or guardian relationship with a child under the age of 18 at the correctional facility located nearest to the child, as long as the placement is considered suitable and reasonable. This bill

will also allow an incarcerated person to request a review of their placement if their child's primary residence has changed.

Other

AB 268 (Weber)

AB 268 will require the Board of State and Community Corrections (BSCC) to develop and adopt regulations increasing the standard of medical and mental health care services at local correctional facilities. These standards will include requiring correctional staff to be trained in CPR, requiring more detailed safety checks for at-risk persons to make sure they are alive, and requiring mental health screenings at intake or booking by a qualified mental health care professional. This bill will also add two additional members to the BSCC.

SB 309 (Cortese)

SB 309 will extend to incarcerated people the right to exercise religious freedom. This bill will require facilities to allow incarcerated persons to maintain their hair or beard length according to their religious beliefs and permit the use of religious clothing and headwear. This bill will also allow individuals to purchase religious clothing and headwear not exceeding the purchase price. SB 309 also requires that searches of individuals wearing religious clothing be by members of the same gender and out of view of members of the opposite gender and, if requested, be conducted by staff of the same gender.

AB 581 (Carrillo)

AB 581 will streamline the clearance process for program providers so community-based organizations can more effectively provide life-affirming programs to those who are currently incarcerated. It will also standardize the process to clear formerly incarcerated persons to enter correctional facilities to deliver rehabilitative programming.

- 2. Constitutional amendments.*** *Constitutional amendments are on a different timeline than regular bills. In order to be placed on the November 2024 ballot, they need to pass both houses of the legislature by June 2024.*

ACA 4 (Bryan)

ACA 4 would amend California's state constitution to allow people convicted of a felony to vote while incarcerated. If this amendment passes in the legislature, it will be placed on the ballot in the next general election to be voted on by all eligible voters in the state. ACA 4 has not passed either house.

ACA 8 (Wilson)

ACA 8 would amend California's state constitution and completely abolish slavery and involuntary servitude in California, no longer allowing it as punishment for a crime. If this amendment passes in the legislature, it will be placed on the ballot in the next general election to be voted on by all eligible voters in the state. ACA 8 has passed the Assembly floor but has yet to pass the Senate.

3. ***Two-year bill*** – *These bills are not moving any further this year, but may move next year.*

SB 254 (Skinner)

SB 254 would expand the rights of incarcerated people who choose to speak to the media. This bill would require all prisons and jails to permit media representatives to enter facilities and interview folks and would prohibit retaliation against those that choose to speak to the news media. SB 254 would also require an incarcerated person to consent to be interviewed and prevent correctional staff from monitoring interviews or reviewing any of the information collected. This bill became a two-year bill in the Senate Committee on Appropriations on May 18th, 2023.

AB 745 (Bryan)

AB 745 would require the Department of Housing and Community Development to create a Reentry Housing and Workforce Development Program to administer funding for housing and services interventions for people on parole experiencing homelessness. AB 745 would require the department to collaborate with CDCR and counties to establish a participant referral process, and would require grant recipients to use funds for long-term rental assistance and other services to assist formerly incarcerated people in accessing permanent supportive housing. The bill became a two-year bill in the Assembly Committee on Appropriations on May 18, 2023.

AB 280 (Holden)

AB 280 would expand the rights of those in solitary confinement as well as limit the use of solitary confinement. This bill would prohibit the following populations from being placed in solitary confinement: individuals who are pregnant, have recently given birth, or have terminated a pregnancy; individuals under the age of 26 or over the age of 59; and individuals with mental or physical disabilities. This bill would also make other changes, including requiring that individuals in segregated confinement have their medical and mental health regularly assessed by qualified professionals, and prohibiting any individual from being placed in solitary confinement for more than 15 consecutive days and no more than 45 days in a 180-day period. The bill became a two-year bill in the Assembly Floor on September 14, 2023.

