
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

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Author: Patel
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Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Juvenile justice*

HISTORY

Source: San Diego County District Attorney's Office

Prior Legislation: SB 481 (Durazo), ordered to the Senate Inactive File, 2021
AB 965 (Stone), Ch. 577, Stats. of 2019
AB 1308 (Stone), Ch. 675, Stats. of 2017
SB 394 (Lara), Ch. 684, Stats. of 2017
SB 1084 (Hancock), Ch. 867, Stats. of 2016
SB 261 (Hancock), Ch. 471, Stats. of 2015
SB 260 (Hancock), Ch. 312, Stats. of 2013
SB 9 (Yee), Ch. 828, Stats. of 2012

Support: California District Attorneys Association; California Police Chiefs Association; League of California Cities; Los Angeles County District Attorney's Office

Opposition: ACLU California Action; Buen Vecino; Center on Juvenile and Criminal Justice; Communities United for Restorative Youth Justice; Justice2Jobs Coalition; La Defensa; San Francisco Public Defender; San Quentin Skunkworks; South Bay People Power

Assembly Floor Vote: 69 - 0

PURPOSE

The purpose of this bill is to authorize a prosecuting attorney to file a motion to transfer a person who was previously convicted in adult criminal court for a crime committed at the age of 14 or 15 who is now subject to resentencing by the juvenile court pursuant to a grant of recall under provisions of law that authorizes a person who received a sentence of life without the possibility of parole (LWOP) or a de facto LWOP sentence to file a motion for recall and resentencing.

Existing law provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

Existing law establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)

Existing law provides that in a case in which a minor is alleged to have committed any felony or any of the enumerated felonies, as specified, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1).)

Existing law provides that in a case in which a minor is alleged to have committed any of the enumerated felonies, as specified, when the minor was 14 or 15 years of age, but was not apprehended prior to the end of juvenile court jurisdiction, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. Specifies that this motion must be made prior to the attachment of jeopardy. (Welf. & Inst. Code, § 707, subd. (a)(2).)

Existing law requires the court, in order to find that the minor should be transferred to a court of criminal jurisdiction, to find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. Requires the court to consider the following criteria, inclusive, in making its decision:

- The degree of criminal sophistication exhibited by the minor. Requires the juvenile court to give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;
- Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. Requires the juvenile court to give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;
- The minor's previous delinquent history. Requires the juvenile court to give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;
- Success of previous attempts by the juvenile court to rehabilitate the minor. Requires the juvenile court to give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,
- The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. Requires the juvenile court to give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. Requires the court to consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3).)

Existing law provides that the penalty for a defendant found guilty of murder in the first degree, in any case in which one or more special circumstances has been found true, who was 16 years of age or older and under the age of 18 years at the time of the commission of the crime, shall be a sentence of LWOP or, at the discretion of the court, 25 years to life. (Pen. Code, § 190.5.)

Existing law allows an incarcerated person serving a sentence of LWOP for an offense that was committed when the person was under 18 years of age to petition the court to have that sentence recalled and to be resentenced if the person has served at least 15 years of their sentence and meets certain other specified criteria. (Pen. Code, § 1170, subd. (d)(1).)

Existing law excludes from the recall and resentencing process for persons sentenced to LWOP for offenses committed when the person was under 18 years of age where it was pled and proved that the defendant tortured their victim, or the victim was a public safety official, including a law enforcement personnel or a firefighter. (Pen. Code, § 1170, subd. (d)(1)(B).)

Existing law requires the court, if it finds by a preponderance of the evidence that one or more of the statements provided by the defendant, as specified, is true, to recall the sentence and commitment previously ordered and hold a hearing to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. Requires that victims or victims' family members retain rights to participate in the hearing. (Pen. Code, § 1170, subd. (d)(5).)

