
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1759 **Hearing Date:** June 16, 2026
Author: Elhawary
Version: May 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Prisons: classification*

HISTORY

Source: Transformative Programming Works

Prior Legislation: AB 701 (Ortega), held Assembly Appropriations, 2025
AB 2632 (Holden), vetoed, 2021

Support: ACLU California Action; Bridges of Hope CA; California Coalition for Women Prisoners; California Public Defenders Association; Californians United for Restorative Youth Justice; Californians for Safety and Justice; Center for Restorative Justice Works; Communities United for Restorative Youth Justice; Courage California; CROP Organization; Ella Baker Center for Human Rights; Felony Murder Elimination Project; Friends Committee on Legislation of California; Give a Beat; Glide; GRIP Training Institute; Humane Prison Hospice Project; Initiate Justice; Justice2Jobs Coalition; La Defensa; Rubicon Programs; The Place4grace; The Roots and Wings Project; Theatreworkers Project; UnCommon Law

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to require California Department of Corrections and Rehabilitation (CDCR) to contract with an independent research entity to conduct a study to reassess the current security classification system at CDCR to ensure that classification decisions reflect actual safety risk and do not hold incarcerated people in higher-level facilities longer than necessary.

Existing law requires that the classification committee at each institution assign a custodial classification to each incarcerated person, in accordance with the custodial classifications prescribed by the department. (Cal. Code Regs., tit. 15, § 3272.)

Existing law authorizes the senior custodial officer on duty to temporarily increase the custodial classification of an incarcerated person at any time they believe such action is necessary to protect the security and good order of the institution. (Cal. Code Regs., tit. 15, § 3272.)

Existing law states that a temporary increase is subject to classification committee review at the next regular meeting. (Cal. Code Regs., tit. 15, § 3272.)

Existing law requires any reduction of an incarcerated person's custody classification to be by classification committee action. (Cal. Code Regs., tit. 15, § 3272.)

Existing law requires the CDCR classification process to be uniformly applied, commencing upon reception of a person committed to custody and to continue throughout the time the individual remains under the Secretary's jurisdiction. (Cal. Code Regs., tit. 15, § 3375, subd. (a).)

Existing law requires that each incarcerated person be individually classified, as specified. (Cal. Code Regs., tit. 15, § 3375, subd. (a).)

Existing law requires that the classification process take into consideration the incarcerated person's needs, interests, desires, behavior, and placement score in keeping with CDCR and the institution's program and security missions and public safety. (Cal. Code Regs., tit. 15, § 3375, subd. (b).)

Existing law requires that an automated needs assessment tool that identifies an incarcerated person's criminogenic needs be administered, as specified. (Cal. Code Regs., tit. 15, § 3375, subd. (b).)

Existing law requires each determination affecting an incarcerated person's placement within an institution or facility, transfer between facilities, program participation, privilege groups, or custody designation be made by a classification committee composed of staff knowledgeable in the classification process, except as specified. (Cal. Code Regs., tit. 15, § 3375, subd. (c).)

Existing law requires that the classification of incarcerated persons convicted of felonies include the classification score system as established. (Cal. Code Regs., tit. 15, § 3375, subd. (d).)

Existing law states that a lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs. (Cal. Code Regs., tit. 15, § 3375, subd. (d).)

Existing law requires that, when possible, the incarcerated person must be given sufficient advance written notice of any classification committee hearing to provide the incarcerated person reasonable preparation time to discuss the matter to be considered. (Cal. Code Regs., tit. 15, § 3375, subd. (e).)

Existing law requires that an incarcerated person appearing before a classification committee be informed of the incarcerated person's next classification committee hearing date when it is known or can be anticipated. (Cal. Code Regs., tit. 15, § 3375, subd. (e).)

Existing law gives incarcerated persons the following procedural safeguards regarding classification:

- Incarcerated persons must be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect, as defined.

- Except as specified, the incarcerated person must be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the incarcerated person.
- Except as specified, a classification hearing without the incarcerated person's presence may be held only when the incarcerated person refuses to appear before the committee; or, when the incarcerated person is physically incapable of appearing before the committee; or when the incarcerated person is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.
- If the incarcerated person was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing must be postponed for at least 72 hours unless the hearing cannot be postponed because of safety or security factors, or the incarcerated person waives the 72-hour postponement.
- The incarcerated person must be permitted to contest the preliminary score or placement score in the hearing.
- Each incarcerated person appearing before a classification committee, among other things, must be informed of the purpose of the hearing, encouraged to participate in the hearing discussion, and informed of the committee's decision.
- Classification committee decisions must be based on evaluation of available information and mutual agreement of the committee members. (Cal. Code Regs., tit. 15, § 3375, subd. (f)(1)-(7).)