SB 94 (Cortese)

SB 94 would allow an individual sentenced to life without the possibility of parole (for a conviction in which special circumstances were found to be true) to petition for recall and resentencing if the offense occurred before June 5, 1990, and the individual has served at least 25 years in custody. This bill would *not* apply to an individual convicted of first-degree murder of a police officer, an individual convicted of first-degree murder of three or more people, or an individual required to be registered as a sex offender. This bill would also require courts to appoint a public defender or other qualified counsel for petitioners who cannot afford an attorney. The bill became a two-year bill in the Assembly Floor on September 14, 2023.

4. *Failed bills* – *These bills are dead. The legislators may bring the ideas back in a new bill in a future legislative session, but cannot bring the same bill next year.*

AB 1177 (McKinnor)

AB 1177 would require the Board of Parole Hearings to provide a parole candidate an audio recording or transcription of their parole hearing at no charge if the candidate requests it. This bill would also allow a victim, their family, and up to two of their representatives to request audio recordings of any proceedings. This bill was “held” on suspense, meaning it was killed, by the State Assembly Committee on Appropriations.

AB 1497 (Haney)

AB 1497 would expand the rights of incarcerated people with a history of psychological, physical, or childhood trauma, or who were victims of intimate partner violence or human trafficking. This bill would allow incarcerated people to petition a court to vacate a conviction for any offense where past trauma or victimization was a contributing factor to its commission. AB 1497 would (unless contrary to the interests of justice) prohibit a court from imposing a term of imprisonment for any sentence enhancement or consecutive terms for two or more felonies, if the person had a history of trauma, was a victim of intimate partner violence or human trafficking before the offense, or was a youth at the time at the offense. This bill was held by the State Assembly Committee on Appropriations.

SB 513 (Wiener)

SB 513 would require CDCR to provide mental health therapy to incarcerated individuals within two weeks of requesting mental health treatment. This bill would require mental health therapy to occur a minimum of two times per month for at least 50 minutes. This bill was held by the State Assembly Committee on Appropriations.

AB 1310 (McKinnor)

AB 1310 would make SB 620 retroactive. SB 620 was a law enacted in 2017 that allowed judges the discretion to strike or dismiss firearms enhancements at sentencing. AB 1310 would require CDCR to identify incarcerated individuals with firearm enhancements and provide a list to trial courts for resentencing hearings. CDCR would first identify those who have completed their base term and are currently serving their enhancement sentence, then identify all other individuals after. After receiving the information, the court would review the judgments, appoint counsel for the defendants, and proceed with the resentencing process. The judges would have full discretion to strike the enhancement, reduce it, or leave it in place. This bill was by the State Senate Committee on Appropriations.

AB 958 (Santiago and Bonta)

AB 958 would recognize personal visits as a civil right. This bill would prohibit CDCR from denying in-person visits to someone who is incarcerated as a form of disciplinary punishment. This bill would also require CDCR to explain to both the incarcerated person and visitor the reason for denying visitation. This bill would also require CDCR to provide at least three days of in-person visits per week with a minimum of 7 visiting hours per day. This bill was held by the State Senate Committee on Appropriations.

SB 81 (Becker & Skinner)

SB 81 would increase fairness in the parole consideration process by making it easier to challenge parole denials in court. SB 81 would mandate the Board of Parole Hearings to notify parole candidates that they could file a petition for writ of habeas corpus in court, and it would allow the court to appoint counsel to help them prepare that petition. This bill would also prohibit the court from denying the petition without first requiring the Board to respond to the petition as long as the petitioner has reached their minimum eligible parole date. Finally, SB 81 would require a reviewing court to uphold a parole denial decision only if it found, by a preponderance of the evidence, that the person presented a current, unreasonable risk of danger to others. This bill was vetoed by Governor Newsom.

AB 1306 (Carrillo)

AB 1306 would ensure that incarcerated individuals not born in the US can benefit from criminal justice reforms enacted by the state. This bill would prohibit CDCR from cooperating with Immigration and Customs Enforcement (ICE) to detain or transfer individuals that have earned their release through parole, resentencing, or other related criminal justice reforms. This bill was vetoed by Governor Newsom.