Existing law provides that the factors the court may consider when determining whether to resentence the defendant to a life term include, but are not limited to, the following:

- The defendant was convicted pursuant to felony murder or aiding and abetting murder provisions of law;
- The defendant does not have juvenile felony adjudications for assault or other felony crimes with a significant potential for personal harm to victims prior to the offense for which the defendant was sentenced to LWOP;
- The defendant committed the offense with at least one adult codefendant;
- Prior to the offense for which the defendant was sentenced to LWOP, the defendant had insufficient adult support or supervision and had suffered from psychological or physical trauma or significant stress;
- The defendant suffers from cognitive limitations due to mental illness, developmental disabilities, or other factors that did not constitute a defense but influenced the defendant's involvement in the offense;
- The defendant has performed acts that tend to indicate rehabilitation or the potential for rehabilitation, including, but not limited to, availing themselves of rehabilitative, educational, or vocational programs, if those programs have been available at their classification level and facility, using self-study for self-improvement, or showing evidence of remorse;
- The defendant has maintained family ties or connections with others through letter writing, calls, or visits or has eliminated contact with individuals outside of prison who are currently involved with crime;
- The defendant has had no disciplinary actions for violent activities in the last five years in which the defendant was determined to be the aggressor; and,

- Any other criteria that the court deems relevant to its decision, so long as the court identifies them on the record, provides a statement of reasons for adopting them, and states why the defendant does or does not satisfy the criteria. (Pen. Code, § 1170, subd. (d)(6), (11).)

Existing law provides that the court has the discretion to resentence the defendant in the same manner as if the defendant had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. (Pen. Code, § 1170, subd. (d)(7).)

Existing law provides that the court may resentence the defendant to a term that is less than the initial sentence if any of the following were a contributing factor in the commission of the alleged offense (but specifies that the court may resentence the defendant to a term that is less than the initial sentence even if none of the circumstances are present):

- The person has experienced psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence.
- The person is a youth or was a youth, as defined, at the time of the commission of the offense.
- Prior to the instant offense, or at the time of the commission of the offense, the person is or was a victim of intimate partner violence or human trafficking. (Pen. Code, § 1170, subd. (d)(8)-(9).)

Existing law provides that a defendant whose sentence is not recalled or the defendant is resentenced to LWOP, may submit another petition when the defendant has served at least 20 years. Permits the defendant to file another petition after having served 24 years if that petition is denied or the defendant is resentenced to LWOP under the new petition. Authorizes the final petition to be submitted during the 25th year of the defendant's sentence. (Pen. Code, § 1170, subd. (d)(10).)

Existing law establishes the Youthful Offender Parole Program which provides an incarcerated person the opportunity for a parole hearing before the Board of Parole Hearings (BPH) for crimes committed before the age of 25, after having served 15, 20, or 25 years of incarceration depending on their controlling offense. (Pen. Code, § 3051.)

Existing law provides that a youth offender parole hearing is a hearing by BPH for the purpose of reviewing the parole suitability of any incarcerated person who was 25 years of age or younger, or was under 18 years of age and sentenced to LWOP, at the time of the controlling offense. (Pen. Code, § 3051, subd. (a)(1).)

Existing law specifies the following timeline for youth offender parole hearings to occur:

- A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a determinate sentence shall be eligible for release on parole at a youth offender parole hearing during the person's 15th year of incarceration;
- A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of less than 25 years to life shall be eligible for release on parole at a youth offender parole hearing during the person's 20th year of incarceration;

- A person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of 25 years to life shall be eligible for release on parole at a youth offender parole hearing during the person's 25th year of incarceration; and,
- A person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which the sentence is life without the possibility of parole shall be eligible for release on parole at a youth offender parole hearing during the person's 25th year of incarceration. (Pen. Code, § 3051, subd. (b).)

Existing law requires, in assessing growth and maturity, psychological evaluations and risk assessment instruments, if used by BPH, to be administered by licensed psychologists employed by the board and to take into consideration the diminished culpability of youth as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual. (Pen. Code, § 3051, subd. (f)(1).)

This bill authorizes a prosecuting attorney to file a motion to transfer a person who was previously convicted in adult criminal court for a crime committed at the age of 14 or 15 who is now subject to resentencing by the juvenile court pursuant to a grant of recall under provisions of law that authorizes a person who received a sentence of LWOP or a de facto LWOP sentence to file a motion for recall and resentencing.

COMMENTS

1. Need For This Bill

According to the author:

AB 1959 seeks to close a loophole within resentencing law that has recently been exploited in San Diego County by a school shooter at Santanna High School in 2001. San Diegans deserve to have faith in their justice system to ensure that violent offenders that do not show accountability are using this loophole.

2. Juvenile Court Jurisdiction

As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is

appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).)

3. Eighth Amendment Prohibition on Cruel and Unusual Punishment

The Eighth Amendment provides that “[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” (U.S. Const., 8th Amend.) California’s constitution contains a similar prohibition: “Cruel or unusual punishment may not be inflicted or excessive fines imposed.” (Cal. Const., art. 1, § 17.)

