California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
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AGENDA

Tuesday, July 1, 2025
9 a.m. -- State Capitol, Room 126

REGULAR ORDER OF BUSINESS

HEARD IN SIGN-IN ORDER

1.	SB 6	Ashby	Controlled substances: xylazine.
2.	SB 11	Ashby	Artificial intelligence technology.
3.	SB 19	Rubio	Threats: schools and places of worship.
4.	SB 248	Rubio	Firearms: information to new owners.
5.	SB 380	Jones	Sexually violent predators: transitional housing facilities: report.(Urgency)
6.	SB 423	Smallwood-Cuevas	Inmate firefighters: postsecondary education: enhanced firefighter training and certification program: local handcrew pilot program.
7.	SB 431	Arreguín	Assault and battery: public utility employees and essential infrastructure workers.
8.	SB 524	Arreguín	Law enforcement agencies: artificial intelligence.
9.	SB 690	Caballero	Crimes: invasion of privacy.
10.	SB 692	Arreguín	Vehicles: homelessness.
11.	SB 701	Wahab	Signal jammers.
12.	SB 759	Archuleta	Crimes: supervised release.
13.	SB 820	Stern	Inmates: mental health.
14.	SB 834	Durazo	Criminal records: relief.

Date of Hearing: July 1, 2025
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 6 (Ashby) – As Introduced December 2, 2024

SUMMARY: Makes xylazine, also known as "tranq," a Schedule III drug under California's Uniform Controlled Substances Act (UCSA). Specifically, **this bill**:

1) Makes xylazine, including its salts, isomers, and salts of its isomers and any substance that contains xylazine, a Schedule III controlled substance under the USCA.

2) Provides that, if an animal drug containing xylazine that has been approved under the federal Food, Drug and Cosmetic Act is not available for sale in California, it may used to compound an animal drug pursuant to the federal Food and Drug Administration's industry guidance on compounding animal drugs from bulk drug substances.

3) Provides that compounding an animal drug shall not be deemed unprofessional conduct, as specified.

4) Expands the exemptions from the definition of "drug paraphernalia" to include equipment designed, marketed, intended to be used, or used to test substances for xylazine.

5) Includes findings and declarations.

EXISTING LAW:

1) Lists controlled substances in five "schedules" - intended to list drugs in decreasing order of harm and increasing medical utility or safety - and provides penalties for possession of and commerce in controlled substances. Schedule I includes the most serious and heavily controlled substances, with Schedule V being the least serious and most lightly controlled substances. (Health & Saf. Code, §§ 11054-11058.)

2) Makes possession of a non-narcotic Schedule III controlled substance a misdemeanor subject to imprisonment in county jail for up to one year. (Health & Saf. Code, § 11377, subd. (a).)

3) Makes possession of a non-narcotic Schedule III controlled substance a felony subject to 16 months, 2 years, or 3 years in county jail where the person has one or more prior convictions for an offense classified as a violent felony or one that requires registration as a sex offender. (Health & Saf. Code, § 11377, subd. (a).)

4) Makes possession for sale of a non-narcotic Schedule III substance a felony subject to imprisonment in county jail for 16 months, 2 years or 3 years. (Health & Saf. Code, § 11378.)

5) Makes trafficking of a non-narcotic Schedule III substance a felony subject to imprisonment in county jail for 2, 3, or 4 years. (Health & Saf. Code, § 11379.)

6) Makes manufacturing, producing, or preparing a non-narcotic Schedule III controlled substance either directly or indirectly by chemical extraction or independently by means of chemical synthesis a felony punishable by imprisonment in county jail for 3, 5, or 7 years and a fine of up to $50,000. (Health & Saf. Code, § 11379.6, subd. (a).)

7) Makes offering to manufacture, produce, or prepare a non-narcotic Schedule III controlled substance either directly or indirectly by chemical extraction or independently by means of chemical synthesis a felony punishable by imprisonment in county jail for 3, 4, or 5 years. (Health & Saf., § 11379.6, subd. (e).)

8) Provides that "drug paraphernalia" does not include any testing equipment designed, marketed, intended to be used, or used, to test a substance for the presence of contaminants, toxic substances, hazardous compounds, or other adulterants, or controlled substances that include, without limitation, fentanyl, ketamine, gamma hydroxybutyric acid, or any analog of fentanyl. (Health & Saf., § 11014.5, subd. (d).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "California is facing a worsening opioid crisis, with over 7,000 opioid-related deaths reported in 2022 alone. This crisis has been exacerbated by the rise of fentanyl mixed with xylazine, making it the deadliest drug threat in the United States. According to the DEA, xylazine-related deaths have more than tripled year over year.

   "Also known as 'tranq' or the 'zombie drug,' xylazine is a potent veterinary sedative that is being trafficked into the U.S. at alarming rates. It is not approved for human use but is frequently added to opioids like fentanyl to extend the high. Xylazine overdoses closely resemble opioid overdoses but often go undetected in routine drug screenings. Unlike opioid overdoses, xylazine overdoses cannot be reversed with naloxone (Narcan), and no approved treatment exists for its effects in humans.

   "To address this growing threat, SB 6 classifies xylazine as a Schedule III substance, granting law enforcement greater authority to regulate its distribution. By restricting access and preventing misuse, SB 6 will protect public health and enhance community safety."

2) **Xylazine:** According to the California Department of Public Health (CDPH), xylazine (also known as "tranq") is a non-opioid animal tranquilizer that has been connected to an increasing number of overdose deaths nationwide. Some people who use drugs intentionally take fentanyl or other drug mixed with xylazine; in other circumstances, drug sellers cut fentanyl or heroin with xylazine to extend product's effect without disclosing the adulterant.[1]

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[1] https://www.cdph.ca.gov/Programs/CCDPHP/sapb/Pages/Xylazine.aspx

The extent to which xylazine has proliferated in California drug markets is unclear. In 2022, the Drug Enforcement Administration (DEA) reported that its identification of xylazine-positive overdose deaths in the western United States increased by 750% in recent years, from four such deaths in 2020 to 34 in 2021.[2] However, the DEA also noted comprehensive data on xylazine-related deaths is not available because xylazine is not routinely included in postmortem testing or data reporting in all jurisdictions.[3] In April 2023, based in part on the DEA's report, the White House Office of National Drug Control Policy designated fentanyl mixed with xylazine as an emerging threat, recognizing its "growing role in overdose deaths in every region in the United States."[4] On the other hand, in November 2023 in a letter to California health care facilities, CDPH described xylazine as "present" in California, but noted that the drug had not penetrated the state's drug supply as extensively as it has in other regions.[5]

3) **The California Uniform Controlled Substances Act**: In 1970, Congress passed the Comprehensive Drug Abuse Prevention and Control Act, which established a framework for federal regulation of controlled substances. Title II of the act is the Controlled Substances Act (CSA), which placed controlled substances in one of five "schedules."

> The schedule on which a controlled substance is placed determines the level of restriction imposed on its production, distribution, and possession, as well as the penalties applicable to any improper handling of the substance… [W]hen DEA places substances under control by regulation, the agency assigns each controlled substance to a schedule based on its medical utility and its potential for abuse and dependence.[6]

Substances are added to or removed from schedules through agency action or by legislation.[7]

State laws generally follow the federal scheduling decisions, and "they are relatively uniform across jurisdictions because almost all states have adopted a version of a model statute called the Uniform Controlled Substances Act (UCSA)." (*Id.* at 4.) California adopted the UCSA in 1972. (Stats. 1972, ch. 1407, § 3.) The UCSA generally aligns with the federal government's scheduling decisions. (See *People v. Ward* (2008) 167 Cal.App.4th 252, 259 ["In the California Uniform Controlled Substances Act, California adopted the five schedules of controlled substances used in federal law and in the Uniform Controlled Substances Act"]; *Williamson v. Bd. Of Medical Quality Assurance* (1990) 271 Cal.App.3d 1343, 1352, fn. 1. ["Effective January 1, 1985, Schedules I through V of the California Uniform Controlled Substances Act were revised so as to generally parallel the five schedules contained in the Federal Controlled Substances Act."].)

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[2] https://www.dea.gov/sites/default/files/2022-12/The Growing Threat of Xylazine and its Mixture with Illicit Drugs.pdf
[3] *Ibid.*
[4] https://www.whitehouse.gov/ondcp/briefing-room/2023/04/12/biden-harris-administration-designates-fentanyl-combined-with-xylazine-as-an-emerging-threat-to-the-united-states/ -:~:text=Xylazine%20is%20a%20non%2Dopioid,region%20of%20the%20United%20States.
[5] https://www.cdph.ca.gov/Programs/CCDPHP/sapb/Pages/Xylazine.aspx
[6] The Controlled Substances ACT (CSA): A Legal Overview for the 118th Congress, Congressional Research Service (Jan. 19, 2023) p. 2 <https://crsreports.congress.gov/product/pdf/r/r45948> [last visited Mar. 28, 2024].
[7] *Id.* at p. 9.

Congress has not yet placed xylazine on a schedule under the Controlled Substances Act. There were two bills introduced in Congress last session that would have made xylazine a Schedule III substance. (H.R. No. 1839, 118th Cong., 1st Sess. (2023) & Sen. No. 993, 118th Cong., 1st Sess. (2023).) Both bills have been reintroduced. (See H.R. No. 1266, 119th Cong. 1st Sess. (2025) & S. No. 545, 119th Cong., 1st Sess. (2025). According to information the author's office provided to this committee, this bill is based on H.R. No. 1839 introduced in 2023. That bill did not receive a vote.

4) **Effect of the Bill**: This bill would make xylazine a Schedule III controlled substance under the California Uniform Controlled Substances Act. Under this bill, xylazine would not be classified as a Schedule III narcotic. (See Health & Saf. Code, §§ 11019, 11056, subd. (e).) Neither would xylazine be a "hard drug" for purposes of the Treatment-Mandated Felony Act enacted by Proposition 36. (Health & Saf. Code, § 11395, subd. (e)(1).)

   Possession of a non-narcotic Schedule III controlled substance is a misdemeanor punishable by imprisonment in county jail for up to one year, except that a person with one or more prior convictions for specified felonies or who have been convicted of an offense requiring sex offender registration may be punished by imprisonment for up to three years. (Health & Saf. Code, § 11377, subd. (a).) Possession for sale of a non-narcotic Schedule III substance is punishable by imprisonment of up to three years, and sale is punishable by imprisonment of up to four years. (Health & Saf. Code, §§ 11378, subd. (a); 11379, subd. (a).) Existing law also makes transport, import into this state, sale, furnishing, administering, or giving away, or offering to do any of those things, or attempting to import into this state or transporting any non-narcotic Schedule III substance, with the exception of ketamine and Schedule III hallucinogenic substances, punishable by imprisonment for up to four years. (Health & Saf. Code, §§ 11352, subd. (a); 11379, subd. (a).)

5) **Argument in Support**: According to the *League of California Cities*, "A non-opiate sedative and muscle relaxant that is only authorized for veterinary use called xylazine is increasingly being found in illicit drug supplies in the U.S. and has been linked to a growing number of overdoses. The use of this substance can be dangerous and is especially life-threatening when used alongside opioids such as fentanyl. It has been increasingly found in combination with fentanyl, cocaine, heroin, and other substances. While xylazine is not as present in California as in other parts of the nation but it has been linked to a growing number of overdoses and deaths in California. Xylazine is making the fentanyl crisis in this state even worse, as when combined with other substances it becomes more potent and addictive.

   "Under current law, xylazine is not listed as a controlled substance under California's Uniform Controlled Substances Act which has five schedules to it. Schedule 1 substances are considered to have a high potential for abuse and no accepted medical use, while Schedules 2 through 5 have potential for abuse but are recognized for their medical benefits. The possession, use, sale, or trafficking of any scheduled controlled substance is a crime with varying levels of penalties. This bill would add xylazine as a Schedule 3 controlled substance, which when found with possession of such a substance is a misdemeanor offense with a fine up to $1,000 and a year of incarceration in county jail.

   "This bill would take preventative measures to stop a growing issue of the illicit use of

xylazine that has worsened the fentanyl crisis in California."

6) **Argument in Opposition**: According to the *Drug Policy Alliance*: "**We all want our loved ones and communities to be safe, but criminalizing xylazine will not prevent overdose deaths, reduce suffering associated with drug use or incarceration, or reduce drug use.** It will serve only to increase the criminalization of people who use drugs, exposing them to additional criminal charges and potentially increased sentences. In recent years xylazine has been predominantly found in combination with fentanyl, for which severe criminal penalties already exist. A report by the National Center for Health Statistics published in 2023, which reviewed overdose deaths from 2018 through 2021 found that more than 97 percent of all drug overdose deaths involving xylazine in the United States also involved fentanyl.

"**Classifying xylazine as a controlled substance and even fully prohibiting it will not prevent overdose deaths.** The experience of Florida illustrates the ineffectiveness of criminalization. In 2018 xylazine was classified as a Class I substance in that state, even before the federal White House Office of National Drug Control Policy declared xylazine to be an "emerging threat" to the United States. By April 2023 xylazine had become one of the six most commonly identified drugs in state law enforcement laboratories and the Florida Attorney General issued a "public safety alert" indicating that the prevalence of the drug was increasing. The number of fatal overdoses also grew from 4,977 in 2016 to 7,769 in 2023.

"**Scheduling xylazine will also create barriers to critically needed research on the drug at a time when we need more research to understand xylazine's effects on humans.** A great deal is still unknown about the pharmacological properties of xylazine, the effects of xylazine, overdose risk, clinical treatments, harm reduction responses, potential racial and gender disparities, and patterns of use, among other needed research. Given the ineffectiveness of scheduling xylazine as a means of reducing its presence in the illicit drug supply, many experts have expressed opposition to scheduling xylazine as a Schedule III substance at the federal level. These experts also expressed concern that scheduling xylazine could lead to significant disruptions in emergency medicine by increasing the likelihood that very similar medications to xylazine would also be added to the schedule of controlled substances.

"The schedules of controlled substances in California and elsewhere are generally designed to weigh the "potential for abuse", accepted medical use, and public health risks of a drug. Adding xylazine as a controlled substance without conducting scientific and medical evaluations that are necessary in the drug scheduling process undermines the process for scheduling drugs and imposing criminal penalties. Seven out of nine FDA-approved drugs most similar to xylazine are not scheduled, and none are Schedule III. It remains uncertain how the classification of xylazine on Schedule III could be justified without additional research.

"**Instead of hastily criminalizing xylazine as a controlled substance, policymakers should focus on health-centered approaches:** expanding overdose-prevention and harm-reduction services (including community-based drug checking programs), peer-led outreach and street-medicine programs, strengthening our good samaritan statute, and increasing access to methadone, buprenorphine, and naloxone, and evidence-based drug education and voluntary treatment.

"Overdose deaths are preventable, but expanded criminalization causes more harm and stands in the way of saving lives. Criminalization creates instability, blocks access to jobs and housing, increases overdose risk, and leads to more dangerous substances. A vast body of evidence has found that adding criminal penalties does not reduce overdose rates or the supply of drugs. Instead, it creates a dangerous cycle that exposes people who use drugs to newer and potentially more dangerous alternatives from unknown sources. Criminalizing xylazine will likely lead to the emergence of other, potentially more deadly substances in the illicit drug supply. Effective solutions center support, not punishment."

7) **Related Legislation**: AB 634 (J. Gonzalez), would make tianeptine a Schedule I substance under California's Uniform Controlled Substances Act (UCSA). AB 634 is pending hearing in this committee.