Existing law requires that every classification decision be documented by the committee and must include, among other things, the reason or purpose for the committee hearing, the action taken, the specific reasons for the action including the information upon which the decision was based. (Cal. Code Regs., tit. 15, § 3375, subd. (g)(1)(A)-(C).)

Existing law requires that documentation from each institution's initial classification reviews must include prescribed case factors, including, among others, commitment offense; length of sentence; escape-related convictions; the current placement score, security level, and custody designation; the reason the incarcerated person was transferred to the current location; and any other pertinent case information and/or casework follow-up needed. (Cal. Code Regs., tit. 15, § 3375, subd. (g)(5)(D), (E), (H), (L), (M) & (S).)

Existing law provides that an incarcerated person must not remain at an institution with a security level which is not consistent with the incarcerated person's placement score unless approved by a Classification Staff Representative (CSR) or a staff person designated to serve in that capacity. (Cal. Code Regs., tit. 15, § 3375, subd. (i).)

Existing law requires a newly incarcerated person convicted of a felony to be given a classification score based on all relevant documents available during the reception center process and an interview of the incarcerated person. Requires that the incarcerated person be allowed to contest specific item scores and other case factors. (Cal. Code Regs., tit. 15, § 3375, subd. (j)(1).)

Existing law provides that the continuous classification process requires recalculation of a person's placement score twelve months after the date that the incarcerated person physically arrived in the reception center and annually thereafter; after any six-month period when favorable points are granted or unfavorable points are assessed which would cause the incarcerated person's placement score to fall outside of the facility security level; and each time a case is presented to a CSR for placement consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k)(1)(A)-(C).)

Existing law requires that, if an incarcerated person's recalculated placement score is not consistent with the institution or facility security level where the incarcerated person is housed, the case must be presented to a CSR for transfer consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k).)

This bill requires CDCR to contract with an independent research entity to conduct a study to reassess the entire current security classification system to ensure that classification decisions reflect actual safety risk and do not hold incarcerated people in higher-level facilities longer than necessary.

This bill requires the study to include at least all of the following:

- Initial classification.
- Annual classification and reclassification.
- The methodology used for annual reclassification point adjustments and the use of administrative determinants and overrides at department facilities.

This bill requires the study to contain policy recommendations to enhance the effectiveness of the classification system.

This bill requires the research entity's recommendations for a new classification system achieve all of the following objectives:

- Expand access to rehabilitation, reducing both recidivism and violence.
- Ensure that incarcerated people are not held at higher levels of security than necessary.
- Improve institutional safety by accurately identifying who poses a higher risk of violence.
- Save the state money by ensuring incarcerated people can earn programming credits that reduce sentence length.

This bill requires the research entity selected to perform the study to adhere to all of the following criteria:

- Be governed by the University of California Board of Regents.
- Have a history of partnering with government agencies.
- Have a commitment to equity in their work and impacts.
- Have demonstrated expertise on CDCR policy and data.

This bill requires CDCR, on or before January 1, 2030, to publish on its internet website and submit to the Legislature a report on the findings and recommendations of the study.

This bill provides a sunset date of January 1, 2031.

This bill includes findings and declaration.

COMMENTS

1. Need for This Bill

The author writes:

For far too long, many incarcerated individuals have been held in higher levels of security than necessary. AB 1759 would take steps toward ensuring that our security classification system is reflective of actual safety risks. Doing so will expand access to rehabilitation programs, and thereby, reduce recidivism. This is important because we must build up, rather than tear down, those who have been system-impacted.

2. CDCR Security Classifications

One of the primary purposes of CDCR's security classification system is to preventing escape and misconduct, which can range from crimes (such as murder, assault, and drug trafficking) to more minor violations of prison rules (such as misuse of food or unexcused absence from a work assignment). The stated goals of CDCR's system include uniformly placing incarcerated persons in the lowest security level necessary to ensure the safety of staff, incarcerated persons, and the public, and generally basing placements on objective information and criteria.