For over two decades, the U.S. Supreme Court has distinguished the constitutionally permissible punishment of juvenile offenders from adults. In 2005, the U.S. Supreme Court ruled that persons who were under the age of 18 at the time of the offense are ineligible for the death penalty, reasoning that death is a disproportionately severe punishment for any offender under 18, in violation of the Eighth Amendment. (*Roper v. Simmons* (2005) 543 U.S. 551.) Penal Code section 190.5 provides the penalty for a person 16 to 18 years of age convicted of first-degree murder with special circumstances is either LWOP or, at the court’s discretion, 25-years-to-life. (Pen. Code, § 190.5, subd. (b).)

In 2010, the U.S. Supreme Court ruled that it is unconstitutional to sentence a youth who did not commit homicide to LWOP. (See *Graham v. Florida* (2010) 560 U.S. 48.) The Court discussed the fundamental differences between a juvenile and adult offender and reasserted its findings from *Roper* that juveniles have lessened culpability than adults due to those differences. The Court stated that “life without parole is an especially harsh punishment for a juvenile,” noting that a juvenile offender “will on average serve more years and a greater percentage of his life in prison than an adult offender.” (*Graham, supra*, 560 U.S. at p. 70.) However, the Court stressed that “while the Eighth Amendment forbids a State from imposing a sentence of life without parole sentence on a juvenile nonhomicide offender, it does not require the State to release that offender during his natural life. Those who commit truly horrifying crimes as juveniles may turn out to be irredeemable and thus deserving of incarceration for the duration of their lives. The Eighth Amendment does not foreclose the possibility that persons convicted of nonhomicide crimes committed before adulthood will remain behind bars for life. It does forbid States from making the judgment at the outset that those offenders never will be fit to reenter society.” (*Id.* at p. 75.)

In 2012, the Court held in *Miller v. Alabama* (2012) 567 U.S. 460, that it is unconstitutional for states to mandate a sentence of LWOP for juveniles convicted of homicide. “Such mandatory penalties, by their nature, preclude a sentencer from taking account of an offender’s age and the wealth of characteristics and circumstances attendant to it. Under these schemes, every juvenile will receive the same sentence as every other--the 17-year-old and the 14-year-old, the shooter and the accomplice, the child from a stable household and the child from a chaotic and abusive one. And still worse, each juvenile . . . will receive the same sentence as the vast majority of adults committing similar homicide offenses--but really, as *Graham* noted, a greater sentence than those adults will serve. (*Miller, supra*, 567 U.S. at pp. 476-477.) Following *Miller*, the Court held that *Miller*’s prohibition on mandatory LWOP for juvenile offenders must be applied retroactively in all cases. (*Montgomery v. Louisiana* (2016) 577 U.S. 190, 206.)

The California Supreme Court, relying on *Miller*, concluded that sentencing a juvenile offender for a nonhomicide offense to a term of years with a parole eligibility date that falls outside the juvenile offender’s natural life expectancy constitutes cruel and unusual punishment in violation

of the Eighth Amendment. (*People v. Caballero* (2012) 55 Cal.4th 262, 268.) The Court stated that “the state may not deprive [juveniles] at sentencing of a meaningful opportunity to demonstrate their rehabilitation and fitness to reenter society in the future.” (*Ibid.*) Caballero had received a 110-to-life sentence (three consecutive life terms) for attempted murder. While the court in *Caballero* pointed out that these incarcerated persons may file petitions for writs of habeas corpus in the trial court, the court also urged the Legislature to establish a parole eligibility mechanism for an individual sentenced to a de facto life term for crimes committed as a juvenile.

Roper, *Miller*, *Graham*, and *Caballero* establish that minors are constitutionally different from adults and emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit the most serious crimes.¹ Notably, these decisions do not support crime-specific exclusions from their findings on the distinctive attributes of youth that mitigate criminal culpability.