8) **Prior Legislation**:

   a) AB 837 (Davies), of the 2025-2025 Legislative Session, would have made it a felony to attempt to traffic or to traffic, furnish, or give away ketamine. AB 837 was held in suspense in the Assembly Appropriations Committee.

   b) SB 1502 (Ashby) would have made xylazine, also known as "tranq," a Schedule III drug under California's Uniform Controlled Substances Act (UCSA). SB 1502 was held in the Assembly Public Safety Committee.

   c) AB 3029 (Bains) was substantially similar to SB 1502 above. AB 3029 was held in suspense in the Senate Appropriations Committee.

   d) AB 1859 (Alanis), Chapter 684, Statutes of 2024, required coroners to report to the CDPH and to the Overdose Detection Mapping Application Program (ODMAP) whether an autopsy revealed the presence of xylazine at the time of a person's death.

   e) AB 2018 (Rodriguez), Chapter 98, Statutes of 2024, removed fenfluramine as a controlled substance under the UCSA.

   f) AB 2871 (Maienschein), Chapter 639, Statutes of 2024, authorized a county to establish an interagency overdose fatality review team to assist local agencies in identifying and reviewing overdose fatalities.

   g) AB 3073 (Haney), would, among other things, require CDPH to develop protocols for implementing wastewater surveillance for high-risk substances, including xylazine. AB 3073 was held in suspense in the Assembly Appropriations Committee.

   h) AB 1399 (Friedman), Chapter 475, Statutes of 2023, prohibited, among other things, a veterinarian from ordering, prescribing, or making available xylazine unless the veterinarian has performed an in-person physical examination of the animal patient or make medically appropriate and timely visits to the premises where the animal patient is kept.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Contract Cities Association
California District Attorneys Association
California Emergency Nurses Association
California Narcotic Officers' Association
California Pharmacists Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
California Veterinary Medical Association
Chief Probation Officers' of California (CPOC)
City of Bakersfield
City of Beverly Hills
City of Los Alamitos
City of Moorpark
City of Norwalk
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mayor Todd Gloria, City of San Diego
Murrieta Police Officers' Association
Newport Beach Police Association
Norwalk; City of
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
San Diego County District Attorney's Office
San Francisco District Attorney Brooke Jenkins
Santa Ana Police Officers Association

Oppose

ACLU California Action
Californians United for a Responsible Budget

Drug Policy Alliance
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
San Francisco Public Defender

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744

Date of Hearing: July 1, 2025
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 11 (Ashby) – As Amended June 18, 2025

SUMMARY: Expands the crime of false impersonation to include any use of a digital replica with the intent to impersonate another.

EXISTING LAW:

1) Provides that any person who knowingly and without consent credibly impersonates another actual person through or on a website or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable by a fine not exceeding $1,000 or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. (Pen. Code § 528.5, subd. (a) and (d).)

2) States that impersonation is credible if another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated. (Pen. Code § 528.5, subd. (b).)

3) Provides that every person who falsely personates another in either their private or official capacity, and in that assumed character carries out specified actions, is punishable by a fine not exceeding $10,000, imprisonment in a county jail not exceeding one year, or imprisonment in a county jail for 16 months, 2 or 3 years and/or a fine. (Pen. Code § 529.)

4) Provides that every person who falsely personates another, in either their private or official capacity, and in such assumed character receives any money or property, knowing that it is intended to be delivered to the individual so personated, with intent to convert the same to their own use, or to that of another person, or to deprive the true owner thereof, is punishable in the same manner and to the same extent as for larceny of the money or property so received. (Pen. Code § 530.)

5) Prohibits any person from knowingly using another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent, and may be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code § 3344, subd. (a).)

6) Defines "digital replica" to mean a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered. Excludes electronic reproduction, use of a sample of one sound recording

or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyright holder from the definition. (Civ. Code, § 3344.1.)

7) Defines "artificial intelligence" to mean an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Civ. Code, § 3110, subd. (a).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "Artificial intelligence has pushed the boundaries of how technology makes human lives easier. However, the lack of necessary regulations has led to its abuse. Bad actors are creating and sharing AI deepfake videos, images, and audio recordings that use a person's name, image, or likeness without their consent. An alarming number of these deepfakes depict people engaging in sexual activities. This leaves victims vulnerable to exploitation including identity theft, scams, misinformation, and drastic misrepresentation of character. While some deepfakes target public figures, AI software allows users to create non-consensual content featuring anyone. This issue has disproportionately impacted women and girls, though not exclusively.

   "Existing law does not allow victims to pursue private legal action when someone uses their likeness for AI generated material without their consent. SB 11 closes this gap by granting individuals the right to initiate litigation against those who use AI to falsely impersonate them and further requires courts to evaluate evidence generated by AI to ensure authenticity of evidentiary materials presented in our judicial system to a judge or jury. It also requires consumer warnings on AI software, both identifying and discouraging its potential for misuse. This bill strikes a balance between regulating rapidly advancing AI technologies and allowing continued innovation in the AI sector."

2) **Background on AI Issues**: Over the two years, generative AI tools have made the jump from research prototype to commercial product. Generative AI models like OpenAI's ChatGPT and Google's Gemini can now generate realistic text and images that are often indistinguishable from human-authored content, with generative AI for audio and video not far behind.

   Given these advances, it's no longer surprising to see AI-generated images of public figures go viral or AI-generated reviews and comments on digital platforms. As such, generative AI models are raising concerns about the credibility of digital content and the ease of producing harmful content going forward. Against the backdrop of such technological advances, civil society and policymakers have taken increasing interest in ways to distinguish AI-generated

content from human-authored content.[1] According to the Brookings Institute, there are four suggested methods to determine if something is AI-generated[2]:

> There are several approaches that have been proposed for detecting AI-generated content. The four most prominent approaches are watermarking (in its various forms), which is the embedding of an identifiable pattern in a piece of content to track its origin; content provenance, which securely embeds and maintains information about the origin of the content in its metadata; retrieval-based detectors, where all AI-generated content is stored in a database that can be queried to check the origin of content; and post-hoc detectors, which rely on machine learning models to identify subtle but systematic patterns in AI-generated content that distinguish it from human-authored content.[3]

AI has created challenges for courts evaluating the admissibility, authenticity, and reliability of evidence. Realistic synthetic content, including deepfakes, AI-generated voice clones, and fabricated images, continues to appear in the courts, requiring courts to consider the reliability and fairness of generative AI material as evidence. In May 2024, Judicial Council established the AI Task Force to oversee the development of policy recommendations to the council on the use of AI in the judicial branch and coordinate the timely consideration and development of proposals and potential actions by the judicial branch.

On February 21, 2025, the Taskforce provided a presentation to the courts wherein it provided a summary of AI usage in courts: 19 courts are already using generative AI; 19 courts plan to start using generative AI; seven courts did not respond to a request for information. Additionally, six courts have an AI use policy in place; 21 courts are planning to create a policy; and several courts are waiting for a model policy from Judicial Council. Proposed model language includes rejection of any discriminatory generative AI and requires disclosure or watermark if generative AI outputs make up a substantial portion of a written or visual work provided to the public.[4]

Last year, the Legislature passed AB 1836 (Bauer-Kahan), Chapter 258, Statutes of 2024, which prohibited a person from producing, distributing, or making available the digital replica of a deceased personality's voice or likeness in an expressive audiovisual work or sound recording without prior consent from specified persons, essentially the personality's heirs or their assignees. Damages to an injured party may be for an amount equal to the greater of $10,000 or the actual damages suffered by a person controlling the rights to the deceased personality's likeness. This bill expands the crimes of false impersonation to include conduct that relies on a digital replica or AI. Penal Code section 528.5 punishes any person who knowingly and without consent credibly impersonates another actual person

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[1] Siddarth Srinivasan, *Detecting AI fingerprints: A guide to watermarking and beyond* (January 4, 2024) Brookings Institution, located at https://www.brookings.edu/articles/detecting-ai-fingerprints-a-guide-to-watermarking-and-beyond/
[2] *Ibid.*
[3] *Ibid.*
[4] https://courts.ca.gov/advisory-body/artificial-intelligence-task-force

through or on an Internet Web site or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person. Penal Code section 529 punishes a person who falsely personates another in either his or her private or official capacity, and in that assumed character does any of the following: (a) becomes bail or surety for any party in any proceeding whatever, before any court or officer authorized to take that bail or surety; (b) verifies, publishes, acknowledges, or proves, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, or used as true; or (c) does any other act whereby, if done by the person falsely personated, [they] might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

An example of false personation would be a person who identified themselves to law enforcement as someone else for purposes of evading criminal liability. (See *People v. Chardon* (1999) 77 Cal. App. 4th 205.) Penal Code section 530 is false personation for purposes of stealing something of value. An example of this would be dressing up like a baggage handler to steal luggage or impersonating a long lost relative to obtain the victim's money. (*People v. Montalvo* (2019) 36 Cal.App.5th 597 [defendant dressed up like a police officer to effectuate a robbery].) This bill expands these offenses to include a person who engages in false personation via a digital replica or AI.

3) **AI Impact on 6th Amendment Right of Confrontation:** As noted above, Judicial Council convened a task force on AI in courts and as evidence. However, the use of AI in criminal law may affect the defendant's right to a fair trial because it may limit the defendant's ability to cross-examine a witness. In *People v. Lopez* (2012) 55 Cal. 4th 569, the California Supreme Court addressed the impact of machine learning (a rudimentary form of generative AI) in the generation of an expert's report.

First, the right of confrontation prohibits the prosecution from relying on "testimonial" out-of-court statements unless the witness is unavailable to testify and the defendant had a prior opportunity for cross-examination. (*People v. Lopez, supra*, at 576, citing *Crawford v. Washington* (2004) 541 U.S. 36.) A statement is "testimonial" if: (a) it is made … by or to a law enforcement agent and (b) describes a past fact related to criminal activity for (c) possible use at a later trial. Conversely, a statement that does not meet all three criteria is not testimonial. (*Id.*, at 577.)

Ultimately, the court in *Lopez* held that the portions of the expert's report that were generated by a form of machine learning was not testimonial.

> The critical portions of the non-testifying analyst's laboratory report were not made with the requisite degree of formality or solemnity to be considered testimonial. Although a laboratory assistant's notation on a chart linking defendant's name to a particular blood sample was admitted for its truth, it was not testimonial hearsay. The notation was nothing more than an informal record of data for internal purposes, as was indicated by a small printed statement near the top of the chart: "FOR LAB USE ONLY." Because the notation in the non-testifying analyst's laboratory report linking defendant's name to the blood

> sample was not testimonial in nature, the defendant's right of confrontation was not violated. (*Lopez, supra,* at 585.)

Courts will continue to apply the same 6th Amendment right of confrontation analysis for AI. If the properly watermarked and unbiased generative AI is considered testimonial, it will likely not be admissible unless the person who developed the generative AI material is present and available to testify.

4) **Argument in Support**: According to *Common Sense Media*: "AI capabilities have shown how detrimental its misuse can be when there is malicious intent. AI manipulated content continues to harm victims across the state, with examples ranging from fake audio of elected officials making false statements, to synthetic material of primarily women engaging in sexual activities. While some deep fakes target public figures, easily accessible AI software now allows users to create non-consensual content featuring anyone. This issue predominately impacts women and girls and has been difficult for victims to address, much less seek justice.

   "We support SB 11 as a necessary step toward addressing the growing threat of AI-enabled exploitation and abuse. As a leading advocate for safe and responsible technology, Common Sense Media has consistently pushed for stronger transparency, safety, and accountability in the development and deployment of artificial intelligence. As strong supporters of the recently enacted, bipartisan federal TAKE IT DOWN Act, we are committed to curbing the spread of non-consensual deep fakes and protecting those most at risk of digital harm. SB 11 furthers this effort by ensuring legal recourse for victims and requiring clear consumer disclosures for cloning technologies.

5) **Argument in Opposition**: According to *Computer and Communications Industry Association*: "First, as drafted, we are unclear if the bill is intended to capture business to business activities, such as companies selling advertising services to other companies wherein the advertisement may include synthetic content. To that end, Proposed Section 22650 should be amended to expressly permit business partners / vendors to use our AI tools to generate content as well as authorize businesses to sell or develop such content for their business partners/vendors. The bill should also be amended to clarify what exactly it means by "misuse" for purposes of this warning.

   "We are also concerned about how broadly "provides access to" would be interpreted, and whether it would arguably require warnings even for internal usage of tools. To that end, we suggest striking that language or somehow significantly limiting this to only external uses of AI technologies designed to create synthetic content.

   "Relatedly, we are also concerned that there is no understanding of what constitutes "misuse" for purposes of the warning to consumers that misuse of the technology may result in civil or criminal liability for the user. Given the obvious clear chilling effect of this type of warning, and this is not an area where the bill should be vague. That issue aside, we in fact fundamentally object to the notion that companies should be required a warning to users that their use of a Generative AI product could subject them to civil or criminal liability.

"Notably, appropriate warnings are already provided in terms of service and acceptable use policies. It is also worth noting also that many GenAI providers implement controls to prevent clearly illegal uses of GenAI (*e.g.,* generation of CSAM).

"That said, we are not aware of any research that suggests that users of GenAI tools are unaware that misconduct could result in liability and that such a warning would change user behavior. Even more specific warnings, such as "creating deepfakes for fraudulent purposes", are unlikely to change behavior because much of the illegal activity stems from determined bad actors who are well aware of the law.

"What the bill is far more likely to do is chill protected activities. Given First Amendment implications, again, the bill should be amended both to address issues of vagueness and to be made more narrowly tailored (for example, the disclaimer provision could be more narrowly tailored to achieve the goal of the legislation, such as applying it to sites that allow use of their GAI tools for purposes that create an elevated risk that the use may be inappropriate). ...

6) **Related Legislation**: AB 316 (Krell) establishes that in civil actions, where a plaintiff alleges harm caused by AI, a defendant who developed, modified, or used the AI is prohibited from asserting that the AI acted autonomously as a defense. AB 316 is pending in Senate Appropriations Committee.

7) **Prior Legislation**:

   a) AB 1836 (Bauer-Kahan), Chapter 258, Statutes of 2024, establishes a specific cause of action for beneficiaries of deceased celebrities for the unauthorized use of a digital replica of the celebrity in audiovisual works or sound recordings.

   b) AB 2602 (Kalra), Chapter 259, Statutes of 2024 limits the unauthorized use of digital replicas by providing that a provision in an agreement between an individual and any other person for the performance of personal or professional services is unenforceable only as it relates to a new performance, fixed on or after January 1, 2025, by a digital replica of the individual if the provision meets all of the specified conditions.

   c) SB 942 (Becker), Chapter 291, Statutes of 2024, places obligations on businesses that provide generative AI systems to make accessible tools to detect whether specified content was generated by those systems. These "covered providers" are required to offer visible, and include imperceptible, markings on AI-generated content to identify it as such.

   d) SB 970 (Ashby), of the 2023-24 Legislative Session, was similar to this bill and was held in the Senate Committee on Appropriations.

REGISTERED SUPPORT / OPPOSITION:

Support

California Civil Liberties Advocacy
California District Attorneys Association

Chamber of Progress
Common Sense Media
London & Gonzalez Advocacy
Los Angeles County Democratic Party
National Ai Youth Council
Recording Industry Association of America
Sag-Aftra
The Center for Ai and Digital Policy
Transparency Coalition.AI

Opposition

Association of National Advertisers
California Chamber of Commerce
California Hispanic Chambers of Commerce
Computer and Communications Industry Association
Network Advertising Initiative
Software Information Industry Association
Technet
The Media Coalition

Analysis Prepared by: Kimberly Horiuchi / PUB. S. / (916) 319-3744

Date of Hearing: July 1, 2025
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 19 (Rubio) – As Amended May 23, 2025

SUMMARY: Creates a new crime for a person who willfully threatens to commit a crime which will result in death or great bodily injury to any person who may be on the grounds of a school or place of worship, as specified. Specifically, **this bill**:

1) States that a person who, by any means, including, but not limited to, an electronic act, willfully threatens to commit a crime which will result in death or great bodily injury to any person who may be on the grounds of a school or place of worship, with the specific intent that the statement is to be taken as a threat, even if there is no intent of carrying it out, if the threat on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey a gravity of purpose and an immediate prospect of execution of the threat, and if the threat causes a person or persons reasonably to be in sustained fear for their own safety or the safety of another person, shall be punished by an alternate felony/misdemeanor ("wobbler").

