

AB 1816: Probation Terms

Assemblymember Laurie Davies

IN BRIEF

AB 1816 extends potential probation terms for felony sex offenders by up to one year to complete programming.

THE ISSUE

AB 1950 (2020) arbitrarily capped adult probation terms at one year for misdemeanors and two years for felonies. There are some exemptions for violent felonies and domestic violence offenses.

This cap shifted probation from a completion-based model to a time-based model, ending supervision regardless of whether rehabilitative goals were achieved, treatment was completed, or risk factors were addressed.

In other states, legislation has accounted for this. Rather than a specific cap regardless of rehabilitation or risk factors, legislation has utilized approaches such as:

- Individuals become eligible for a review after a specified period of time to determine suitability to terminate earlier based on rehabilitative goals and safety considerations
- Sets a probation term but allows for court extensions/modifications in order to meet specific rehabilitation goals that have not yet been achieved

Additionally, legislation passed in California in 2025 for juvenile probation terms similarly established a process for courts to be able to extend beyond a specified period of time.

In California, AB 1950 flipped the focus away from successful completion of probation and rehabilitative programming, to arbitrary time specific determinations.

CURRENT LAW

Assembly Bill (AB) 1950, which went into effect in 2021, set the maximum term of probation for most

misdemeanor crimes at one year and the maximum term of probation for most felonies at two years. There are certain crimes which are excluded from AB 1950 such as violent felonies, specified domestic violence offenses, and other crimes.

THE SOLUTION

AB 1816 says that if a person on probation for a sex offense hasn't finished their required treatment programs, a court may extend their probation for up to one extra year. This gives the individual more time to complete the necessary classes while remaining under the court's supervision.

This approach is consistent with evidence-based practices, which emphasize that supervision should end based on progress, stability, and successful completion rather than the simple passage of time. AB 1816 reinforces that balanced model by ensuring courts retain the tools needed to support meaningful rehabilitation and sustained safety outcomes.

FOR MORE INFORMATION

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