4. Existing Laws on Resentencing and Parole of Juvenile Offenders

Recall and Resentencing via Penal Code section 1170

In accordance with the decisions of the U.S. Supreme Court and California Supreme Court discussed above, SB 9 (Yee), Chapter 828, Statutes of 2012, was signed into law to provide juveniles sentenced to LWOP a mechanism for recall and resentencing. Pursuant to SB 9, a person who was under 18 years of age at the time of committing an offense for which the person was sentenced to LWOP could, after serving at least 15 years in prison, petition the court for recall and resentencing. If a resentencing hearing is granted, the court has the discretion whether to resentence the petitioner to a lower sentence or let the LWOP sentence remain. If granted a lower sentence, the petitioner must still serve the minimum sentence before being eligible for parole consideration and obtain approval of the parole board and the Governor prior to release on parole. A few years later, SB 1084 (Hancock), Chapter 867, Statutes of 2016, modified the resentencing law to clarify when a youthful offender could petition for recall and resentencing, the standard by which the court is to review the petition, and that a petitioner who does not have their sentence recalled or is resentedenced to LWOP can submit another petition after a specified number of years.

Youth Offender Parole

After creating the judicial mechanism to resentence youthful offenders from LWOP to a life sentence with the possibility of parole, the Legislature established Youth Offender Parole in 2014, which provides a parole process for some individuals serving both indeterminate sentences and determinate sentences. As originally enacted, Youth Offender Parole only applied to individuals who were under 18 at the time of their commitment offense. Eligibility was expanded in subsequent years and now applies to individuals who were 25 years of age or younger at the time of the offense. Additionally, Penal Code section 3051 was amended to apply to individuals sentenced to LWOP for crimes committed prior to turning 18 years of age.²

¹ *Roper* involved burglary and murder in the first degree. *Graham* involved armed burglary and armed robbery. *Miller* involved murder and aggravated robbery. *Caballero* involved attempted murder.

² SB 394 (Lara), Chapter 684, Statutes of 2017; see *In re Kirchner* (2017) 2 Cal.5th 1040, 1049-1052 [Section 1170, subd. (d)(2), which provides an avenue for juvenile offenders serving LWOP terms to seek resentencing, does not provide an adequate remedy at law for *Miller* error; the inquiry under § 1170, subd. (d)(2), is not designed to address *Miller* error, and will not necessarily provide a defendant with the lawful sentence that *Miller* requires.].)

The LWOP recall and resentencing law and the Youth Offender Parole process are two separate processes with some overlap. The recall and resentencing statute—Penal Code section 1170(d)—provides incarcerated persons sentenced to LWOP for crimes committed prior to turning 18 an opportunity for recall and resentencing after serving 15 years. The Youth Offender Parole process, codified in Penal Code section 3051, provides persons sentenced to a life sentence for crimes committed prior to turning 26 and persons sentenced to LWOP for crimes committed prior to turning 18, with an opportunity for parole. Excluded from both statutes are individuals who committed their offense between the ages of 18 to 25 for which they were sentenced to LWOP.

5. Juvenile Transfers

The Arnold-Kennick Juvenile Court Act, enacted in 1961, established 16 as the minimum age for which a minor could be transferred from juvenile court to adult criminal court. Over 30 years later, AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age at which a minor could be transferred to adult criminal court from 16 to 14 years of age. According to the author statement included in the Senate Judiciary Committee’s analysis of AB 560:

The public is legitimately concerned that crimes of violence committed by juveniles are increasing in number and in terms of the level of violence....There is a finite number of juveniles who are under 16 who do not belong in the juvenile court system and need to be dealt with in the adult court....AB 560 takes a 707(a) approach to certain 707(b) crimes. This approach is one that juvenile court judges in San Diego County support as they feel that there are a finite number of 14 to 16 year olds who do not belong in the juvenile court and are infecting other juveniles....AB 560 is a rational response to the legitimate public desire to address what is a serious problem....AB 560 attempts to protect the public and those youngsters who we can save.... (Sen. Com. on Judiciary, Analysis of Assem. Bill 560 (1993-1994 Reg. Sess.) as amended April 21, 1994, p. 4.)

In response to the perception that juvenile crime was on the rise and more dangerous than the delinquency of earlier decades, Proposition 21 was passed by the voters in 2000, which increased sentences for specified gang-related crimes, authorized a prosecutor to file charges against a juvenile offender directly in criminal court for specified felonies, prohibited the sealing of juvenile records involving Welfare and Institutions Code section 707(b) offenses, and designated additional crimes as violent and serious felonies, among other things. (Ballot Pamp., Prim. Elec. (Mar. 7, 2000), text of Prop. 21, p. 45 et seq.)