2) Specifies that the penalty for violation of the new crime is either a misdemeanor punishable by imprisonment in county jail not to exceed 1 year, or as a felony punishable by imprisonment in county jail for 16 months, or 2 or 3 years.

3) States that notwithstanding the penalty provided for the new crime, a person under 18 years of age who violates these provisions is guilty of an infraction and shall be referred to services through probation, if eligible.

4) Provides that the provisions of this bill do not preclude or prohibit prosecution under any other law, except that a person shall not be convicted for the same threat under both the provisions of this bill and existing Penal Code section 422 related to criminal threats.

5) Provides the following definitions:

   a) "Electronic act" has the same meaning as in Education Code section 49800, specifically "the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication," as provided.

   b) "Place of worship" means "any church, synagogue, temple, mosque, or other building where religious services are regularly conducted."

   c) "School" means "a state preschool, a private or public elementary, middle, vocational, junior high, or high school, a community college, a public or private university, or a location where a school-sponsored event is or will be taking place and the threat is related

to both the school-sponsored event and to the time period during which the school-sponsored event will occur."

6) States that this act shall be known, and may be cited, as the "Safe Schools and Places of Worship Act."

7) Contains Legislative findings and declarations regarding the impact on the community of criminal threats.

EXISTING LAW:

1) States that any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement made (either verbally, in writing, or by means of an electronic device) is to be taken as a threat, even if there is no intent of carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution, and which thereby causes the person reasonably to be in sustained fear for their own safety or that of their family, is guilty of a crime punishable either as a misdemeanor or felony, as specified. (Pen. Code, § 422.)

2) States that any person who with intent to annoy, telephones another or contacts him or her by means of an electronic device, and threatens to inflict injury on the person or the person's family, or to the person's property is guilty of a misdemeanor. (Pen. Code, § 653m, subd. (a).)

3) States that any person who with intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution to do, or refrain from doing, any act in the performance of his or her duties, by means of a directly-communicated threat to the person, to inflict unlawful injury upon any person or property, and it reasonably appears to the recipient that such threat could be carried out, is guilty of a crime, punishable as an alternate felony-misdemeanor on a first offense, and a felony on a second or subsequent offense. (Pen. Code, § 71, subd, (a).)

4) States that any person who reports that a misdemeanor or felony has been committed knowing the report to be false is guilty of a misdemeanor. (Pen. Code, § 148.5.)

5) States that any person who maliciously informs any other person that a bomb or other explosive has been or will be placed or secreted in any public or private place, knowing that the information is false, is guilty of an alternate felony-misdemeanor punishable in county jail not to exceed one year, or as a county jail-eligible felony. (Pen. Code, § 148.1, subd. (c).)

6) Makes it a felony offense for any person who, with intent to cause, attempts to cause or causes another to refrain from exercising his or her religion or from engaging in a religious service by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out. (Pen. Code, § 11412.)

7) Provides that in any case in which a probation officer, after investigation, concludes that a minor is within the jurisdiction of the juvenile court or would come within the jurisdiction of the court if a petition were filed to declare a minor a ward of the court, the probation officer may, in lieu of a petition and with consent of the minor and the minor's parent or guardian, refer the minor to services provided by a health agency, community based organization, local educational agency, an appropriate non-law-enforcement agency, or the probation department. (Welf. & Inst. Code, § 654, subd. (a).)

8) Specifies that if the services are provided by the probation department, the probation officer may delineate specific programs of supervision for the minor, not to exceed six months, and attempt thereby to adjust the situation that brings the minor within the jurisdiction of the court. This section does not prevent the probation officer from requesting the prosecuting attorney to file a petition at any time within the six-month period or a 90-day period thereafter. (*Ibid.*)

9) Provides that any person who transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both. (18 U.S.C. § 875.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "SB 19 strengthens the law to ensure that credible threats against schools and places of worship can be prosecuted, even when a specific person isn't named. The bill ensures that action can be taken before it's too late, preventing violence, rather than just responding to it.

   "Protecting our communities means more than just punishments; it means ensuring families feel safe sending their kids to school, worshipers feel secure in their faith, and those responsible for public safety have what they need to intervene when credible threats arise. By strengthening the law, we reaffirm a basic truth: safety in schools and places of worship is not negotiable."

2) **First Amendment Considerations:** A law that restricts speech has First Amendment implications. The First Amendment to the United States Constitution states: "Congress shall make no law . . . abridging the freedom of speech . . . ." This fundamental right is applicable to the states through the due process clause of the Fourteenth Amendment. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal. 4th 121, 133-134, citing *Gitlow v. People of New York* (1925) 268 U.S. 652, 666.) Article I, section 2, subdivision (a) of the California Constitution provides that: "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press."

   While these guarantees are stated in broad terms, "the right to free speech is not absolute." (*Aguilar v. Avis Rent A Car System, Inc.*, *supra*, 21 Cal. 4th at p. 134, citing *Near v. Minnesota* (1931) 283 U.S. 697, 708; and *Stromberg v. California* (1931) 283 U.S. 359.) As the United States Supreme Court has acknowledged: "Many crimes can consist solely of

spoken words, such as soliciting a bribe (Pen. Code, § 653f), perjury (Pen. Code, § 118), or making a terrorist threat (Pen. Code, § 422)."

Content-based restrictions on speech are presumptively invalid (*R.A.V. v. St. Paul* (1992) 505 U.S. 377, 382), however, courts have upheld restrictions on content-based speech when the speech is "'of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.' Thus, for example, a State may punish those words 'which by their very utterance inflict injury or tend to incite an immediate breach of the peace.'" (*In re J.M.* (2019) 36 Cal.App.5th 668, 674, citing *Virginia v. Black* (2003) 538 U.S. 343, 358–359.)

True threats are not protected by the First Amendment. (*In re M.S.* (1995) 10 Cal.4th 698. Existing Penal Code section 422 has been found to be constitutional because it is narrowly tailored to apply only to true threats which is defined as a threat "to commit a crime which will result in death or great bodily injury to another person . . . which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat." (*People v. Toledo* (2001) 26 Cal.4th 221, 233.)

As originally enacted, Penal Code section 422 was found to be unconstitutional and void for vagueness. (*People v. Mirmirani* (1981) 30 Cal.3d. 375, 383.) In order to meet the strict standard required for criminalizing content-based speech, the statute "must provide clear lines by which citizens, law enforcement officials, judges and juries can understand what is prohibited and what is not." (*Id.* at p. 384.) In *Mirmirani*, the court noted that a threat can be penalized if "on its face and in the circumstances in which it is made is so unequivocal, unconditional, immediate and specific as to the person threatened, as to convey a gravity of purpose and imminent prospect of execution. . . ." (*Mirmirani*, *supra*, 30 Cal.3d. at p. 388.) Following *Mirmirani*, the Legislature enacted a revised version of Penal Code section 422 to ensure the amended statute would not violate the First Amendment. (*People v. Wilson* (2010) 186 Cal.App.4th 789, 802.)

Recently, the United States Supreme Court reviewed the requisite mental state for true threats. In *Counterman v. Colorado* (2023) 600 U.S. 66, the statute at issue made it unlawful to repeatedly make any form of communication with another person in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person serious emotional distress. (*Counterman*, *supra*, citing Colo. Rev. Stat. section 18-3-602(1)(c) (2022).) The defendant argued that the statute violated the First Amendment because it did not require proof of the speaker's subjective intent, rather it required only that a reasonable person would have viewed the communication as threatening violence.

The Supreme Court held in *Counterman* that for true threats to fall outside of the First Amendment's protections, there must be a showing of the subjective mental state of the defendant in order to reduce the prospect of chilling fully protected speech. After reviewing the three basic categories of mens rea (purpose, knowledge, recklessness), the court found that a recklessness standard was sufficient. Specifically, this means the speaker consciously disregards a substantial and unjustifiable risk that the statement will be regarded as threatening violence and made the statement anyway. (*Counterman*, *supra*, 600 U.S. at p. 80.) *Counterman* addressed the minimum mens rea required to criminalize true threats. It did

not reevaluate any other standards to determine whether a statement meets the other elements of a true threat.

3) **Prior Legislation and Existing Law:** Threats of violence directed at particular locations such as schools and places of worship has been the subject of several bills in the past few years.[1] SB 796, of the 2023-2024 Legislative session, would have created a similar statute to existing Penal Code section 422 but applied its provisions to schools and places of worship and modified the sustained fear requirement so that it applied if the threat causes a person or persons reasonably to be in sustained fear for their own safety or the safety of another person. SB 796 was held in the Senate Appropriations' suspense file. AB 907, of the 2019-2020 Legislative session, was substantially similar to SB 796, however, AB 907 was amended in policy committee to specify that the minor who commits the new offense is guilty of a misdemeanor rather than facing a potential felony acknowledging that concern raised by opposition that minors will be disproportionately prosecuted for the new crime. AB 907 was held in the Senate Appropriations' suspense file.

   Similar to the stated need for those prior bills, the sponsor of this bill argues that the current criminal threats statute, Penal Code section 422, does fit well into instances of threats of violence at specific locations such as schools because often times threats posted on social media do not specify a targeted individual. Rather, the threat oftentimes applies to anyone present at those locations. Background materials provided by the author of this bill listed instances where the court dismissed charges because a specific individual was not the target of the threat. However, courts' reading of the law appears to be mixed in various jurisdictions.

   Examples from cases illustrate the existing law's application to threats of violence made to a group of people rather than naming a specific person as the target can be found in case law. In *In re L.F.* (June 3, 2015, A142296) [nonpub. opn.], the adjudged minor was a Fairfield High School student who posted on her Twitter account that she planned to bring a gun to school and shoot people. While she did note specified areas of the school and one of the campus monitors by name in some of her posts, her Tweets were generally targeted at all of the students and staff at the school. The petition filed against the minor alleged that the minor had made criminal threats against "Fairfield High School students and staff" instead of listing specific persons. (*Id.* at p. 4.) The appellate court affirmed the juvenile court's ruling that the minor had violated the existing criminal threats statute. (*In re L.F.*, *supra*, A142296 at p. 8.) This interpretation of the law is consistent with older case law that says a true threat may be made to a particular individual or group of individuals." (*Virginia v. Black* (2003) 538 U.S. 343, 359, citing *Watts v. United States* (1969) 394 U.S. 705, 708.)

   Another example showing that the current law is applicable regardless whether the threat was made to an individual or a group of people is *In re A.G.* (2020) 58 Cal.App. 5th 647 where the adjudged minor was convicted of criminal threats after a Snapchat image showed that he was going to bring a gun to school with a picture of a gun. The Snapchat image did not include the name of the school or any individuals and the minor later posted that it was all a joke, however the court found that it was sufficient under the law that an individual and a teacher saw the post and were in sustained fear. (*Id.* at pp. 656-657.)

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[1] For a summary of all similar prior legislation, see note 8 below.

Also illustrated in the cases above, Penal Code section 422 does not require the statement of deadly harm to be true, it can be used to prosecute false statements as well. Specifically, the statute states that the speaker need not have intent to carry out the act of violence. (Pen. Code, § 422.)

This bill creates a similar offense to existing Penal Code section 422 but contains differences on which persons may be in sustained fear of the threat and specifies that the crime is applicable to threats against schools and places of worship, as defined. This bill also contains language specifying that the bill's provisions do not preclude or prohibit prosecution under any other law, except that a person shall not be convicted for the same threat under both this section and Section 422 which acknowledges that threats of similar nature may be covered under either existing law or the new law created by this bill. Additionally, as pertinent to places of worship, general threats which threaten injury to persons or property can also be prosecuted under hate crime laws or a violation of Penal Code section 11412.

4) **Argument in Support**: According to Association of *California School Administrators*, "Schools across the United States and in California have seen an increase in the number of threats of violence. These threats of mass shootings, bombs, and other attacks disrupt student learning, create community-wide anxiety about school safety, and cause school attendance rates to decrease because worried parents keep their children home. Places of worship have also been targeted by criminal threats. According to the 2023 Hate Crime in California Report by the California Department of Justice, religious-based hate crimes have increased in California.

"Section 422 of the California Penal Code makes it a crime to threaten to commit death or great bodily injury to another person if the threat is so unequivocal and specific as to cause the threatened person to reasonably fear for their safety. However, unless a specific person is identified in the threat, prosecutors are unable to meet the elements of Section 422. This bill clarifies that a threat to commit death or great bodily injury to any person on the grounds of a school or place of worship, even if a specific person is not identified in the threat, is considered criminal activity so long as the other elements of Section 422 are met.

"SB 19 would protect students, teachers, and visitors to places of worship from the fear and trauma of criminal threats by making it unlawful to threaten to commit a crime that will result in death or great bodily injury at a school or place of worship."

5) **Argument in Opposition**: According to *Disability Rights California*, "California law already criminalizes threats of violence against schools and places of worship, even when no specific individual is named. In fact, the Senate's own Public Safety, Appropriations, and Floor Analyses have consistently confirmed that current statutes, including Penal Code § 422, are sufficient. The Senate Appropriations Committee rightly noted that courts have upheld convictions for general threats that don't name specific individuals—undermining claims that this bill addresses a gap in the law.

"SB 19 is not 'closing a loophole'—it is expanding California's already bloated criminal code. Former Governor Jerry Brown vetoed a virtually identical bill, SB 110 (2015), cautioning that "the offensive conduct covered by this bill is already illegal," and pointing to

the state's over 5,000 criminal statutes as cause for pause. Continuing to pile on new crimes does nothing to improve public safety—and everything to expand mass incarceration.

"Recent court decisions illustrate the dangers of overreach. In one case, a high school student was convicted for posting a photo of a fake gun to Snapchat with the caption, "Everybody goes to school tomorrow. I'm taking gum [sic]." Though clearly a pun and not directed at anyone, the courts still found the post a criminal threat. Cases like these highlight how existing laws already stretch the bounds of fairness—SB 19 would make matters worse.

"Instead of criminalizing youth, we should invest in support. According to the ACLU's 2019 report Cops and No Counselors, millions of students attend schools with police officers but no counselors, nurses, psychologists, or social workers. This over-policing disproportionately harms Black students, students with disabilities, and Black and Native American girls. SB 19 would deepen these disparities and reinforce California's reputation as a leader in incarceration, not education or equity."

6) **Related Legislation**: AB 237 (Patel) would create a new crime, punishable as a wobbler, for a person to willfully threaten to commit a crime that will result in great bodily injury or death at a daycare, school, university, workplace, house of worship, or medical facility, as specified. AB 237 specifies that a minor who commits the new offense is punishable by a misdemeanor. AB 237 is pending hearing by the Senate Committee on Public Safety.

