



AB 1464: Protecting Women's Prisoners from Known Predators.

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SUMMARY

AB 1464 strengthens prison safety policies by requiring the California Department of Corrections and Rehabilitation (CDCR) to deny housing preferences for individuals if they have been convicted of—or there is credible evidence that they have committed—serious violent or sexual offenses against victims of the opposite gender, as determined by their anatomy. This ensures that housing assignments in correctional facilities prioritize the safety of all incarcerated individuals while maintaining fair and transparent procedures.

EXISTING LAW

Under current law, CDCR allows incarcerated individuals who identify as transgender, nonbinary, or intersex to choose their preferred housing placement in either male or female facilities, regardless of anatomy.

Current statute does not prevent individuals with a history of violent or sexual offenses from selecting a housing placement based on gender identity, even when their criminal history includes heinous offenses committed against women, such as rape, sexual assault, or domestic violence.

BACKGROUND

Ensuring the safety and dignity of all incarcerated individuals is a priority within California's correctional system. While housing preferences for transgender, nonbinary, and intersex individuals were established to protect vulnerable inmates, there have been instances where individuals with histories of violent or sexual offenses have exploited these policies, leading to women being placed in dangerous situations.

The state has a duty to safeguard incarcerated individuals from harm. In March of 2024, a biologically male inmate at the Chowchilla Women's prison was charged with impregnating one prisoner and raping two others. This highlights a concern with existing law, which allows inmates to choose housing based on gender identity without medical or psychological evaluation. This case and others underscore the need for legislation to ensure housing assignments prioritize inmate safety.

SOLUTION

AB 1464 provides a necessary safeguard by requiring CDCR to deny housing preferences and instead assign housing based on an individual's anatomy if they have been convicted of—or if credible evidence indicates they have committed—serious violent or sexual offenses against a victim of the opposite gender.

By implementing this policy, AB 1464 upholds the rights of all incarcerated individuals while addressing safety and security concerns in California's prisons.

FOR MORE INFORMATION

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Bill text and status can be found at:
<http://leginfo.legislature.ca.gov/>