After being sentenced to state prison, a newly incarcerated person receives a security classification score during the reception process. (Cal. Code Regs., tit. 15, § 3375, subd. (i)(1); *see* Cal. Code Regs., tit. 15, § 3272.) The classification process takes into consideration the incarcerated person's needs, interests, desires, behavior, and placement score in keeping with CDCR's and the relevant institution's program and security missions and public safety. (Cal. Code Regs., tit. 15, § 3375, subd. (b).) An automated needs assessment tool that identifies an incarcerated person's criminogenic needs is used. (*Ibid.*) A lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs. (Cal. Code Regs., tit. 15, § 3375, subd. (d).) An incarcerated person is then assigned to a facility with a security level corresponding to their placement score.¹

After the initial assessment, CDCR must recalculate a person's placement score twelve months after the date that the incarcerated person physically arrived in the reception center and annually thereafter; after any six-month period when favorable points are granted or unfavorable points are assessed which would cause the incarcerated person's placement score to fall outside of the facility security level; and each time a case is presented to a Classification Staff Representative (CSR) for placement consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k)(1)(A)-(C).) Upon recalculation, if an incarcerated person's recalculated placement score is not consistent with the institution or facility security level where the incarcerated person is housed, the case must be presented to a CSR for transfer consideration. (Cal. Code Regs., tit. 15, § 3375, subd. (k).)

Existing regulations require a classification committee to make determinations affecting an incarcerated person's placement within an institution or facility, transfer between facilities, program participation, privilege groups, or custody designation. (Cal. Code Regs., tit. 15, § 3375, subd. (c).) Whenever possible, an incarcerated person must be given sufficient advance written notice of any classification committee hearing. (Cal. Code Regs., tit. 15, § 3375, subd. (e).)

¹ <https://www.cdcr.ca.gov/ombuds/ombuds/entering-a-prison-faqs/>

Regulations also establish other procedural safeguards for classification hearings, including presence at the hearing unless presence is waived, postponement of the hearing if proper notice was not given, the ability to challenge a preliminary score or placement score, and the opportunity to participate in the hearing. (Cal. Code Regs., tit. 15, § 3375, subd. (f)(2)-(6).)

Moreover, an incarcerated person must receive written notice at least 72 hours in advance of a hearing that could result in an adverse effect on their classification. (Cal. Code Regs., tit. 15, § 3375, subd. (f)(1).) An adverse effect includes:

- The involuntary transfer to a higher security level institution/facility, which is not consistent with the incarcerated person's placement score;
- An increase in the incarcerated person's custody designation;
- Involuntary placement in restricted housing;
- Involuntary removal from an assigned program;
- Placement in a reduced work group;
- Involuntary transfer to another institution because of the incarcerated person's misbehavior or receipt of new information that may affect staff, incarcerated persons, the public, or the safety and security of the institution, whether or not their placement score is consistent with the receiving institution security level; and
- Transfer of an incarcerated person to a more restrictive institution or program where the security level is higher. (*Ibid.*)

An incarcerated person must not remain at an institution with a security level which is not consistent with the incarcerated person's placement score unless approved by a CSR or a staff person designated to serve in that capacity. (Cal. Code Regs., tit. 15, § 3375, subd. (i).)

Existing regulations also authorize the senior custodial officer on duty to temporarily increase the custodial classification of an incarcerated person at any time they believe such action is necessary to protect the security and good order of the institution. (Cal. Code Regs., tit. 15, § 3272.) However, a temporary increase is subject to classification committee review at the next regular meeting. (*Ibid.*) And any reduction of an incarcerated person's custody classification must be by classification committee action. (*Ibid.*)

3. Security Classification and Access to Rehabilitative Programming

A person's security level affects whether they can participate in rehabilitative programming, earn sentence credits, and move to a lower security setting. People classified at higher security levels have fewer program opportunities. Housing lower-risk individuals in high-security facilities also costs more and can expose them to more institutional violence. When individuals leave high-security facilities without participating in programs, they may face greater challenges upon reentry. The author and sponsor note that the current classification system may needlessly limit access to rehabilitative programs.