7) **Prior Legislation**:

   a) SB 796 (Alvarado-Gil), of the 2023-2024 Legislative Session, would have created a new criminal threats statute for threats of violence to occur on the grounds of a school or place of worship. SB 796 was held in the Assembly Appropriations suspense file.

   b) SB 1330 (Borgeas), of the 2021-2022 Legislative Session, would have prohibited maliciously informing any other person that a terror incident, as defined, will occur at any school or place of worship, as defined, or at any school-sponsored event, knowing that the information is false. SB 1330 failed passage in Senate Public Safety Committee.

   c) AB 907 (Grayson), of the 2019-2020 Legislative Session, was substantially similar to SB 796 except the maximum penalty for minor who commit the offense was a misdemeanor, rather than an alternate felony-misdemeanor. AB 907 was held in the Senate Appropriations Committee.

   d) AB 2768 (Melendez), of the 2017-2018 Legislative Session, would have created a new criminal threats statute specific to threats made against administrators of a school or place of worship. AB 2768 was held in the Assembly Appropriations Committee.

   e) SB 110 (Fuller), of the 2015-2016 Legislative Session, would have made it an alternate felony-misdemeanor offense for any person to willfully threaten unlawful violence that will result in death or great bodily injury to occur on the grounds of a school, as defined, where the threat creates a disruption at the school. SB 110 was vetoed by the Governor.

   f) SB 456 (Block), of the 2015-2016 Legislative Session, would have specified that any person who threatens to discharge a firearm on the campus of a school, as defined, or

location where a school-sponsored event is or will be taking place, is guilty of an alternate felony-misdemeanor. SB 456 was vetoed by the Governor

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association (Sponsor)
Anti Defamation League
Arcadia Police Officers' Association
Association of California School Administrators
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of Private School Organizations
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
California School Employees Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Hadassah
Hindu American Foundation, INC.
JCC/Federation of San Luis Obispo
JCRC Bay Area
Jewish Community Federation and Endowment Fund
Jewish Community Relations Council, Santa Barbara
Jewish Council for Public Affairs
Jewish Democratic Club of Marin
Jewish Family & Community Services East Bay
Jewish Family and Children's Service of Long Beach and Orange County
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties
Jewish Family Service of San Diego
Jewish Family Service of the Desert
Jewish Family Services of Silicon Valley
Jewish Federation Los Angeles
Jewish Federation of Orange County
Jewish Federation of San Diego
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Free Loan Association
Jewish Long Beach
Jewish Public Affairs Committee

League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
San Diegans for Gun Violence Prevention

Opposition

ACLU California Action
Alliance for Boys and Men of Color
Alliance for Children's Rights
Black Organizing Project
Black Parallel School Board
California Alliance for Youth and Community Justice
California Public Defenders Association
Californians for Justice
Californians United for a Responsible Budget
Disability Rights California
Disability Voices United (DVU)
East Bay Community Law Center
Ella Baker Center for Human Rights
Fresh Lifelines for Youth
ICC=integrated Community Collaborativa
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Physicians for Social Responsibility/Sacramento
Public Counsel
San Francisco Public Defender
Sister Warriors Freedom Coalition
The Collective for Liberatory Lawyering
The Council of Parent Attorneys and Advocates
Youth Law Center

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744

Date of Hearing: July 1, 2025
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 248 (Rubio) – As Amended June 24, 2025

SUMMARY: Requires the Department of Justice (DOJ) to mail a letter to the listed residential address of any person who applies to purchase or acquires a firearm, as defined. Specifically, **this bill:**

1) Requires DOJ to mail a letter to the listed residential address of any person who notifies DOJ of applying to purchase or acquiring a firearm in the State, as defined, including all of the following and any other information the department deems relevant to firearm ownership:

   a) The importance of secure storage of firearms, including, at a minimum, a summary of applicable secure storage and child access prevention laws;

   b) Overview of basic state and federal laws and obligations related to gun ownership and possession in California;

   c) Information and data about the risks of gun purchase, ownership, and possession;

   d) Information on how to legally transfer or relinquish a firearm;

   e) Information and resources regarding gun violence restraining orders;

   f) Information and resources related to suicide prevention; and,

   g) Information and resources related to domestic violence.

EXISTING LAW:

1) Prohibits the sale, lease, or transfer of firearms unless the person has been issued a license by the DOJ, and establishes various exceptions to this prohibition. (Pen. Code, §§ 26500 – 26625.)

2) Provides that transfers go through a licensed dealer requirement, including for the transfer of a firearm by bequest or intestate succession, or to a surviving spouse, or transfers by a person acting pursuant to operation of law, a court order, or pursuant to other specified laws, including defined exemptions. (Pen. Code, §§ 26505, 26515.)

3) Provides that where neither party to a firearms transaction holds a dealer's license (i.e., a "private party transaction"), the parties shall complete the transaction through a licensed firearms dealer, with defined exemptions. (Pen. Code, §§ 27545 – 27970.)

4) States that certain firearms transferors and transferees report a transfer to the DOJ under specified circumstances. (Pen. Code, §§ 27560 – 27966.)

5) Provides that a person exempt from the requirement that a private party transaction occur through a licensed dealer or is otherwise exempt from reporting the acquisition, ownership, destruction, or disposal of a firearm, or who moves out of state with the firearm, may report that information to the DOJ in a format prescribed by the department. (Pen. Code, § 28000.)

6) Requires firearms dealers to keep a register or record of electronic or telephonic transfer of firearms (also known as the Dealers' Record of Sale, or DROS), unless certain specified circumstances apply. (Pen. Code, § 28100.)

7) Establishes the DROS Special Account within the General Fund, which shall be available, upon appropriation by the Legislature, for expenditure by the department to offset the reasonable costs of firearms-related regulatory and enforcement activities related to the sale, purchase, manufacturing, lawful or unlawful possession, loan, or transfer of firearms, as specified. (Pen. Code, § 28233.)

8) Requires the DOJ to develop firearm safety certificates (FSC's) for issuance by instructors who have complied with specified requirements regarding firearm safety, and which expire five years after the date of issuance. (Pen. Code, § 31655, subds. (a), (c).)

9) Provides that a licensed firearm dealer shall not deliver a firearm unless the person receiving the firearm presents to the dealer a valid FSC. The firearm dealer shall retain a photocopy of the FSC as proof of compliance. (Pen. Code, § 26840, subd. (a).)

10) States that a person shall not sell, deliver, loan, transfer, purchase, or receive any firearm, except an antique firearm, without a valid FSC, except that in the case of a handgun, an unexpired handgun safety certificate may be used. (Pen. Code, § 31615, subd. (a).)

11) Requires the DOJ to prepare a pamphlet that summarizes California firearms laws as they pertain to persons other than law enforcement officers or members of the armed services. (Pen. Code, § 34205, subds. (a)-(b).)

12) Requires the DOJ to offer copies of the pamphlet above at actual cost to firearms dealers who shall have copies of the most current version available for sale to retail purchasers or transferees of firearms. (Pen. Code, §§ 26865, 34205, subd. (c).)

13) Requires the DOJ to prepare a pamphlet in several languages that explains the reasons for and risks of owning a firearm and bringing a firearm into the home, including the increased risk of death to someone in the household by suicide, homicide, or unintentional injury. (Pen. Code, § 34210.)

14) Requires licensed firearm dealers to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the most current version of the pamphlet at the start of the 10-day waiting period. (Pen. Code, § 26866.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "It is alarming to see how we have normalized gun violence in this country. As a former classroom teacher, I am heartbroken every time I hear of another shooting at a school or the death of a young child because of gun violence. Our families – our children – need to know we take this seriously. California has taken significant steps to support responsible gun ownership and reduce gun violence, but too many Californians are still suffering. Their deaths are preventable, and SB 248 will help by expanding awareness about gun safety laws, suicide prevention, and domestic violence."

2) **Reporting Firearm Ownership in California:** DOJ maintains a robust system of firearm transfer and ownership records comprised of several interrelated databases. Under existing law, almost all firearm transactions must be completed through a licensed firearm dealer, which collects specified information about the purchaser or transferee pursuant to the DROS process and transfers that information to DOJ via the DROS Entry System (DES). (Pen. Code, § 26500.)[1]

   While most reports of firearm ownership are reported to DOJ via the DROS process, existing law requires individuals to report firearm ownership, acquisition, and transfer to the DOJ in a host of situations where dealers are not involved. (See, e.g., Pen. Code, §§ 27560, 27565.) These situations include, but are not limited to, new residents entering the state with a firearm, acquisitions of curios and relics, certain probate transfers and transfers by operation of law, transfers of a firearm to a museum or institutional collection, and intra-familial firearm transactions. (See Pen. Code, §§ 27560 – 27966.) Existing law also allows for voluntary reporting of firearm ownership or acquisition by individuals who are not otherwise required by law to report ownership or acquisition to the DOJ. (Pen. Code, § 28000.) While the forms required to complete these reports are available on the DOJ website with instructions to submit the form by mail to the DOJ, most reporting can be completed through the California Firearms Application Reporting System, or (CFARS).[2]

   This bill would institute another mailer requirement for those who notify the DOJ that they have applied to purchase or acquired a firearm under particular circumstances, including: 1) "firearm importers" (i.e., new California residents who bring a gun into the state); 2) individuals who acquire a firearm as a gift, bequest or via intestate succession, provided the transfer is intra-familial; 3) individuals who take title or possession of a firearm by operation of law, or import a firearm in their capacity as an executor, personal representative, or administrator of an estate and 4) individuals who voluntarily report firearm ownership or acquisition.

3) **Firearm Safety Certificates (FSC's):** Existing law requires most individuals who acquire a firearm to possess certain knowledge regarding the operation of firearms and firearms laws via the FSC requirement. (Pen. Code, §§ 26840, subd. (a).) Exemptions were provided for specific classes of individuals who did not need to obtain a firearm safety certificate, such as peace officers, persons with concealed carry permits, and for specific firearm transfers. (See

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[1] See also *Firearms Reporting & Law Enforcement Release Application,* California Department of Justice <https://oag.ca.gov/firearms/online-reporting#if> [as of June 18, 2025].
[2] *Ibid.*

Pen. Code, § 31700 et. seq.) SB 1080 (Committee on Public Safety), of the 2009-10 Legislative Session, required DOJ to prepare a pamphlet that summarizes California firearms laws as they pertain to a person other than law enforcement officers of members of the armed services. (Pen. Code, §§ 26865, 34205.) This pamphlet included, but was not limited to, the following: lawful possession, licensing procedures, transportation and use of firearms, the acquisition of hunting licenses, and other provisions as specified. (*Ibid.*)

Beginning in 2015, the DOJ was required to develop an FSC instruction manual and make the manual available to licensed firearms dealers, who were in turn required to provide the manual to the public. (Pen. Code, § 31630.) These materials educate the public about their legal responsibilities and risks related to firearm ownership, while also including information on firearm accidents and misuse. (*Ibid.*) Given the limited data on this type of regulation, it is unclear whether this requirement will generate the desired public safety outcomes.

4) **Prior Study on Letters to Gun Owners:** An interagency group comprised, in part, of the DOJ, the Los Angeles Police Department (LAPD), and the Los Angeles City Attorney's Office, collaborated to conduct research oriented towards understanding the workings of illegal gun markets in Los Angeles.[3] When a resident located in one neighborhood purchased a firearm, DOJ would notify the LA City Attorney's office and letters were sent randomly to approximately half of such purchasers.[4] This letter, among other things, outlined the requirements for properly transferring a firearm and reminded recipients that noncompliance was a crime.[5]

   Ultimately, the experiment found that sending the letter seemed to have some impact, specifically on reporting lost firearms, in the initial period after the letter was sent but those effects weakened over time.[6] The study found more reporting of lost or stolen firearms during the letter period compared to the no-letter period, when zero guns were reported lost or stolen, but the statistical significance of the results was unclear.[7] While the study represents useful context, given the time that has elapsed since the study was conducted and the different categories of gun owners that this bill impacts compared to the study, it is uncertain whether this data provides any insight into the impacts of this bill on preventing gun violence.

5) **Existing Requirements for Firearms Transferees:** Existing law imposes several requirements on DOJ related to providing purchasers and transferees of firearms with information similar to the information required under this bill. Specifically, existing law requires DOJ to prepare a pamphlet (hereinafter, "Firearms Laws Pamphlet") that summarizes California firearms laws and covers other firearm-related topics as they pertain to persons other than law enforcement officers and military personnel. (Pen. Code, § 34205, subd. (a).) While the pamphlet is not required to be distributed to firearm purchasers, dealers must have these pamphlets available for firearm purchasers or transferees. (Pen. Code, § 34205, subd. (c).)

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[3] Ridgeway, et al., *Strategies for Disrupting Illegal Firearm Markets: A Case Study of Los Angeles* (Feb. 2013) at pp. 35-39 <https://www.ojp.gov/pdffiles1/nij/grants/241135.pdf> [as of June 18, 2025].
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*

Additionally, existing law requires DOJ to prepare a different pamphlet (hereinafter, "Firearms Risks Pamphlet") that explains the reasons for and risks of owning a firearm. (Pen. Code, § 34210, subd. (a).) Unlike the Firearms Laws Pamphlet, existing law *requires* licensed dealers to provide the Firearms Risks Pamphlet to any firearm purchaser or transferee, as specified. (Pen. Code, § 26866.)

This bill requires the DOJ, beginning July 1, 2027, to provide certain information regarding firearm ownership to specified individuals who apply to purchase a firearm or acquire a firearm in the State. The bill requires DOJ to mail a letter, distinct from the Firearms Laws Pamphlet and the Firearms Risks Pamphlet, to these individuals generally containing information on the following topics: safe storage, basic laws and obligations of firearm ownership, risks of firearm ownership, how to transfer or relinquish a firearm, gun violence restraining orders (GVROs), suicide prevention, and domestic violence. The bill does not require DOJ to send this information to every firearm purchaser or transferee. While the data connecting mailing informational materials to firearms applicants and owners with improved public safety outcomes is unsettled, the requirements of this bill likely would lead to thousands of people receiving important educational and legal information regarding firearms.

6) **Argument in Support**: According to the *California Police Chiefs Association*, "By requiring the Department of Justice to mail a letter containing information on topics such as secure storage, child access prevention laws, suicide prevention, gun violence restraining orders, and legal transfer requirements, this bill fills an essential gap in public safety outreach.

"As law enforcement leaders, CPCA members are deeply committed to protecting communities through both enforcement and prevention. Education plays a crucial role in responsible firearm ownership, and SB 248 equips new owners with critical knowledge that can help prevent accidents, suicides, and incidents of domestic violence involving firearms.

"SB 248 will help ensure that all gun owners, regardless of how they acquired their firearms, are made aware of their responsibilities under California law."

7) **Argument in Opposition**: According to the *California Rifle and Pistol Association*, "I write to express our strong opposition to Senate Bill 248. CRPA, founded in 1875, works tirelessly to defend the civil and constitutional rights of individuals who choose to own and use firearms responsibly. CRPA promotes recreational shooting sports and provides safety, education, and skills training to enable all persons a safer recreational experience and the ability to defend themselves and others. CRPA has promoted firearms safety for 150 years.

"The author is bringing forth legislation that will require the California Department of Justice (CADOJ) to send out information to any resident who per Section 27560, 27875, 27920 or 28000 of the California Penal Code. The funding for this new task is coming from the already overburdened Dealer Record of Sale (DROS) Special Account. The DROS Special Account is for the purpose of fulfilling the mission of CADOJ as directed by the legislature. The CADOJ still has over twenty-five thousand criminals in the Armed Prohibitive Persons System (APPS) that they have yet to apprehend and diverting their attention and resources to this bill's intent does not make Californian's safer.

"The bill in its current form is designed to discourage firearm's ownership often when people are at their most vulnerable moment. When people move from another state to California (27560), when receiving upon the passing of a loved one (27875) or in the remaining cases individuals are already receiving this information while acquiring their Firearms Safety Certificate (FSC). The information requested by the author is already on display at Federal Firearms License Dealers and Firearms Trainers statewide. The intent seems to be to discourage firearm's ownership during a stressful moment instead of affirming their safety through exercising their constitutional right.