As discussed above, there have been a series of U.S. Supreme Court cases involving juvenile defendants that have recognized the inherent difference between juveniles and adults for purposes of sentencing, relying in part on research on brain and adolescent development. (See *Roper v. Simmons* (2005) 543 U.S. 551; *Graham v. Florida* (2010) 560 U.S. 48; *J.D.B. v. North Carolina* (2011) 564 U.S. 261; *Miller v. Alabama* (2012) 567 U.S. 460.) The Court summarized those differences in *Miller*:

Roper and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, “they are less deserving of the most severe punishments.” *Graham*, 560 U.S., at 68, 130 S.Ct. 2011, 176 L.Ed.

2d 825. Those cases relied on three significant gaps between juveniles and adults. First, children have a “‘lack of maturity and an underdeveloped sense of responsibility,’ ” leading to recklessness, impulsivity, and heedless risk-taking. *Roper*, 543 U.S., at 569, 125 S.Ct. 1183, 161 L.Ed. 2d 1. Second, children “are more vulnerable . . . to negative influences and outside pressures,” including from their family and peers; they have limited “contro[l] over their own environment” and lack the ability to extricate themselves from horrific, crime-producing settings. *Ibid*. And third, a child’s character is not as “well formed” as an adult’s; his traits are “less fixed” and his actions less likely to be “evidence of irretrievabl[e] deprav[ity].” (567 U.S. 460, 570 [125 S.Ct. 1183, 161 L. Ed. 2d 1].)

This body of case law and the research relied upon in these cases prompted the passage of several juvenile justice reform measures. In 2016, the voters passed Proposition 57, which among other things, eliminated the ability of a prosecutor to file charges against a juvenile offender directly in criminal court.

6. Effect of This Bill

This bill authorizes a prosecuting attorney to file a motion to transfer a person who was previously convicted in adult court of a crime that they committed at the age of 14 or 15 and is now before the juvenile court for resentencing. The avenue for triggering resentencing by the juvenile court would be a grant of recall pursuant to the LWOP resentencing statute (i.e., Penal Code section 1170(d)). Under the provisions of this bill, the prosecutor would have to file the transfer motion, and the juvenile court would have to make a determination that the person is not amenable to treatment in juvenile court before the person may be transferred.

This bill was introduced in response to the recall and resentencing of Andy Williams, who was sentenced to 50 years-to-life in prison after he was convicted of two counts of murder and 13 counts of attempted murder for committing a mass shooting at his high school when he was 15 in 2001. Williams became eligible for parole in September 2024 but was found unsuitable for release by the parole board.³ In January of this year, a judge granted Williams’ petition for recall and resentencing relying on case law that found a sentence of 50-year-to-life for a juvenile offender was the functional equivalent of LWOP and excluding someone with his type of sentence from the recall and resentencing law violates equal protection. (*People v. Heard* (2022) 83 Cal.App.5th 608.) The ruling in *Heard* was recently clarified to find that *Heard*’s reasoning does not apply to a request for resentencing if the defendant was eligible for youth offender parole under the sentence imposed. (*People v. Superior Court (Valdez)* (2025) 108 Cal.App.5th 791.)

The district attorney handling the resentencing matter appealed the decision. Earlier this month, a status hearing was held. If the appellate court upholds the lower court’s ruling, Williams could be resentenced in juvenile court, leading to his immediate release from prison.⁴ The next hearing is schedule for December.

³ See Quinn Welsch, *25 years later, San Diego-area high school shooter eyes release* (Feb. 23, 2026) available at <<https://www.courthousenews.com/25-years-later-san-diego-area-high-school-shooter-eyes-release/>>.

⁴ Shannon Handy, *Andy Williams Santana High School shooting release decision delayed as appeal process continues* (Jun. 22, 2026) available at <<https://www.cbs8.com/article/news/local/andy-williams-santana-high-school-shooting-release-decision-delayed-appeal-process-continues/509-4da061b1-f6b9-4d7f-b4af-000a9119ba79>>.

7. Argument in Support

The bill's sponsor, the San Diego County District Attorney's Office, writes:

AB 1959 addresses a critical flaw in our laws, a loophole that permits the release of mass shooters and other violent offenders without adequate review of rehabilitation or the safety of our communities. We must act decisively to ensure schools and places of worship remain safe havens, not targets. Victims, survivors, and communities deserve justice that is both fair and unwavering.

