

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 464 (Aguiar-Curry)
Version: January 22, 2026
Hearing Date: June 23, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

Sexual assault in prison

DIGEST

This bill provides that the period for bringing an action for sexual assault against a public entity or public employee that is alleged to have occurred while the claimant was imprisoned on a criminal charge, or in execution under the sentence of a criminal court, shall be tolled during the period of the claimant's imprisonment or sentence. The bill also exempts the above claims from all state and local government claim presentation requirements.

EXECUTIVE SUMMARY

Notwithstanding federal and state legislative attempts to stop sexual assaults of incarcerated individuals, shocking accounts of sexual abuse continue to come to light. This bill implements the suggestions of a legislatively formed Sexual Assault Response and Prevention Working Group and Ambassador Program that was created to identify best practices for whistleblower protections and trauma-informed care and support to survivors.¹

With regard to the jurisdiction of this Committee this bill provides that the period for bringing an action for sexual assault against a public entity or public employee that is alleged to have occurred while the claimant was imprisoned on a criminal charge, or in execution under the sentence of a criminal court, shall be tolled during the period of the claimant's imprisonment or sentence. The bill also exempts the above claims from all state and local government claim presentation requirements.

¹ (Sister Warriors Freedom Coalition et al., *California Women's Prisons – Sexual Abuse Response and Prevention Working Group, Community Report to the Legislature* (Mar. 2024) available at https://assets.nationbuilder.com/swactionfund/pages/342/attachments/original/1709747546/CA_Women's_Prisons_-_Sexual_Abuse_Response_and_Prevention_Working_Group.pdf?1709747546>.)

This bill is sponsored by California Coalition for Women Prisoners, Justice First California, Sister Warrior Freedom Coalition, Coalition for Survivor Solidarity, ValorUS, and supported by numerous survivor groups and civil rights organizations. There is no known opposition to the bill. The bill passed out of the Senate Committee on Public Safety on a vote of 6-0. Should this bill pass out of this Committee, it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes, the Government Claims Act, which generally governs damage claims brought against public entities. (Gov. Code §§ 815 et seq.)
- 2) In addition to any time limitations placed by other statutes on such claims, the Act requires that a claim that is brought against a public entity relating to a cause of action for death or for injury to a person be presented in writing to the public entity not later than six months after accrual of the cause or causes of action. (Gov. Code § 911.2.)
- 3) Specifies that the general statute of limitations to bring an action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another, is two years. (Code Civ. Proc. § 335.1.)
- 4) Defines “public entity” to include the state, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State. (Gov. Code § 811.2.)
- 5) Defines “sexual assault” to mean any of the crimes described in Sections 243.4, 261, 262, 264.1, 286, 288a, or 289 of the Penal Code, assault with the intent to commit any of those crimes, or an attempt to commit any of those crimes. (Code Civ. Proc. § 340.16 (b).)
- 6) Provides that, for a claim seeking to recover damages arising out of an alleged sexual assault by a law enforcement officer, if the alleged assault occurred while the officer was employed by a law enforcement agency, the applicable statute of limitations is the later of either of the following dates:
 - a) Within 10 years after the date of judgment in a criminal case if the action arises out of the same set of operative facts as the criminal case brought against the officer.
 - b) Within 10 years after the law enforcement officer is no longer employed by the law enforcement agency that employed the officer when the alleged assault occurred. (Gov. Code § 945.9 (b).)

This bill:

- 1) Enacts the Prevent Sexual Assault and Retaliation in Prisons Act which requires the California Department of Corrections and Rehabilitation to take actions when a sexual assault is reported.
- 2) Provides that, notwithstanding any other law, the period for bringing an action for sexual assault against a public entity or public employee that is alleged to have occurred while the claimant was imprisoned on a criminal charge, or in execution under the sentence of a criminal court, shall be tolled during the period of the claimant's imprisonment or sentence.
- 3) Provides that any claim for sexual assault against a public entity or public employee that is subject to the provisions of 2), above, is exempt from all state and local government claim presentation requirements.
- 4) Specifies that if an investigation confirms that any employee has sexually abused an incarcerated person or ward, that employee shall be terminated and shall be prohibited from future employment with the Department of Corrections and Rehabilitation.

COMMENTS

1. Statute of Limitations

A statute of limitations is a requirement to commence legal proceedings (either civil or criminal) within a specific period of time. Statutes of limitations are tailored to the cause of action at issue – for example, cases involving injury must be brought within two years from the date of injury, cases relating to written contracts must be brought four years from the date the contract was broken, and, as commonly referenced in the media, there is no statute of limitations for murder. Although it may appear unfair to bar actions after the statute of limitations has elapsed, that limitations period serves important policy goals that help to preserve both the integrity of our legal system and the due process rights of individuals.

For example, one significant reason that a limitations period is necessary in many cases is that evidence may disappear over time – paperwork gets lost, witnesses forget details or pass away, and physical locations that may be critical to a case change over time. Limitations periods also promote finality by encouraging an individual who has been wronged to bring an action sooner rather than later – timely actions arguably ensure that the greatest amount of evidence is available to all parties.

In general, California law requires all civil actions be commenced within applicable statutes of limitations. (Code Civ. Proc. § 312.) Under existing law, the general statute of

limitations in California to bring an action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another, is two years. (Code Civ. Proc. § 335.1)

For a civil claim for sexual assault alleged to be committed by a law enforcement officer, AB 1455 (Wicks, Ch. 595, Stats. 2021) changed the statute of limitations to the later of : within 10 years after the date of judgment in a criminal case if the action arises out of the same set of operative facts as the criminal case brought against the officer; or within 10 years after the law enforcement officer is no longer employed by the law enforcement agency that employed the officer when the alleged assault occurred.