"The CRPA is in support of getting firearms out of the hands of criminals but does not support criminalizing the law-abiding. Previous reports highlight that the Department of Justice (CADOJ) has limited financial resources to handle additional responsibilities. CADOJ has repeatedly fallen short of legislative expectations in implementing laws passed by the legislature over several years. CADOJ has numerous current projects that seem to be unable to meet general performance standards to keep Californians safe."

8) **Related Legislation**:

a) AB 1316 (Addis) would require the DOJ, beginning July 1, 2027, to ensure that every person who purchases a hunting license receives, at minimum, information on certain topics related to firearms. AB 1316 was held in the Assembly Appropriations Committee.

b) SB 320 (Limon) would require DOJ to develop and launch a system to allow a person who resides in California to voluntarily add their own name to, and subsequently remove their own name from, the California Do Not Sell List, to prevent the sale or transfer of a firearm to a person who adds their name. SB 320 was held in the Senate Appropriations Committee.

9) **Prior Legislation**:

a) SB 724 (Fong), Chapter 238, Statutes of 2023, requires these instructional and testing materials to be available in Chinese, Tagalog, Vietnamese, Korean, Dari, and Armenian.

b) AB 1483 (Valencia), Chapter 246, Statutes of 2023, adds an exemption for any private party transaction where the seller is, at the time of the transaction, required under state law or by court order to relinquish all firearms, and for any private party transaction where the seller is transferring the firearms as a result of the death of the owner of the firearms, as specified.

c) AB 1133 (Schiavo), of the 2023-2024 Legislative Session, would have required the Department of Justice to develop, evaluate, update, maintain, and publish a standardized curricula for a license to carry a concealed firearm. AB 1133 was held in suspense in the Senate Appropriations Committee.

d) AB 2883 (Ting), of the 2021-22 Legislative Session, would have required the DOJ to mail notifications to all firearm owners of record within the City of San Jose informing them of any city code or ordinance imposing any new requirement upon firearm owners within the city, and would have required the city to pay the cost of processing and mailing the notifications. This bill was held in suspense in the Assembly Appropriations

Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Brady California
Brady Campaign
Brady United Against Gun Violence
California Police Chiefs Association
Center for Employment Opportunities
Consumer Protection Policy Center/usd School of Law
Everytown for Gun Safety Action Fund
Giffords Law Center to Prevent Gun Violence
San Diegans for Gun Violence Prevention

Oppose

California Rifle and Pistol Association, INC.
Gun Owners of California, INC.

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: July 1, 2025
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 380 (Jones) – As Amended May 23, 2025

SUMMARY: Requires the State Department of State Hospitals (DSH) to conduct an analysis of the benefits and feasibility of establishing transitional housing facilities for the conditional release program (CONREP) for sexually violent predators (SVP). Specifically, **this bill**:

1) Requires the findings of the analysis in a report to be submitted to the Legislature on or before January 1, 2027.

2) Contains an urgency clause so that its provisions may go into effect immediately.

EXISTING LAW:

1) Provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be an SVP after the person has served their prison commitment. This is known as the Sexually Violent Predator Act ("SVPA"). (Welf. & Inst. Code, § 6600, et seq.)

2) Defines an SVP as "a person who has been convicted of a sexually violent offense against at least one victim, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior." (Welf. & Inst. Code, § 6600, subd. (a)(1).)

3) States that when the Secretary of the Department of Corrections and Rehabilitation (CDCR) determines that an individual who is in custody serving a determinate prison sentence or whose parole has been revoked, may be a SVP, the secretary shall, at least six months prior to that individual's scheduled date for release from prison, refer the person for evaluation by DSH. (Welf. & Inst. Code, § 6601, subd. (a)(1).)

4) Requires DSH to evaluate the person in accordance with a standardized assessment protocol, which shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder. (Welf. & Inst. Code, § 6601, subd. (c).)

5) Provides that the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of DSH. If both evaluators concur that the person has a diagnosed mental disorder so that the person is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of DSH shall forward a request for a petition for commitment. (Welf. & Inst. Code, § 6601, subd. (d).)

6) States that no person may be placed in a state hospital pursuant to the SVPA until there has been a determination that there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior. (Welf. & Inst. Code, § 6602.5, subd. (a) and (g).)

7) Entitles a person subject to a SVP petition to a trial by jury and unanimous verdict, to the assistance of counsel, to the right to retain experts or professional persons to perform an examination on the person's behalf, and to have access to all relevant medical and psychological records and reports. If the person is indigent, the court shall appoint counsel to assist that person and, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. (Welf. & Inst. Code, § 6603, subd. (a).)

8) States that if DSH determines that the person is a SVP, the Director of DSH shall forward a request for a petition to be filed for commitment to the designated county no less than 20 calendar days prior to the scheduled release date of the person. Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county who may file a petition for commitment in the superior court if they concur with the recommendation. (Welf. & Inst. Code, § 6601, subd. (h).)

9) Requires a court to notify DSH of the outcome of the trial by forwarding to the department a copy of the minute order of the court within 72 hours of the decision. (Welf. & Inst. Code, § 6603, subd. (h).)

10) Permits a person committed as an SVP to be held for an indeterminate term upon commitment. (Welf. & Inst. Code, §§ 6604 and 6604.1.)

11) Establishes a process whereby a person committed as an SVP can petition for conditional release or an unconditional discharge any time after one year of commitment, notwithstanding the lack of recommendation or concurrence by the Director of DSH. (Welf. & Inst. Code, § 6608, subds. (a), (f) and (m).)

12) Provides that if the petition is made without the consent of the director of the treatment facility, no action may be taken on the petition without first obtaining the written recommendation of the director of the treatment facility. (Welf. & Inst. Code, § 6608, subd. (e).)

13) Provides that if the Director of DSH determines that the inmate's diagnosed mental disorder has so changed that the inmate is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the Director will forward a report and recommendation for conditional release. (Welf. & Inst. Code, § 6604.)

14) States that a hearing upon the petition for conditional release shall not be held until the person who is committed has been under commitment for confinement and care in a facility designated by the Director of DSH for not less than one year from the date of the order of commitment. A hearing upon the petition shall not be held until the community program director designated by DSH submits a report to the court that makes a recommendation as to the appropriateness of placing the person in a state-operated forensic conditional release program. (Welf. & Inst. Code, § 6608, subd. (f).)

15) Requires the court to hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that the person will engage in sexually violent criminal behavior due to the person's diagnosed mental disorder if under supervision and treatment in the community. (Welf. & Inst. Code, § 6608, subd. (g).)

16) Provides that before placing a person on conditional release, the community program director designated by the DSH must recommend the program most appropriate for supervising and treating the person. (Welf. & Inst. Code, § 6608, subd. (h).)

17) Provides that if the court determines that the person should be transferred to a state-operated forensic conditional release program, the community program director, or their designee, shall make the necessary placement arrangements and, within 30 days after receiving notice of the court's finding, the person shall be placed in the community in accordance with the treatment and supervision plan unless good cause for not doing so is presented to the court. (Welf. & Inst. Code, § 6608, subd. (i).)

18) States that in a conditional release hearing, the committed person shall have the burden of proof by a preponderance of the evidence, unless the required report determines that conditional release to a less restrictive alternative is in the best interest of the person and that conditions can be imposed that would adequately protect the community, in which case the burden of proof shall be on the state to show, by a preponderance of the evidence, that conditional release is not appropriate. (Welf. & Inst. Code, § 6608, subd. (k).)

19) Requires a person who is released on outpatient status or granted conditional release to be monitored by a global positioning system (GPS) until the person is unconditionally discharged. (Welf. & Inst. Code, § 6608.1.)

20) Provides that a person who is conditionally released shall be placed in the county of domicile of the person prior to the person's incarceration, unless both of the following conditions are satisfied:

    a) The court finds that extraordinary circumstances require placement outside the county of domicile; and

    b) The designated county of placement was given prior notice and an opportunity to comment on the proposed placement of the committed person in the county. (Welf. & Inst. Code, 6608.5, subd. (a).)

21) States that the county of domicile shall designate a county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for persons committed as SVPs who are about to be conditionally released. (Welf. & Inst. Code, § 6608.5, subd. (d).)

22) Specifies that in recommending a specific placement for community outpatient treatment, the DSH or its designee shall consider all of the following:

    a) The concerns and proximity of the victim or the victim's next of kin; and

b) The age and profile of the victim or victims in the sexually violent offenses committed by the person subject to placement. The "profile" of a victim includes, but is not limited to, gender, physical appearance, economic background, profession, and other social or personal characteristics. (Welf. & Inst. Code, § 6608.5, subd. (e)(1)-(2).)

23) Prohibits a conditionally released SVP from being placed within one-quarter mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if either of the following conditions exist:

a) The person has previously been convicted of child molestation or continuous sexual abuse of a child; or

b) The court finds that the person has a history of improper sexual conduct with children. (Welf. & Inst. Code, § 6608.5, subd. (f)(1-2).)

24) States that if the court determines that placement of a person in the county of their domicile is not appropriate, the court shall consider the following circumstances in designating his or her placement in a county for conditional release:

a) If and how long the person has previously resided or been employed in the county; and,

b) If the person has next of kin in the county. (Welf. & Inst. Code, § 6608.5, subd. (g)(1)-(2).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "Senate Bill 380 implements a California State Auditor's recommendation by requiring the Department of State Hospitals (DSH) to conduct a feasibility study on utilizing transitional housing in the Forensic Conditional Release Program (CONREP) for Sexually Violent Predators (SVPs).

"In 2023, the Joint Legislative Audit Committee approved an audit of the CONREP process. The audit found that DSH has encountered numerous hurdles in securing suitable housing for program participants. These challenges include complex program requirements designed to ensure public safety, a scarcity of property owners willing to rent for the program, and significant public opposition to placing SVPs in local communities. Consequently, placements have taken an average of 17 months—far exceeding the 30-day period mandated by state law.

"The audit recommended that DSH explore establishing state-owned transitional housing by analyzing its benefits and feasibility; however, DSH declared that it would not implement this recommendation.
"By mandating a feasibility study, SB 380 ensures that DSH and the Legislature will have the necessary data to evaluate whether state-owned transitional housing can improve the efficiency and effectiveness of the SVP placement process while maintaining public safety."

2) **Sexually Violent Predator Act (SVPA)**: Enacted in 1996, the SVPA authorizes an involuntary civil commitment of any person "who has been convicted of a sexually violent offense … and who has a diagnosed mental disorder that *makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior*." (Emphasis added.) (Welf. & Inst. Code, § 6601, subd. (a).) The SVPA was designed to accomplish the dual goals of protecting the public, by confining violent sexual predators likely to reoffend, and providing treatment to those offenders. "Those committed pursuant to the SVPA *are to be treated not as criminals, but as sick persons. They are to receive treatment for their disorders and must be released when they no longer constitute a threat to society*." (Emphasis added.) (*People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774, 783, citing Welf. & Inst. Code, § 6250.)

Civil commitment is not a prison sentence. Once a person has been deemed no longer a threat to public safety, they must, as a matter of law, be released from custody. Involuntary commitment under the SVPA only begins after a person has completed their prison sentence. Originally, the SVP law provided for an initial commitment of two years and then a review every two years thereafter. However, the law was amended in 2006 through enactment of Proposition 83 ("Jessica's Law") and now provides for indeterminate commitments for persons found to be a SVP. (Welf. & Inst. Code, § 6604.)

A SVP is a person convicted of specified sex offenses against at least one person and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior. (Welf. & Inst. Code, § 6600, subd. (a)(1).)[1] The SVPA has survived due process challenges because the committed person "may not be held in civil commitment when he or she no longer meets the requisites of such commitment" (i.e., the person has the opportunity for release). (See *People v. McKee* (2010) 47 Cal.4th 1172, 1193; see also *Kansas v. Hendricks* (1997) 521 U.S. 346; *People v. McKee* (2012) 207 Cal.App.4th 1325; *People v. Superior Court (Karsai)* (2013) 213 Cal.App.4th 774.)

Due to the significant deprivation of a person's liberty while SVP proceedings are conducted, and potentially indefinitely after being committed as an SVP, the California Supreme Court recently held that all trial courts in the state are required to advise criminal defendants prior to accepting a plea to an offense enumerated in the SVPA, or in cases where the court is aware that the defendant has a prior conviction for such an offense, of potential consequences related to the SVPA. (*In re Tellez* (2024) 17 Cal.5th 77, 92.)

a. Process of SVP designation:

When the Department of Corrections and Rehabilitation (CDCR) determines that an inmate "may be a sexually violent predator," the CDCR Secretary refers the inmate to the DSH for a thorough evaluation. (*Hubbart v. Superior Court* (1999) 19 Cal.4th 1138, 1145; Welf. & Inst., § 6601, subd. (b).) A "diagnosed mental disorder" for purposes of determining whether someone is a SVP means a "congenital or acquired condition affecting the emotional or

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[1] Sexually violent offenses include: rape, rape with a foreign object, aggravated sexual assault of a child, sodomy, forcible oral copulation, child molestation, continuous sexual abuse of a child, sexual penetration, kidnapping with the intent to commit a listed sex offense, and assault with intent to commit a listed sex offense. (Welf. & Inst. Code, § 6600, subd. (b).)

volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others." (Welf. & Inst. Code, § 6600, subd. (c).)

An evaluation "must be conducted by at least two practicing psychiatrists or psychologists in accordance with a standardized assessment protocol[.]" (Welf. & Inst. Code, § 6601, subd. (c)-(d).) If the two evaluators agree the inmate is likely to reoffend without treatment or custody due to their mental disorder, the Director of DSH must request a petition for commitment pursuant to the Welfare and Institutions Code section 6602 to the county in which the inmate was last convicted. (Welf. & Inst. Code, § 6601, subd. (d).) Thereafter, the county district attorney, or other designated attorney by the county, will file a petition for civil commitment. Due process requires any deprivation of liberty by the state requires notice and a meaningful opportunity to be heard.

Accordingly, a court then reviews the petition and determines whether there is probable cause to believe the inmate "is likely to engage in sexually violent predatory criminal behavior upon their release. (Welf. & Inst. Code, § 6602.5.) A person subject to a SVP petition is entitled to a jury trial and unanimous verdict. Similarly, the county prosecutor has the right to demand a jury trial. (Welf. & Inst. Code, § 6603.) If a jury trial is not demanded, the trial shall be before the court. (*Ibid.*) If the court or jury determines beyond a reasonable doubt that the person is a sexually violent predator, the person [is] committed for an indeterminate term" to a state mental hospital "for appropriate treatment and confinement." (Welf. & Inst. Code, § 6604.)

DSH must conduct a yearly examination of a SVP's mental condition and submit an annual report to the court. This annual review includes an examination by a qualified expert. (Welf. & Inst. Code, § 6604.9.)

If the Director of DSH determines that the inmate's diagnosed mental disorder has so changed that the inmate is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the Director will forward a report and recommendation for either unconditional discharge or conditional release. (Welf. & Inst. Code, § 6604.9.) If the court at the hearing determines that the SVP would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court will order the person placed with an appropriate forensic conditional release program operated by the state for one year, a substantial portion of which is required to include outpatient supervision and treatment. (Welf. & Inst. Code § 6608, subd. (f).)