Under existing law, Penal Code section 1170(d)(1) allows recall and resentencing of individuals sentenced to life without parole as minors after at least 15 years of incarceration. The 2022 Court of Appeal decision in *People v. Heard* expanded this process to include those with what the court termed “de facto” life sentences, meaning sentences that allow parole consideration by a parole board, resulting in a surge of petitions from those convicted of the most egregious crimes. This interpretation bypasses critical judicial review and undermines the Legislature's original intent. Especially concerning is that juvenile offenders under 16 can be released without any meaningful demonstration of rehabilitation, remorse, or assurance of public safety. Instead of thorough resentencing, they move directly to a juvenile disposition, often resulting in release without a true assessment of risk or justice for victims.

AB 1959 is a targeted, balanced response. It restores the court's discretion to weigh factors related to rehabilitation, youthful offender factors, and public safety. Critically, AB 1959 amends Welfare and Institutions Code (WIC) section 707 to allow prosecutors to seek transfer hearings for minors who commit violent crimes. This change empowers courts to consider whether such perpetrators should be resentenced as adults, ensuring that the most serious offenses receive appropriate accountability while maintaining judicial oversight and the possibility of rehabilitation for deserving youth.

Consider the 2001 Santana High School shooting by Andy Williams, who killed two students and wounded 13 others. Less than six months after the Parole Board determined he posed an undue public safety risk, Williams petitioned for recall of his sentence. Less than 18 months after his three-year parole denial, the trial court recalled his sentence and transferred his case to juvenile court, where he will be ordered released without consideration of public safety factors. Under current law, the court lacks discretion to decide whether Williams should be transferred back to adult court for a full resentencing hearing as contemplated by the Legislature when they enacted 1170(d)(1). Without the changes proposed by AB 1959, this loophole threatens the integrity of our justice system and the safety of our communities.

AB 1959 will close this dangerous gap. By strengthening the law and amending WIC 707, it ensures that the gravest acts committed in our communities are met with serious consequences and rigorous judicial review. This reform restores public trust and delivers justice to victims, families, and all Californians.

8. Argument in Opposition

According to La Defensa:

[AB 1959] authorizes transfer of a person who was previously convicted in adult criminal court for a crime committed at the age of 14 or 15 who is now subject to resentencing by the juvenile court pursuant to a grant of recall under provisions of law that authorizes a person who received a sentence of life without the possibility of parole (LWOP) or a de facto LWOP sentence to file a motion for recall and resentencing.

Beginning in 2005, the United States Supreme Court recognized that “children are constitutionally different from adults for purposes of sentencing.”...

... Senate Bill 1391 righted a wrong that was perpetuated in 1994 under Governor Pete Wilson when the minimum age for adult court jurisdiction was lowered from 16 to 14. S.B. 1391 was based on “developments in scientific research on adolescent brain development confirming that children are different from adults in ways that are critical to identifying age-appropriate sentences.” Since S.B. 1391 took effect in 2019, *no evidence shows that prohibiting the transfer of 14- and 15-year-olds to adult court has increased risks to public safety.*

...

... S.B. 1391 was enacted based, in part, on data showing that 89.6% of youth transferred to adult court under California’s direct filing system were youth of color. ...

Data demonstrates that these inequities persist today. In fiscal year 2021-22, Black youth were approximately 17 times more likely than white youth to have a transfer hearing ordered; by fiscal year 2022-23, that disparity had grown to approximately 21 times. Transfer outcomes reveal the same troubling pattern. Latino youth were nearly four times more likely than white youth to have their case transferred to adult criminal court in fiscal year 2021-22, and 12 times more likely in fiscal year 2022-23. Black youth were around nine times more likely than white youth to have their case transferred in fiscal year 2021-22, and around 30 times more likely in fiscal year 2022-23. These inequalities mirror broader inequities experienced by Black and Latino youth, including unequal access to quality education, employment (especially higher-earning jobs), safe housing, credit, and good health care.

...

These same patterns are illustrated in charging and sentencing outcomes in San Diego County under district attorney and sponsor of AB 1959, Summer Stephan. Under the former DA, Black defendants were approximately five times more likely than white defendants to face life without parole. Under current DA Stephan, that figure reportedly increased to approximately 23 times more likely. These data underscore the need to avoid expanding mechanisms that would expose youth of color to harsher punishment in the adult criminal legal system.

AB 1959 will also have significant fiscal costs given the need for more transfer hearings—the most resource-intensive proceedings in juvenile courts, by far—followed by a rise in protracted adult court prosecutions. By contrast, keeping youth in juvenile jurisdiction has massive long-term savings, as the juvenile system is designed to rehabilitate kids, thereby reducing costs associated with recidivism.

-- END --