The LAO published a report on CDCR's security classification system in 2019 and wrote:

It is important to place inmates in the appropriate security setting for several reasons. On the one hand, placing inmates in a setting with insufficient security could jeopardize the safety of staff, other inmates, and the public. On the other hand, placing inmates in an overly restrictive setting can create other significant

problems. For example, it can create a long-term public safety risk by making inmates more prone to crime through the influence of more criminally active peers. We also note that inmates placed in more restrictive settings may have less access to rehabilitative programming than other inmates. In addition, research has found that placing inmates in overly restrictive settings can exacerbate mental illness. Moreover, providing a higher level of security than is warranted results in an inefficient use of limited resources. (LAO, *Improving California's Prison Inmate Classification System* (May 2, 2019) <<https://lao.ca.gov/Publications/Report/4023>> [as of Jun. 3, 2026].)

The LAO discovered numerous issues with the security classification system. The LAO wrote:

[O]ne of the stated goals of CDCR's inmate classification system is to uniformly place inmates in the lowest security level consistent with the safety of staff, inmates, and the public. To put it another way, CDCR's goal is to ensure that inmates are not placed in a higher housing security level (more restrictive) than necessary. However, the department's housing score methodology is designed to assign higher points to inmates likely to engage in *any* misconduct—meaning both serious and nonserious misconduct. For example, the system allocates the same amount of points to an inmate likely to engage in serious misconduct (such as assault) as an inmate likely to engage in minor misconduct (such as use of vulgar language) and may not require additional security resources. Accordingly, CDCR may be assigning unnecessary security to inmates who are prone to engage in minor misconduct, but not in serious misconduct. This approach is inconsistent with CDCR's goals because it may result in inmates who do not represent a serious safety concern being placed in more restrictive settings than necessary. Moreover, it also results in an inefficient use of limited security resources. (LAO, *Improving California's Prison Inmate Classification System* (May 2, 2019) <<https://lao.ca.gov/Publications/Report/4023>> [as of Jun. 3, 2026].)

The LAO further concluded that the accuracy of CDCR's housing score methodology was potentially flawed because CDCR modified the methodology without assessing its accuracy and because the methodology may underweight age. Additionally, the LAO found that CDCR had policies of categorically excluding certain classes of individuals from lower security designations on questionable bases. For example, low-risk sex offenders, people with remaining time to be served greater than five years, and people with minor felony detainees were categorically excluded, regardless of their true security risk. (*Ibid.*)

In its report, the LAO recommended that CDCR contract with independent researchers to develop a new methodology for assigning incarcerated persons to a housing level.

4. Effect of This Bill

This bill requires CDCR to contract with an independent research entity to conduct a study to reassess the entire current security classification system to ensure that classification decisions reflect actual safety risk and do not hold incarcerated people in higher-level facilities longer than necessary. The study must address at least all of the following:

- Initial classification.
- Annual classification and reclassification.
- The methodology used for annual reclassification point adjustments and the use of administrative determinants and overrides at department facilities.

The study must contain policy recommendations to enhance the effectiveness of the classification system. The recommendations for a new classification system must achieve all of the following objectives:

- Expand access to rehabilitation, reducing both recidivism and violence.
- Ensure that incarcerated people are not held at higher levels of security than necessary.
- Improve institutional safety by accurately identifying who poses a higher risk of violence.
- Save the state money by ensuring incarcerated people can earn programming credits that reduce sentence length.

The research entity selected to perform the study is required to:

- Be governed by the University of California Board of Regents.
- Have a history of partnering with government agencies.
- Have a commitment to equity in their work and impacts.
- Have demonstrated expertise on CDCR policy and data.

CDCR must publish on its website and submit to the Legislature a report on the findings and recommendations of the study by January 1, 2030.

5. Argument in Support

The California Coalition for Women Prisoners writes:

California's current classification methodology relies heavily on static factors such as commitment offense, sentence length, age, and prior history. These factors often result in individuals being placed in Level III and Level IV facilities for extended periods of time, even when their in-custody behavior and demonstrated rehabilitation do not warrant high-security placement. As a result, many people are housed in restrictive settings with limited access to rehabilitative programming.

Access to programming is directly tied to improved outcomes. In 2024, CDCR reported that individuals who participated in community-based organization-led rehabilitative programs had a recidivism rate of 21.1%, compared to 45.6% for those who did not participate. Ensuring earlier and more consistent access to programming supports accountability, reduces violence, and improves reentry success.

Additionally, unnecessarily housing lower-risk individuals in high-security units increases costs due to higher staffing and operational expenses. A classification system that accurately reflects risk would improve institutional safety while supporting cost efficiency.