After a judicial determination that a person would not be a danger to the health and safety of others (i.e., in that it is not likely that the person will engage in sexually violent criminal behavior due to the person's diagnosed mental disorder while under supervision and treatment in the community), they will be placed in their pre-incarceration county of domicile, unless the court finds that extraordinary circumstances require placement outside the county domicile. (Welf. & Inst. Code § 6608.5, subd. (a); see Welf. & Inst. Code § 6608.5, subd. (b).)

b. Restrictions on Conditionally Released SVPs

A conditionally released SVP is deemed by DSH and the courts to no longer pose a danger to the community and may be treated in the community rather than confinement in the state hospital. However, a conditionally released SVP is tightly monitored and supervised in the community. A person released as an SVP may not be released to any residence that is within one-quarter mile of any public or private school providing instruction in kindergarten or any grades 1 through 12, inclusive, if the person has been previously convicted of child molestation or continuous sexual abuse of a child or if the court finds the person has a history of improper sexual conduct with children. (Welf. & Inst. Code, § 6608.5, subd. (f)(1)-(2).) Additionally, a conditionally released SVP must be monitored by a global positioning system (GPS) until they are unconditionally released. (Welf. & Inst. Code, § 6608.1.) Violations of the terms and conditions of release set by the court may result in revocation of conditional release and return to the hospital.

3) **DSH CONREP**: When patients civilly committed under the SVPA are granted conditional release by a court, they will enter community treatment and supervision under CONREP. Placement of a person who will be conditionally released is strictly regulated by law, and is determined on an individual basis, with community safety being the top priority.[2] Only about 5% of SVPs have been conditionally released, and to date not a single person who has been released has committed a sexual contact offense while in the program.[3]

   CONREP consists of intensive community based treatment with 24-hour electronic monitoring, with gradual steps towards increased community integration, depending on treatment progress. It is designed in accordance with best practice standards. It relies on a broad range of services that are flexibly applied based on each patient's risk-assessment profile and treatment needs. Some of the tools used include polygraph examinations, covert surveillance, announced and unannounced home visits, electronic monitoring, monitoring of approved electronic devices, drug testing, property searched, banking and expense reviews, approval of travel (including routes of travel) for all time outside the residence, assessments of sexual arousal (plethysmography) and sexual interest (Abel assessments), collateral contacts with significant people in the patient's life, chaperone training, and life skills training.[4]

   DSH contracts with Liberty Health Care to provide SVP CONREP services throughout the state.[5] The placement process for a CONREP participant begins when a court determines that the person meets the legal criteria for CONREP and orders conditional release. This process is guided by both statutory law and court oversight.

   A person eligible for conditional release must be placed in the county of domicile prior to the person's incarceration unless the court finds that extraordinary circumstances require placement outside the county of domicile and the designated county of placement was given prior notice and an opportunity to comment on the proposed placement of the committed person in the county. (Welf. & Inst. Code, § 6608.5, subd. (a).) A person eligible for conditional release who has a history of sexual conduct with children "shall not be placed

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[2] See DSH Fact Sheet on SVP CONREP, March 2025, https://dsh.ca.gov/Treatment/docs/SVP_Conrep_Fact_Sheet_March2025.pdf, (accessed June 9, 2025.)
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*

within one-quarter mile of any public or private school providing instruction in kindergarten or any grades 1 to 12, inclusive." (Welf. &Inst. Code, § 6608.5, subd. (f).) This includes home schools. (*People v. Superior Court (Cheek)* (2023) 87 Cal.App.5th 373, 380-382.)

SB 1034 (Atkins), Chapter 880, Statutes of 2022, established a process for finding housing for an SVP who has been found to no longer be a danger and sets forth what a court must do in order to determine extraordinary circumstances exist so that an SVP cannot be placed in their county of domicile. DSH is required to convene a Housing Committee consisting of the committed person's attorney, the sheriff or the chief of police of the locality for placement, the county counsel, and the district attorney from the county of domicile, and the housing committee is required to provide assistance and consultation in DSH's process of locating and securing housing. (Welf. & Inst. Code, § 6608.5, subd. (d)(1).) DSH must consider a number of factors when locating housing, including statutory residency restrictions, the concerns or proximity to the victim or victim's next of kin, and the age and profile of the victim or victims of the sexually violent offenses committed by the person subject to placement. (Welf. & Inst. Code, § 6608.5, subds. (e) & (f).)

If a property seems to meet both the statutory criteria and the court-ordered requirements, Liberty Health Care submits the potential placement location to undergo a three-level review process with DSH. Through this three-level review process, DSH staff (including clinical, legal, leadership and DSH's Director's Office) review both the potential placement and forensic risk factors to evaluate suitability. DSH staff work closely with Liberty Health Care to ensure that all information is included in each relevant document. If a property completes the three-level review process, DSH approves Liberty Health Care to present the potential placement location to Housing Committee members for discussion and additional feedback.[6]

After seeking input from the housing committee, potential residences are submitted to the court for approval. DSH must provide notice to both local law enforcement and the district attorney in that community. The law provides for 30-day notice to notify the public, with case specific information. Local law enforcement and the district attorney may provide written comments, which must be submitted to the court, and which the court must consider. (Welf. & Inst. Code, § 6609.1.) If the court approves of the placement, the patient will be placed at that residence. If the court denies the placement, the housing search continues.

The average time from when a court orders conditional release to actual placement in the community is one year or longer.[7] Notably, if no housing placement has been found and the court has ordered the person to conditional release, the person can be released as a transient, such as an RV or motel instead of fixed housing. (*Karsai*, *supra*, 213 Cal.App.4th 774; Defendant was ordered to be released transient after Liberty Health Care reviewed more than 1,830 potential placements and only identified two potentially compliant placements when those turned out to not be suitable.)

4) **State Auditor's Report**: In October 2024, the California State Auditor published a report on DSH's Sexually Violent Predator Conditional Release Program. The Auditor examined the administration of the program, obstacles DSH faced in attempting to place program

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[6] *Ibid.*
[7] *Ibid.*

participants in the community, and the department's oversight of the contractor it uses to provide various services related to the program.[8] The Auditor found that individuals who participated in the program were convicted of new offenses less often than SVPs who were unconditionally released and did not participate in the program.[9] The report also highlighted the numerous hurdles that the department has faced when attempting to locate suitable housing for program participants and found that DSH could improve its oversight of its contractor's administration of the program.[10]

Among the challenges faced by DSH with respect to finding housing for program participants, the report noted that there are complex program requirements, few property owners willing to rent for the purpose of housing program participants, and community opposition to placements which resulted in an average of 17 months for DSH's contractor, Liberty Healthcare, to secure housing for program participants.[11] The report shared information about one particularly difficult placement. Following the Stanislaus County Superior Court's order of a person into the program, more than 6,500 housing sites were considered over nearly three years.[12] Residential restrictions contribute to the complexity of finding suitable placements. State law prohibits the placement of some conditionally-released individuals within a quarter-mile of any public or private K-12 school. (Welf. & Inst. Code, § 6608.5, subd. (f).) The report noted that "an appellate court ruled that *home schools* fall within the definition of *schools* under this law, including home schools that are established after a program participant location was already determined. … [T]he establishment of a home school can necessitate relocating a program participant from existing housing to a state hospital" until a new placement can be secured.[13] With respect to community opposition to placement of program participants, the report included the following:

> Liberty Healthcare's clinical director stated that even when a property owner is fully committed and Liberty Healthcare has properly vetted the property for meeting the required criteria, there have been instances when people have publicly harassed the property owner or sabotaged the property, making placement there no longer a viable option. In one example, vandals rendered a potential placement location uninhabitable by using a hose to flood the attic, damaging the house. Liberty Healthcare's assistant community program director described other instances when property owners withdrew their willingness to rent their properties for the purpose of housing program participants because community members stopped patronizing the local businesses they also owned.[14]

The State Auditor concluded that state-owned transitional housing could help mitigate some of the challenges that DSH has faced in locating housing for program participants which would decrease the time that program participants would be

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[8] State Auditor, *Conditional Release Program for Sexually Violent Predators: Program Participants Are Less Likely to Reoffend, While the State Has Difficulty Finding Suitable Housing*, Report 2023-130 (Oct. 2024).
[9] *Id.* at p. 1.
[10] *Id.* at pp. 1-2.
[11] *Id.* at pp. 13-17.
[12] *Id.* at p. 16.
[13] *Id.* at p. 14.
[14] *Id.* at p. 17.

housed in a state hospital awaiting approval of a placement in the community.[15] Specifically, the report recommended:

> To potentially reduce the time needed to place program participants in community housing, DSH should explore establishing state-owned transitional housing similar to other states. Specifically, by September 2025, DSH should conduct an analysis of the benefits and feasibility of establishing transitional housing facilities for the program. To the extent it finds transitional housing beneficial to the program, it should seek necessary funding and legislative authority to implement such housing for the program.[16]

In response to the Auditor's recommendation, DSH wrote:

> DSH disagrees with the recommendation to conduct further analysis of the benefits and feasibility of establishing transitional housing, including identification of potential legislative prohibitions. DSH has previously reviewed this option. DSH notes transitional housing would not address many of the challenges that currently exist that contribute to the lengthy average timelines to placement in the community and ultimately could further delay placement of individuals. These challenges include but are not limited to the following:
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> - Siting locations for transitional facilities for multiple individuals would not be easier and likely would be more difficult than for the current types of individual placements utilized.
> - Statutory residency restrictions and individual risk factors would continue to make certain areas of the state unsuitable for this type of facility.
> - There would still be the risk that homeschools being developed in the vicinity of any developed transitional facility could render it unusable for this purpose at any time.
> - Community protests over the potential placement of multiple individuals designated as an SVP in one facility location in a community would be expected, thus delaying the development of a facility of this type.
> - Absent extraordinary circumstances, the law requires that individuals be placed into their county of domicile, and for most counties there are not enough individuals to support establishing an SVP transitional facility in the county. If individuals could be placed in alternate counties, any county identified for potential placement of these types of facilities would likely respond with significant protest of the placement of the facility into their county and housing individuals designated as an SVP from other counties.[17]

This bill adopts the State Auditor's recommendation to require DSH to conduct an analysis of the benefits and feasibility of establishing transitional housing

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[15] *Id.* at pp. 13-20.
[16] *Id.* at p. 35.
[17] *Id.* at pp. 49-50.

facilities for the conditional release program. However, as stated in DSH's response to the Auditor's recommendation, DSH has already reviewed establishing transitional housing but concluded that it would not address many of the challenges that contribute to delayed placement of conditionally released individuals. It is unclear whether this review has been documented or shared with the Legislature. This bill would require such analysis to be submitted to the Legislature on or before January 1, 2027.

5) **Argument in Support**: According to *Crime Victims United*, "In 2023, the Joint Legislative Audit Committee conducted a thorough review of the SVP placement process, ultimately recommending that DSH explore the feasibility of establishing state-owned transitional housing to improve placement efficiency and public safety. Despite this clear recommendation, DSH has declined to act. SB 380 simply ensures that this important study is conducted so the Legislature can make informed policy decisions about the future of SVP housing."

6) **Argument in Opposition**: None submitted

7) **Related Legislation**: SB 379 (Jones) would state that DSH shall ensure that department vendors consider public safety in the placement of an SVP that is ordered to be conditionally released. SB 379 is pending hearing in the Assembly Appropriations Committee.

8) **Prior Legislation**:

   a) SB 1074 (Jones), of the 2023-24 Legislative Session, would have stated that DSH shall ensure that department vendors consider public safety in the placement of an SVP that is ordered to be conditionally released. SB 1074 was held in Assembly Appropriations.

   b) SB 832 (Jones), of the 2023-24 Legislative Session, would have prohibited the placement of SVPs within five miles of federal land and to require DSH to take specified actions before placing a SVP in the community. SB 832 failed passage in Senate Public Safety Committee.

   c) SB 841 (Jones), of the 2021-22 Legislative Session, was substantially similar to SB 832. SB 841 failed passage in Senate Public Safety Committee.

   d) AB 1835 (Lackey), would have required, if reasonably possible, a person to be placed at a location within the person's city of domicile, if any, or within a close geographic location within the county of domicile in which the person has family, social ties, or economic ties, and access to reentry services, unless placement within that city or location would pose a risk to the person's victim or victim's next of kin. AB 1835 was not heard in Assembly Public Safety.

   e) SB 1034 (Atkins), Chapter 880, Statutes of 2022, established a process for finding housing for a SVP who has been found to no longer be a danger and set forth what a court must do in order to determine extraordinary circumstances exist so that a SVP cannot be placed in the county of domicile and required DSH to convene a housing committee with specified participants in order to secure suitable housing for the person to be conditionally released.

f) AB 821 (Cooper), of the 2021-2022 Legislative Session, would have placed the burden of showing extraordinary circumstances on the DSH by clear and convincing evidence when a court considers whether to place a person no longer found to be an SVP in a county other than their county of residence and would have limited how a lack of housing may be used to justify extraordinary circumstances for conditional release in a county other than county of residence. AB 821 was pulled by the author and not heard in this committee.

g) SB 1333 (Bates), of the 2021-2022 Legislative Session, would have required, as a condition to placing a person in a county other than their county of domicile, the proposed designated county of placement be provided specified evidence prior to the court ordering the person to be placed in a county other than the county of domicile, and the designated county of placement to have a meaningful opportunity to seek appellate review. SB 1333 would have also placed additional notice requirements and residency restrictions on conditionally released SVPs. SB 1333 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association
Crime Victims United

Opposition

None received

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744

Date of Hearing: July 1, 2025
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 423 (Smallwood-Cuevas) – As Amended May 23, 2025

SUMMARY: Establishes the Firefighter Hiring Pipeline Program, the Local Handcrew Pilot Program, and expanded access to certain community college courses for firefighting-related education. Specifically, **this bill:**

1) Provides that the Department of Corrections and Rehabilitation (CDCR) and the Office of Chancellor of California Community Colleges shall expand access to community college courses that lead to degrees or certificates in fire science, forestry, basic emergency medical technician, or related subjects, including, but not limited to, incident command systems and fire line leadership, for individuals serving in Conservation Camp handcrews or institutional firehouses through the Rising Scholars Network, as defined.

2) Allows fire-related educational content to be delivered by community colleges.

3) States that if community colleges do not deliver the firefighting-related educational content, CDCR may contract with private postsecondary educational institutions accredited by the Western Association of Schools and Colleges or private nonprofit organizations that meet defined qualifications and are accredited or licensed to deliver the educational content.

4) Requires CDCR, in collaboration with the California Conservation Corps (CCC), to operate an enhanced firefighter training and certification program at the Ventura Training Center (VTC) in the County of Ventura or a successor facility in the southern region of the state.

5) Provides that CDCR may contract with private postsecondary educational institutions accredited by the Western Association of Schools and Colleges or private nonprofit organizations that meet defined qualifications and are otherwise accredited or licensed to deliver the content of the Enhanced Firefighter Training and Certification Program (EFTCP).

6) Establishes that the EFTCP shall become operative only upon an appropriation by the Legislature for the purposes of the program.

7) States that the Los Angeles County Fire Chief (LACFC) may enroll in the Local Handcrew Pilot Program (LHPP) formerly incarcerated individuals who have successfully completed one or more of the following:

   a) The CCC program crew;

   b) Relevant programming at Camp David Gonzales;

   c) Training at the Enhanced Firefighter Training and Certification program, as defined; or,

d) Work at an institutional firehouse.

8) Establishes that the LHPP shall operate for five years.

9) Permits the LACFC to end the LHPP before it has operated for five years.

10) States that if the LACFC establishes the LHPP, the LACFC shall do all of the following:

a) Develop metrics for evaluating the efficacy and success of the program;

b) Evaluate the efficacy and success of the program using the developed metrics; and,

c) Report the findings of the evaluation to the Legislature and the Governor.

11) Provides that the LACFC shall submit the LACFC report to the Legislature and Governor within 42 months of establishing the LHPP and upon conclusion of the program.

