California Attorneys for Criminal Justice

February 24th, 2026

The Honorable Nick Schultz
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, California 95814

RE: AB 1568– OPPOSE as Amended 2/23/26
Assembly Public Safety Committee

Dear Assemblymember Schultz,

The California Attorneys for Criminal Justice (CACJ), a statewide association of criminal defense attorneys in private practice or working in public defender offices, must regretfully oppose AB 1568. While we understand the author's concern for public safety in the petition process for those on the registry, the current protocols, and procedures, along with the tiered system of registration were adopted after many years of stakeholder convenings, both empirical and thorough research, and the development of evidence-based strategies that would lead to more effective and efficient use of law enforcement resources. At the time, California was only one of five states with mandatory lifetime registration for all offenses, whether misdemeanor or felony, and regardless of the facts of the case. As concluded in other states, this lifetime mandate did not correspond with the degree of risk to public safety.

Instead, California adopted a tiered registry with extended periods of time based upon the seriousness of the offenses, and the likelihood of re-offense. Additionally, the conditions of probation, treatment mandates, and numerous other requirements imposed on an individual to just qualify to petition for release of the registration mandate, were very thorough and contemplated the diminishing risk over periods of years or decades.

In essence, the very concerns that appear to motivate AB 1568 were already addressed and contemplated by the prior tiered registry law and the multi-level discussions leading up to the passage of the law.

For example, AB 1568 identifies the circumstance of someone being in a position of authority as something to be considered by a court when reviewing a petition to terminate a registration mandate. Fortunately, this factor is already addressed at the front-end of the underlying

offense. More specifically, this relationship can be considered a factor in aggravation at the time of sentencing and may be considered when imposing treatment requirements and probationary terms. AB 1568 would revive this factor for consideration and a court could rely on this case fact as a basis to deny a petition. We believe this is unjustified and should be deleted from the bill because this circumstance was already considered during the processing of the underlying offense. Additionally, we are unaware of any evidence supporting this circumstance as an indicator of potential re-offense a decade or two after the crime. Because the registry exists to enhance public safety, adding this factor would slant the evaluation as if it were a punishment, something contrary to the policy purpose the registry is designed to advance.

Also, elevating this offense-based circumstance years later to expand those who are retained on the registry would, without addressing current community safety implications, discount the value of many years of rehabilitation, compliance with all probationary terms, and otherwise law-abiding behavior. This track record by petitioners, adopted as a measure of future community safety, was intended to be the primary basis of whether someone should have their petition granted based on the law enforcement science of when risks fall to such a degree that registration is no longer a benefit and becomes a public safety liability. There is no logical or evidential showing that the offense, if committed by someone in a position of authority 20 years ago presents a greater degree of current community safety risk, the legally significant issue. In other words, this bill, intentionally or not, authorizes a court to use a static historical fact of the original offense to completely invalidate all the rehabilitative behavior of a petitioner without any rational link to current community safety impact.

Moreover, adding this new factor for consideration sets a dangerous legislative precedent that other elected officials could abuse by introducing new laws each year to continuously extend or make it more difficult to terminate registration, essentially bringing us back to quasi-lifetime registration for some cases that we have already chosen to amend without a factual or rational basis impacting community safety.

CACJ is also concerned about the provision of the bill requiring every petitioner to appear in person during the petition hearing. The hearing is intended to determine whether the individual satisfactorily complied with all probationary terms, lived a lawful life, and otherwise exhibited compliant behavior for the duration of their registration, which provides a basis for the determination that registration is no longer justified for community safety purposes. It is unclear to CACJ what benefit personal appearance adds to the court's determination. Current law allows a petitioner to personally appear, so it is unclear to us why there would be a need to create a mandate or even a discretionary authority to require personal appearance. As the statute reads now, the burden of opposing a petition lies with the prosecution, and the imposed appearance obligation of a petitioner does not enhance the court’s resources for making a community safety determination.

It is unclear to us whether this provision of the bill is intended to allow the court to ask the petitioner questions, permit the prosecution to cross-examine the petitioner or in some other form

shift the focus from what the demonstrated record shows to what an interrogation might hope to produce. This approach violates existing law which places the burden on the prosecutor to show by the record any evidence that indicates a significant public safety benefit from retaining the registration obligation.

Does a judge simply want to meet the individual and use that personal appearance to determine whether the judge believes the petition should be denied? We are unaware of studies showing that personal appearance has any connection to ensuring public safety.

Based upon our understanding of the bill's intent, CACJ suggests that further stakeholder meetings are necessary to determine what, if any adjustments to current law are appropriate. To this end, CACJ puts forth the following as discussion items that, taken as a **whole,** could be the basis for resolving our concerns. Our suggestions include an amendment to current law which we believe will further focus law enforcement resources on the cases deserving of such oversight and registration.

1. The bill should be amended to remove any requirement or discretion to order a violence assessment or the like. This term is vague and could lead to biased outcomes. It should be deleted from the bill altogether.

2. The mandate for a court to seek out the records of any prior treatment participation should be changed to make clear

    a. No cost should be charged to the petitioner and the local court should cover the cost of any activity related to this search.
    b. The search must be in good faith.
    c. An unsuccessful search shall not be considered, used or in any way have a negative impact on the consideration of the petition.

3. A SARATO test may be ordered only if all the following:
4.
    a. The Petitioner was never ordered to participate in a treatment program.
    b. The Petitioner was never ordered to participate in a CASOMB-certified program.
    c. The prosecutor has submitted evidence that the Petitioner poses a current safety risk.
    d. The Petitioner contests the evidence presented by the prosecutor, and the Petitioner consents to the SARATSO exam specifically to rebut any evidence presented by the prosecutor.
    e. If a Petitioner does not consent, the court may not consider this lack of consent in an adverse manner while considering the petition.

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5. In person appearance may only be ordered by the court if there is a good faith basis that the personal appearance would assist the court in determining compliance with a CASOMB-certified program or other mandated treatment, and the petitioner has not provided any evidence or information about treatment participation, and the People have not introduced treatment records after a good faith search. The Petitioner is not required to answer any questions, and failure to provide answers shall not be used in an adverse manner as the court considers the Petition.

6. Current law in Penal Code section 17(e) is amended to make clear than when a court grants a Penal Code 17(b) reduction of a felony to a misdemeanor, any registration tier assignment for the case would be revised to the corresponding misdemeanor registration tier.

CACJ respects the author and looks forward to continuing discussion on this policy issue.

Sincerely,

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