

330 West Broadway
San Diego, CA 92101
(619) 531-4040
SanDiegoDA.com



RACHEL SOLOV
ASSISTANT DISTRICT ATTORNEY

OFFICE OF THE SAN DIEGO COUNTY
DISTRICT ATTORNEY

SUMMER STEPHAN
District Attorney

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Contact: [Tanva Sierra](tel:6195313315) (619) 531-3315
En Español [Barbara Medina](tel:6195313305) (619) 531-3305

DA Testifies in Support of AB 1959 to Close Dangerous Resentencing Loophole as Exposed by the Santana High School Shooter Case

San Diego County District Attorney [Summer Stephan](#) testified this morning in front of the California State Assembly Public Safety Committee in Sacramento, urging lawmakers to pass Assembly Bill 1959. The bill, authored by Assemblymember Dr. Darshana Patel (District 76), strengthens public safety by closing a dangerous loophole in California's recall and resentencing laws by updating Welfare and Institutions Code section 707 to allow a transfer hearing for a court to decide whether a now-adult offender should be sentenced in juvenile court or adult court.

Current law, Penal Code section 1170(d), allows people who were sentenced to life without parole as minors to have their sentence reconsidered after they have served at least 15 years in prison, known as recall and resentencing. Due to laws emerging after the enactment of 1170(d), if a court finds a defendant eligible for resentencing, they are transferred to juvenile court. If they were under the age of 16 when they committed their crime, the juvenile court cannot impose custody and is forced to release the defendant without any determination that it is safe to do so. A defendant who was 16 or 17 would proceed to a transfer hearing pursuant to Welfare and Institutions Code section 707 to determine the appropriate jurisdiction for resentencing: juvenile court or adult court.

Under the AB 1959, the existing transfer hearing process would also apply to a defendant who was under 16 at the time of the offense, allowing a court discretion to weigh youthful offender factors with public safety concerns. This change restores judicial discretion and fairness to the resentencing process.

"This bill is about protecting our communities and fulfilling the original intent of resentencing laws," DA Stephan said. "AB 1959 ensures that the intent of resentencing laws to consider danger to the public when evaluating serious and violent offenders is fulfilled. These laws were never meant to result in the immediate release of individuals who commit murder, school shootings or serial rapes in our communities. This law would close a dangerous loophole for

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juvenile offenders under 16 that results in their immediate release 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.”

DA Stephan pointed to the case of the Santana High School shooter, Andy Williams, who carried out a planned attack in 2001, killing two students and injuring 13 others. Despite being sentenced to 50 years to life and recently being denied parole in 2024 due to ongoing public safety concerns, Williams filed a petition for recall and resentencing in 2025 under current law. Because of this loophole, his case could be transferred to juvenile court for resentencing—even though he is now nearly 40 years old and has served less than half of his sentence. This outcome undermines accountability and was never the intent of the Legislature when it enacted recall and resentencing statutes.

Phil Ortiz, who was a student at Santana High School and survived the shooting in 2001, also testified in front of the Public Safety Committee in support of AB 1959. He is now an El Cajon City Councilmember.

“Assemblymember Patel, DA Summer Stephan and their staff are ensuring justice is balanced,” Ortiz said. “The victims of the shooting at Santana High School have no ability to be free from their physical, mental and emotional wounds, including Randy Gordon and Brian Zuckor who were killed. Therefore, perpetrators shouldn’t be free from the consequences of their actions. The damage to the victims is permanent and the consequences to the perpetrators should be permanent as well.”

The bill is a targeted, balanced response that restores the court’s discretion to weigh factors related to rehabilitation, youthful offender factors, and public safety and ensures the most serious offenses receive appropriate accountability while maintaining judicial oversight and the possibility of rehabilitation for deserving youth.

“AB 1959 seeks to close a loophole within resentencing law that has recently been exploited in San Diego County by a school shooter at Santana High School in 2001,” said Assemblymember Patel. “San Diegans deserve to have faith in their justice system to ensure that violent offenders that do not show remorse do not have a loophole to exploit and avoid accountability.”

The San Diego County District Attorney’s Office remains committed to advocating for policies that balance fairness with accountability while prioritizing the safety of all communities.

AB 1959 passed the Assembly Public Safety Committee and will now advance to the Assembly Appropriations Committee for further consideration.

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About the San Diego County District Attorney’s Office

The San Diego County DA’s Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the

office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.