12) States that if the LACFC ceases the LHPP, the LACFC shall submit a report to the Legislature and the Governor explaining the reasons for ceasing the program's operations based on the developed metrics.

13) Reinforces that a report from the LHPP submitted to the Legislature shall be submitted, as defined.

14) Establishes that the LHPP shall not replace or restrict existing or future programs and training offered to formerly incarcerated individuals, nor displace, replace, or reduce currently employed firefighters, handcrew personnel, or other existing positions in the County of Los Angeles Fire Department.

15) Establishes that the LHPP shall become operative only upon an appropriation by the Legislature for the purposes of the program.

16) Defines "fire chief" to mean the fire chief of the County of Los Angeles Fire Department.

17) Defines "program" to mean the Local Handcrew Pilot Program.

18) Makes findings and declarations.

EXISTING LAW:

1) Authorizes any department, division, bureau, commission or other agency of the State of California or the Federal Government may use or cause to be used convicts confined in the state prisons to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps to be established under this article. (Pen. Code, § 2780)

2) Establishes the Department of Forestry and Fire Protection (CAL FIRE) to oversee and administer programs related to forest health and fire prevention and response. (Pub. Res. Code, § 701.)

3) Establishes CCC in the Natural Resources Agency and requires the CCC to implement and administer the conservation corps program. (Pub. Res. Code, § 14001.)

4) Directs CCC program activities, including the management of environmentally important lands and water, public works projects, assistance in emergency operations, assistance in fire prevention and suppression, energy conservation, and environmental restoration. (Pub. Res. Code, § 14300.)

5) Authorizes the director of the CCC to select applicants who are on probation, parole, post release community supervision, or mandatory supervision. (Pub. Res. Code, § 14306.5.)

6) Authorizes the CCC Director to adopt criteria for selecting applicants for enrollment in the corps program. (Pub. Res. Code, § 14306, subd. (b).)

7) Requires the CCC, in conjunction with the Employment Development Department (EDD), to place an emphasis on developing and executing plans to assist corps members in obtaining employment following their participation in the CCC. (Pub. Res. Code, § 14302.)

8) Authorizes the director of CCC to pursue partnerships with community colleges, trade associations, forest and timber industries, vocational education institutions, and apprenticeship programs to accomplish program goals. (Pub. Res. Code, § 14411, subd. (b).)

9) Authorizes the director of the CCC to establish the Education and Employment Reentry Program and enrollment in the program of formerly incarcerated individuals who successfully served on a CCC program and were recommended for participation by the Director of CAL FIRE and the Secretary of CDCR. (Pub. Res. Code, § 14415.1, subd. (a).)

10) Provides, subject to the discretion and approval of the director of the CCC, the corps may enter into a planning agreement with appropriate state and local agencies, including, but not limited to, local community conservation corps and organizations providing reentry and counseling services, to develop reentry and job training opportunities who do not otherwise qualify for corps enrollment under corps policies, such as age limitations. (Pub. Res. Code, § 14415.2, subd. (b).)

11) Requires CCC to submit an annual report to the Legislature with specified education and employment outcomes of corps members following participation in the CCC. (Pub. Res. Code, § 14424.)

12) Authorizes, in certain circumstances, a school district or county office of education that operates a community conservation corps to select applicants who are on probation, parole, post release community supervision, or mandatory supervision. (Pub. Res. Code, § 17003.)

13) Establishes the California Conservation Camp program to be operated by CDCR in conjunction with Cal Fire to provide for training and use of inmates assigned to the camps to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conservation, and forest and watershed revegetation. (Pub. Res. Code, § 4951.)

14) Requires CAL FIRE to utilize inmates and wards assigned to conservation camps in performing fire prevention, fire control, and department work. (Pub. Res. Code, § 4953.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "SB 423 acknowledges the tremendous skill and sacrifice of incarcerated firefighters by ensuring they have enhanced access to the academic courses, certifications, and programming that lead to real opportunities upon release. For too long, the state has exploited our incarcerated fire crews putting them in harm's way with little opportunity for employment upon release. SB 423 expands our states commitment to our incarcerated fire crews by ensuring they receive the supports they need to be better prepared to continue their service to the state, after their time has been served. In doing so, SB 423 will help the state fill our critical public safety needs, reduce recidivism, and offer our most deserving individuals a path to a meaningful career."

2) **Effect of the Bill:** This bill would include a number of major provisions potentially affecting post-release employment of formerly incarcerated firefighters.

   Curriculum Requirements

   This bill requires CDCR and the Office of the Chancellor of California Community Colleges to expand access to community college courses that lead to degrees or certificates. The areas where courses would be expanded include fire science, forestry, basic emergency medical technician, or related subjects. Some of the related subjects include, but are not limited to, incident command systems and fire line leadership for individuals serving in Conservation Camp handcrews or institutional firehouses through the Rising Scholars Network.

   Establishes Local Handcrew Pilot Program (LHPP)

   This bill seeks to expand employment opportunities for formerly incarcerated firefighters. One part of this bill working towards that end includes discretion for the Los Angeles County Fire Chief to establish the LHPP for five years. This program would be established in collaboration with an authorized employee representative of the Los Angeles County Fire Department. The Fire Chief would retain discretion to enroll in the LHPP certain formerly incarcerated individuals who have successfully completed specific roles or programs, like the California Conservation Camp program, Camp David Gonzales programming, the EFTCP, or work at an institutional firehouse.

   Establishment of the program requires the Fire Chief to develop metrics for evaluating the program's effectiveness, evaluation of the program's effectiveness and success under those metrics, sending a report to the Legislature and Governor with this data or if the Fire Chief ends the program before five years.

   Establishes the Enhanced Firefighter Training and Certification Program

   This bill also requires that CDCR and CCC operate the EFTCP at the VTC. The bill states that CDCR may contract with private postsecondary educational institutions accredited by the Western Association of Schools and Colleges or private nonprofit organizations that meet defined tax-exempt qualifications and are otherwise accredited or licensed to deliver the

content of the EFTCP. The EFTCP under this bill is not to replace or restrict existing or future programs and training opportunities for formerly incarcerated individuals. Both the LHPP and EFTCP require an appropriation by the Legislature to become operative.

3) **Inmate Fire and Handcrews**: According to CDCR:

> CDCR initiated the Conservation (Fire) Camp Program to provide able-bodied incarcerated people the opportunity to work on meaningful projects throughout the state. CDCR road camps were established in 1915. During World War II (WWII), much of the work force used by the Division of Forestry (now CAL FIRE) was depleted.
>
> CDCR provided the workforce by having incarcerated people occupy "temporary camps" to augment the regular firefighting forces. During WWII, 41 "interim camps" would become the foundation for the network of camps in operation today. In 1946, the Rainbow Conservation Camp opened as the first permanent male conservation camp. Rainbow made history when it converted to a female camp in 1983. The Los Angeles County Fire Department (LACFD), in contract with CDCR, opened five camps in Los Angeles County in the 1980's.[1]

CCC participants make up 27% of the state's firefighting force.[2] Most people involved are adult males, but women and juveniles may also participate in fire camps.[3] CDCR employees oversee the fire camps, which are all minimum-security facilities. [4]

When responding to a wildfire or working on conservation projects, a CAL FIRE captain is responsible for the incarcerated inmates' custody.[5] The fire captain acts as the supervisor for the handcrew, which can include up to 17 people.[6] Custody transfers back to correctional staff when handcrews end their shift and return to either the fire location camp or a base camp.[7] CAL FIRE assigns conservation projects for the crews.[8] Prior to the start of a project, CDCR and CAL FIRE staff evaluate the project site to ensure there are no security issues.[9]

Incarcerated people convicted of homicide, kidnapping, rape, child molestation, any offense for which sex offender registration is required, any offense punishable by death or life in prison, escape, or arson are automatically ineligible for fire camps. (Pen. Code, § 1203.4b, sub. (a)(1)(A-H).) Fire camp participants must also have "minimum custody" status, or the lowest-security classification based on their sustained good behavior in prison and

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[1] *Frequently Asked Questions: Conservation (Fire) Camp Program*, California Department of Corrections and Rehabilitation (CDCR) <https://www.cdcr.ca.gov/facility-locator/conservation-camps/faq-conservation-fire-camp-program/> [as of June 24, 2025].
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*

participation in rehabilitative programming.[10] Even to be considered for fire camp, participants must also have eight years or fewer remaining on their sentence. Participants also must be medically cleared.[11]
This bill would establish the LHPP for up to five years, however, the Los Angeles Fire Chief retains discretion to end the program before five years has elapsed. The increased access to various educational curricula essential to future fire-related employment may help support formerly incarcerated firefighters secure work due to existing degree and certification requirements. While there may be practical concerns with the cost, difficulty, and uncertainty regarding the degree to which coursework access can or does expand, increased access to these programs could help the post-release employment prospects of formerly incarcerated firefighters. Improving post-release employment opportunities would enhance public safety by possibly enlarging the pool of professional fire safety personnel and potentially reducing recidivism rates via work experience and improved employment outcomes.[12]

4) **Post-Release Employment Opportunities and the VTC:** Formerly incarcerated firefighters are eligible for employment with CAL FIRE, the US Forest Service, and interagency hot shot crews. (Pen. Code, § 1203.4b.) Prior to the enactment of AB 2147 (Reyes), of the 2019-20 Legislative Session, formerly incarcerated firefighters were often unable to seek additional firefighting employment opportunities due to their felony convictions. This bill would require CDCR and CCC to operate the EFTCP at the VTC.

   The VTC began training participants in October 2018.[13] It accepts trainees who have recently been part of a trained firefighting workforce housed in fire camps or institutional firehouses operated by CAL FIRE and CDCR.[14] To offer formerly incarcerated firefighters an opportunity to continue using the skills and knowledge they worked to achieve while participating in the Conservation Camp Program, CALFIRE, CCC, and CDCR, developed an enhanced firefighter training and certification program at the VTC.[15] Participants in the 18-month certification program are provided with additional rehabilitation and job training skills to help them be more successful after completion of the program.[16] Cadets who complete the program qualify to apply for entry-level firefighting jobs with local, state, and federal firefighting agencies.[17]

   VTC has enrolled 432 cadets to date. This includes 272 cadets who currently have jobs, while 78 are not employed in a fire related role.[18] That results in a 63% employment rate. Requiring more educational and training opportunities could facilitate improved reintegration of trained individuals into the workforce and augment the state's firefighting capacity.

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[10] *Ibid.*
[11] *Ibid.*
[12] Duwe and Henry-Nicle, *A Better Path Forward for Criminal Justice: Training and Employment for Correctional Populations* (Apr. 2021) Brookings Institution <https://www.brookings.edu/articles/a-better-path-forward-for-criminal-justice-training-and-employment-for-correctional-populations/> [as of June 25, 2025].
[13] *Ventura Training Center,* California Department of Corrections and Rehabilitation (CDCR) <https://www.cdcr.ca.gov/facility-locator/conservation-camps/ventura/> [as of June 24, 2025].
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] *Ventura Training Center,* Anti-Recidivism Coalition (ARC) <https://antirecidivism.org/our-programs/vtc/> [as of June 24, 2025].
[18] *Ibid.*

This bill would further support the enhanced training opportunities at VTC by supporting broader educational access to essential coursework needed for fire-related employment.

5) **Argument in Support**: According to *Initiate Justice Action*, "The bill is a necessary step in establishing equitable opportunities for formerly incarcerated individuals who have served on fi re crews while incarcerated to continue building meaningful careers once they return home.

"Over the past few years, approximately 3,500 justice-involved individuals have served on state fi re crews annually, according to the California Department of Corrections and Rehabilitation (CDCR). These individuals risk their lives combating wildfires, protecting our communities, and acquiring essential emergency response skills. Yet, upon release, they often face significant barriers in obtaining the licenses, certifications, and recognition needed to pursue firefighter and related public-safety roles.

"By creating a formal pipeline (pending amendment, to be administered by CalHR and the State Personnel Board) to establish civil service preference points, SB 423 provides increased integration for justice-involved applicants into hiring pools. SB 423 also creates a Community Reinvestment Fund which transfers calculated labor cost savings from incarcerated crews into a fund supporting reentry services, mental health, Workforce and Development programs and other administrative functions.

"Moreover, SB 423's aims to reduce barriers and increase opportunities and access to portable and standardized curriculum, workforce development programs, vocational training, and much needed post-release support services. Through collaboration with state and local agencies, private Cadet Academies and local community colleges, SB 423 ensures that all incarcerated firefighters can begin working towards securing essential experience and certifications before they are released. Research cited by CDCR indicates that stable employment can reduce recidivism by as much as 32%, underscoring the vital role of consistent, comprehensive training and job placement programs in preventing reoffense."

6) **Argument in Opposition**: None.

7) **Related Legislation**:

a) SB 245 (Reyes) would require CDDCR and county authorities to report biannually to the DOJ those individuals who have been released from custody and have successfully participated as an incarcerated individual handcrew member or have successfully completed an institutional firehouse program in the prior 30 days. SB 245 is pending hearing in the Assembly Public Safety Committee.

b) AB 247 (Bryan) would require incarcerated individual handcrew members from county jails, to be paid an hourly wage of $19 and to have the wage rate updated on an annual basis. AB 247 is pending hearing in the Senate Public Safety Committee.

c) AB 619 (Ransom) would require the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation to jointly evaluate the VTC and requires the evaluation to include specified components, including, among others, an evaluation of ways to increase the rate of graduated trainees entering the firefighter workforce. AB 619 was held in suspense in the Assembly Appropriations Committee.

d) AB 799 (Rodriguez) would require the state pay a death benefit, for the death of any incarcerated handcrew member in the California Conservation Camp program. AB 799 is pending in the Senate Appropriations Committee.

e) AB 812 (Lowenthal) would make referral clarifications regarding resentencing incarcerated handcrew members. AB 812 is pending hearing in the Senate Public Safety Committee.

f) AB 1380 (Elhawary) would require establishing hiring preferences for a certain number of firefighter positions formerly incarcerated firefighters. AB 1380 is pending hearing in the Senate Public Safety Committee.

8) **Prior Legislation**:

a) AB 1746 (Hoover), of the 2023-24 Legislative Session, would have made a person convicted of specific child abuse crimes ineligible to earn two days of credit for every one day served as an inmate firefighter or after completing inmate firefighting training. AB 1746 failed passage in the Assembly Public Safety Committee.

b) AB 1908 (Mainschein), of the 2021-22 Legislative Session, would have allowed an incarcerated individual, who successfully participated and completed trained in a program, as specified, as an incarcerated individual handcrew member, be eligible for a firefighter certificate provided by the department. AB 1908 died in the Assembly Public Safety Committee.

c) AB 2147 (Reyes), Chapter 60, Statutes of 2020, provides an expedited expungement pathway for formerly incarcerated people who have successfully participated as incarcerated firefighters in the state's Conservation Camp Program. Many former incarcerated firefighters from fire camps go on to gain employment with CAL FIRE, the USFS and interagency hotshot crews.

REGISTERED SUPPORT / OPPOSITION:

Support

A New Way of Life Re-entry Project
ACLU California Action
All of US or None (HQ)
All of US or None Orange County
Alliance for Boys and Men of Color
California Civil Liberties Advocacy
California Coalition for Women Prisoners
California Public Defenders Association
Californians for Safety and Justice
Coalition of California Welfare Rights Organizations
Communities United for Restorative Youth Justice
Courage California

Debt Free Justice California
Ella Baker Center for Human Rights
Eugene Dey Consulting
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Friends Committee on Legislation of California
Incarcerated Firefighter Workforce Coalition
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Legal Aid At Work
Legal Services for Prisoners With Children
Prosecutors Alliance Action
Redf
Riverside All of Us or None
Rubicon Programs
San Francisco Public Defender
Starting Over INC.
Starting Over Strong
The Change Parallel Project
The Crop Organization
The Place4grace
The W. Haywood Burns Institute
Vera Institute of Justice

Analysis Prepared by: Dustin Weber / PUB. S. / (916) 319-3744

Date of Hearing: July 1, 2025
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 431 (Arreguín) – As Amended May 23, 2025

As Proposed to be Amended in Committee

SUMMARY: Expands the list of professions for which an assault or battery of a person in that profession carries elevated misdemeanor penalties to include utility workers. Specifically, **this bill**:

1) Includes utility workers engaged in the performance of their duties in the list of professions against whom an assault or battery conviction carries elevated criminal penalties.