The Government Tort Claims Act (Act) generally governs damage claims brought against public entities. (Gov. Code §§ 815 et seq.) In addition to any time limitations placed by other statutes on such claims, the Act requires that a claim that is brought against a public entity relating to a cause of action for death or for injury to a person be presented in writing to the public entity not later than six months after accrual of the cause or causes of action. (Gov. Code § 911.2.)

2. Stated need for the bill

According to the author:

California's Department of Corrections and Rehabilitation (CDCR) has a zero tolerance policy on sexual assault and harassment within state prisons. Yet despite the enactment of the Prison Rape Elimination Act over 20 years ago, sexual assault has not been eliminated in CDCR facilities. AB 464 aims to increase accountability for sexual abuse within California's prison system by ensuring that survivors have the ability to seek justice and that abusive correctional staff cannot continue working within the system. Given the widespread and ongoing nature of sexual abuse in California prisons, this bill is essential for breaking the cycle of abuse, ensuring justice for survivors, and fostering a safer prison environment.

As explained in the Assembly Judiciary Committee analysis of AB 464:

However, extended statutes of limitations for claims of sexual assault reflect another reality: namely that for a variety of reasons, including threats, fear of arrest, fear of violence, and fear of retaliation, survivors of sexual assault often have difficulty coming forward to report their assault. This is especially true when a sexual assault is perpetrated by a person in a position of authority and power, such as a law enforcement officer. AB 1455 (Wicks), Chap. 595, Stats. 2021, acknowledged this fact. In the case of a civil claim for sexual assault alleged to have been committed by a "law enforcement officer," while the

officer was employed by a law enforcement agency, the applicable statute of limitations is the later of either of the following dates:

- Within 10 years after the date of judgment in a criminal case if the action arises out of the same set of operative facts as the criminal case brought against the officer.
- Within 10 years after the law enforcement officer is no longer employed by the law enforcement agency that employed the officer when the alleged assault occurred. (Government Code Section 945.9 (b).)

Just as AB 1455 sought to address the power dynamic between a law enforcement officer and a civilian who survives that type of aggravated sexual assault, this bill seeks to address the discrepancy in power, control, and authority between a state or local correctional officer and an inmate who is incarcerated at the time of their sexual assault.

ValorUS writes the following in support of AB 464:

AB 464 will increase monitoring for retaliation for 90 days following a report of staff sexual misconduct, extend the civil statute of limitations for survivors until after release, ensure that any staff who is confirmed to have committed sexual abuse of an incarcerated person cannot be re-employed by CDCR after their termination, and ensure that survivors have adequate access to community support and oversight against retaliation following a report of sexual abuse.

Despite some efforts taken at the state level, staff sexual misconduct remains a persistent problem within CDCR facilities. An estimated 86% of all incarcerated women enter the prison system already having experienced sexual violence. Numerous reports and studies have shown horrifying rates of sexual abuse by correctional staff, including a study that found that 20% of incarcerated trans people reported being sexually assaulted by staff. In September 2024, the Department of Justice launched an investigation at both California women's designated prisons to determine whether CDCR has complied with its constitutional obligations to protect the people in their custody from sexual misconduct by staff. The investigation is ongoing.

VALOR is California's sexual assault coalition representing the 84 rape crisis centers and other organizations dedicated to ending sexual violence. VALOR is committed to supporting all survivors of sexual assault, including people are incarcerated. AB 464 demonstrate a commitment to supporting victims of sexual assault.

AB 464 is a step in the right direction. This bill adds protections to provide a safer environment for survivors to report staff sexual misconduct in prison. This bill will allow survivors to pursue legal claims for staff sexual abuse when they are no longer incarcerated and susceptible to retaliation by prison staff.

SUPPORT

California Coalition for Women Prisoners (sponsor)
Justice First California (sponsor)
Sister Warrior Freedom Coalition (sponsor)
Coalition for Survivor Solidarity (sponsor)
ValorUS (sponsor)
California Public Defenders Association
Drug Policy Alliance
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Friends Committee on Legislation
GRIP Training Institute (Guiding Rage Into Power)
Initiative Justice
Justice2Jobs Coalition
La Defensa
Peace and Justice Law Center
Rubicon Programs
San Francisco Public Defender's Office
Smart Justice California
San Quentin SkunkWorks
UnCommon Law
ValorUS

OPPOSITION

None known

RELATED LEGISLATION

Pending legislation: SB 337 (Menjivar, 2025) strengthens protections for incarcerated individuals to be free from sexual abuse and misconduct in California state prisons by strengthening body-worn camera rules, expanding incarcerated people's rights during searches and medical visits, strengthening staff screening and conflict-of-interest requirements, increasing reporting and oversight of sexual abuse allegations, and extending the deadline for incarcerated people to file grievances. SB 337 is in the Assembly Appropriations Committee.

Prior legislation:

SB 1069 (Menjivar, Ch. 1012, Stats. 2024) granted the Office of Inspector General investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person. Authorized the Office of Inspector General to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person.

AB 102 (Ting, Ch. 38, Stats. 2023) established “a sexual assault response and prevention working group and ambassador program” and allocated funds to CDCR and to the Sister Warriors Freedom Coalition to support the working group in identifying best practices for whistleblower protections and trauma-informed care and support to survivors.

AB 1455 (Wicks, Ch. 595, Stats. 2021), see Comment 1.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)

Assembly Floor (Ayes 75, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Public Safety Committee (Ayes 8, Noes 0)