2) Makes an assault of, or battery against, a utility worker engaged in the performance of their duties, where the perpetrator knows or reasonably should know the victim is such a utility worker engaged in the performance of their duties, punishable by up to one year in county jail, up to a $2,000 fine, or by both.

3) Defines "utility worker" to mean a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, or electric cooperative that performs services for or delivers a commodity to the public or any portion thereof, and the service performed is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure.

EXISTING LAW:

1) Defines "assault" as an unlawful attempt, coupled with a present ability, to inflict a violent injury upon another person, and makes the offense punishable by up to six months in county jail, up to a $1,000 fine, or by both. (Pen. Code, §§ 240 & 241, subd. (a).)

2) Makes an assault upon another by any means of force likely to produce great bodily injury an alternate felony-misdemeanor punishable by up to one year in county jail, by two, three, or four years in state prison, or by up to a $10,000 fine, or by both the fine and imprisonment. (Pen. Code, § 245, subd. (a)(4).)

3) Provides that when an assault is committed against a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the person committing the offense knows or reasonably should know of the victim's above status, the assault is punishable by up to one year in county jail, up to a $2,000 fine, or by both. (Pen. Code, § 241, subd. (c).)

4) Defines "battery" as any willful and unlawful use of force or violence upon another person, and makes the offense punishable by up to six months in the county jail, up to a $2,000 fine, or by both. (Pen. Code, §§ 242 & 243, subd. (a).)

5) Provides that when a battery is committed against a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, whether on or off duty, a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the person committing the offense knows, or reasonably should know, of the victim's above status, the offense is punishable by up to one year in county jail, up to a $2,000 fine, or by both. (Pen. Code, § 243, subd. (b).)

6) Provides that when a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, animal control officer, or a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know of the victim's above status, and an injury is inflicted on that victim, the offense is punishable by up to one year in county jail, by a fine of up to a $2,000, or by both, or by imprisonment in county jail for 16 months, two, or three years. (Pen. Code, § 243, subd. (c).)

7) Makes an assault or battery committed against a "highway worker," as defined, that is engaged in the performance of their duties and the perpetrator knows or reasonably should know the victim is a highway worker engaged in the performance of their duties, punishable by up to one year in county jail, up to a $2,000 fine, or by both. (Pen. Code, §§ 241.5, 243.65.)

8) Makes a battery where serious bodily injury is inflicted upon the victim an alternate-misdemeanor felony punishable by up to one year in the county jail, or by two, three, or four years in the county jail. (Pen. Code, § 243, subd. (d).)

9) Punishes any person who personally inflicts great bodily injury on any person other than an accomplice in the commission, or attempted commission, of a felony by an additional and consecutive term three years. (Pen. Code, § 12022.7, subd. (a).)

10) Defines "public utility" as "every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof." (Pub. Util. Code, § 216, subd. (a)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Similar to other classes of workers that support public health and safety, public utility workers face unique vulnerabilities while performing their job duties. Recognizing the critical nature of their work, enhanced protections already afforded to other classes of workers and professionals (e.g., firefighters, traffic officers, lifeguards) that support public safety should be extended to utility employees and contractors.

   "Incidents of harassment and assault against utility workers create a stressful and unsafe work environment that can complicate the ability of workers to perform their duties, which are essential to public safety. Including utility workers among employee groups afforded enhanced protections will act as a deterrent against future incidents."

2) **Need for this Bill**: Proponents of this bill point to a handful of incidences in recent years in which utility workers experienced violence and harassment while performing their duties. In 2019, a Pacific Gas & Electric (PG&E) employee was allegedly shot at by a pellet gun during a period in which surrounding customers were experiencing planned power outages.[1] In 2021, an individual allegedly yelled racial slurs and physically assaulted a San Diego Gas & Electric (SDG&E) worker who informed drivers that a road was closed due to a SDG&E roadblock.[2] This individual was apprehended and subject to hate crime and battery charges.[3] In 2022, an individual stabbed a PG&E worker that was marking gas lines.[4] That individual was arrested for attempted homicide.[5] Most recently, following the Palisades fire, the Los Angeles Department of Water and Power (LADWP) reported that an individual drove up to an LADWP employee that was working on a downed electrical pole and threatened them with bodily harm.[6]

3) **Effect of this Bill**: An assault is "an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another." (Pen. Code, § 240.) A battery is "any willful and unlawful use of force or violence upon the person of another." (Pen. Code, § 242.) "'[S]imple assault' is included in the offense of battery", and "[a] conviction of the latter would subsume the assault. By definition one cannot commit battery without also committing a 'simple' assault, which is nothing more than an attempted battery. (*People v. Fuller* (1975) 53 Cal.App.3d 417, 421, citations omitted.) An example of an assault is swinging at another person without hitting them, whereas striking the other person is a battery. Simple assault and battery are both misdemeanors punishable by up to six months in the county jail, a fine, or both (Pen. Code, §§ 241, subd. (a), 243, subd. (a).) Battery carries a fine of up to $2,000 whereas simple assault carries a fine of up to $1,000. (*Ibid.*)

   If an individual commits simple assault or battery against members of certain professions engaged in public safety activities or performing certain public functions, the punishment

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[1] ABC News, *They're your neighbors': CEO of PG&E defends crew allegedly attached with pellet gun in Glenn County* (Oct. 23, 2019), available at: https://abc7news.com/power-outage-shut-off-pge-map-website-down/5642269/
[2] Matt Meyer, *Man charged with hate crime, accused of racist tirade at SDG&E worker* (March 4, 2022), available at: https://fox5sandiego.com/news/local-news/man-charged-with-hate-crime-accused-of-racist-tirade-at-sdge-worker/
[3] *Ibid.*
[4] Daily Journal, *Utility worker stabbed, suspect arrested for attempted murder in South San Francisco* (June 14, 2022), available at: https://www.smdailyjournal.com/news/local/utility-worker-stabbed-suspect-arrested-for-attempted-murder-in-south-san-francisco/article_6dd1b602-eb97-11ec-8c34-6fcfb6d4b323.html
[5] *Ibid.*
[6] Winton and Smith, *DWP says workers have been threatened with bodily harm, and possibly, a rifle* (Jan. 15, 2025), available at: https://www.latimes.com/california/story/2025-01-15/threats-to-los-angeles-dwp-workers

may result in elevated penalties. Most relevant here are Penal Code sections 241 and 243 which make simple assault or battery of a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, or a search and rescue member, or a custodial officer, security officer, custody assistant, or specified probation employees (only for a battery) engaged in the performance of their duties, or specified medical personnel providing services in a emergency department, where the perpetrator knows or reasonably should know of the victim's above status, punishable by an *additional* six months in jail, for a maximum sentence of up to one year in county jail, or a fine of up to $2,000, or by both. (Pen. Code, § 241, subd. (c), § 243, subd. (c).)

This bill adds utility workers to the list of professions against whom an assault or battery carries an elevated misdemeanor penalty. In an effort to limit the scope of this bill to those utility workers that are physically engaged in the construction and repair of critical utility infrastructure in public settings and are thereby most vulnerable to public hostility, this bill defines "utility worker" as a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, or electric cooperative that performs services for or delivers a commodity to the public or any portion thereof, and the service performed is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure. This bill increases the maximum punishment for assaulting a utility worker from a six month jail sentence or a $1,000 fine, to a one year jail sentence or a $2,000 fine. Because battery is already punishable with up to a $2,000 fine (Pen. Code, §§ 242 & 243, subd. (a)), this bill would not change the maximum fine that may be imposed for committing battery against a utility worker. Instead it just increases the maximum jail term for such a battery from six months to one year.

Consistent with the treatment of individuals from other professions listed in Penal Code sections 241 and 243, these higher assault and battery misdemeanor penalties only apply if: 1) the utility worker is engaged in the performance of their duties; and 2) the perpetrator knows or reasonably should know that the victim is a utility worker engaged in the performance of their duties.

4) **Felony Penalties Available for Assaults and Battery Involving Injury**: In addition to the assault and battery statutes described above, an assault or battery that causes, or is likely to cause injury (in the case of assault), can be subject to a prison sentence irrespective of whether the victim is employed in any of the above professions. An assault by means of force likely to produce great bodily injury, or a battery that results in serious bodily injury to another, are both alternate-misdemeanor felonies punishable by up to one year in county jail, or in state prison for two, three, or four years. (Pen. Code, §§ 245, subd. (a)(4), 243, subd. (d).) Moreover, a person that personally inflicts great bodily injury on a person other than an accomplice in the commission, or attempted commission, of a felony is subject to a three-year, additional and consecutive, sentence enhancement. (Pen. Code, § 12022.7, subd. (a).) Many of the incidents cited by proponents involve actual physical violence that cause injury (e.g. stabbing of a PG&E worker in 2022);[7] conduct that can be prosecuted as a felony.

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[7] Daily Journal, *Utility worker stabbed, suspect arrested for attempted murder in South San Francisco* (June 14, 2022), available at: https://www.smdailyjournal.com/news/local/utility-worker-stabbed-suspect-arrested-for-attempted-murder-in-south-san-francisco/article_6dd1b602-eb97-11ec-8c34-6fcfb6d4b323.html

5) **Governor Vetoes of Particularization of Crimes**: Bills that establish victim-specific elevated assault and battery penalties have been vetoed on several occasions in recent years on the basis that the conduct can already be prosecuted, additional jail time for batteries and assaults is unlikely to improve public safety, and creating more distinct assault and battery crimes unnecessarily adds to the length and complexity of the Penal Code.

In 2015, AB 172 (Rodriguez), of the 2015-2016 Legislative Session, would have increased the penalties for assault and battery committed against a physician, nurse, or other health care worker engaged in performing services within the emergency department. Governor Brown vetoed this bill, stating:

> Emergency rooms are overcrowded and often chaotic. I have great respect for the work done by emergency room staff and I recognize the daunting challenges they face every day. If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either.

In 2017, AB 513 (Bradford), of the 2017-2018 Legislative Session, was substantially similar to this bill, although largely limited to increasing the criminal fines for an assault or battery of a utility worker. Governor Brown vetoed this bill, stating:

> This bill adds $1,000 to the current penalty for assault or battery if committed against a public utility worker.
>
> I don't believe the additional $1,000 called for in this bill would do much to deter this type of conduct, which is already punishable by either six months or a year in jail, and up to a $2,000 fine depending on the charge.
>
> I would note that the bill further slices and dices our criminal law, dividing the crimes of assault and battery into even more discreet categories, which grow more numerous by the decade. As a general rule I don't think this a good idea.
>
> Our criminal code already has more than 5,000 separate criminal provisions, making it more particularized than it needs to be for an understandable and fair system of justice.

Most recently, Governor Newsom vetoed SB 596 (Portantino), of the 2023-2024 Legislative Session, which would have created a new crime with increased penalties for abusive conduct targeting school officials. In his veto message the Governor said:

> Credible threats of violence and acts of harassment - whether directed against school officials, elected officials, or members of the general public - can already be prosecuted as crimes. As such, creating a new crime is unnecessary….
>
> No school official should be subject to threats or harassment for doing their job, period. I encourage school officials to work closely with local law enforcement to use the laws already on the books to ensure the safety and security of our community's educators and governing board members, both while carrying out their school duties on school premises

and while away from school sites.

The same rationale applies to this bill.

6) **Argument in Support**: According to the *Coalition of California Utility Employees* and the *California State Association of Electrical Workers* "As Public Safety Power Shutoff (PSPS) events become more frequent due to heightened wildfire risks, frontline utility workers have faced growing hostility and threats from members of the public frustrated by power outages.

"SB 431 will ensure that assaults or batteries committed against public utility employees are met with appropriate legal consequences. Under current law, similar protections are afforded to peace officers, firefighters, emergency medical personnel, and other public servants. This bill rightfully extends those safeguards to utility workers who perform critical infrastructure services under increasingly dangerous conditions.

"California's public utility employees serve on the front lines during emergencies, restoring power, repairing infrastructure, and ensuring the safety and reliability of the electrical grid. Unfortunately, during PSPS events and other emergency situations, utility workers have experienced verbal threats, physical attacks, and other forms of harassment from individuals upset about service disruptions. These confrontations put both workers and the public at risk, undermining efforts to maintain essential services and respond to crises efficiently.

"By recognizing public utility employees in the same legal framework as other essential workers, SB 431 will provide much-needed deterrence against violence and reinforce the state's commitment to worker safety. Protecting these employees is not only a matter of workplace security but also a vital component of ensuring that California's energy infrastructure remains operational and resilient in the face of growing climate-related challenges."

7) **Argument in Opposition**: According to *Initiate Justice,* "California's history with tough-on-crime policies demonstrates that escalating penalties do not improve public safety. Instead, they contribute to costly mass incarceration without preventing harmful behavior. SB 431 follows this flawed path. Increasing jail time for individuals who cause harm to public utility workers will not prevent such incidents and may worsen community relations with utility providers.

"When Governor Brown vetoed a similar bill, AB 172 (Rodriguez, 2015), he stated, "If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either. We need to find more creative ways to protect the safety of these critical workers. This bill isn't the answer." This reasoning holds true today — SB 431 is not the answer."

8) **Related Legislation**: AB 394 (Wilson) would expand the heightened criminal penalties that apply to persons that commit battery against certain transit workers to include employees and contractors of a public transportation provider, among other changes. AB 394 is pending a hearing in Senate Public Safety Committee.

9) **Prior Legislation**:

a) AB 977 (Rodriguez), Chapter 937, Statutes of 2024, expanded the elevated criminal penalties that apply to persons that commit assault or battery against specified members of certain professions to include physicians, nurses, or other healthcare workers of a hospital engaged in providing services within the emergency department.

b) AB 2824 (McCarty) of the 2023-2024 Legislative Session, would have expanded the elevated criminal penalties associated with committing battery against operators, drivers or passengers of specified public transportation vehicles to include employees and contractors of a public transportation provider. AB 2824 was not heard in Assembly Public Safety Committee.

c) AB 329 (Rodriguez), of the 2019-2020 Legislative Session, would have created a new crime for assault on hospital property punishable by up to one year in the county jail, a fine of up to $2,000 or by both imprisonment and the fine. AB 329 was gutted and amended in the Senate to an unrelated subject matter.

d) SB 1416 (Bradford), of the 2019-2020 Legislative Session, was substantially similar to this bill. SB 1416 was not heard in Senate Public Safety Committee.

e) SB 513 (Bradford), of the 2017-2018 Legislative Session, was substantially similar to this bill. AB 513 was vetoed by the Governor.

f) AB 172 (Rodriguez), of the 2015-2016 Legislative Session, would have increased the penalties for assault and battery committed against a physician, nurse, or other health care worker engaged in performing services within the emergency department. AB 172 was vetoed by the Governor.

g) SB 390 (La Malfa), Chapter 249, Statutes of 2011, increased the penalties for assault and battery against a search and rescue member.

h) SB 406 (Lieu), Chapter 250, Statutes of 2011, increased the penalties for assault and battery against a security officer or custodial assistant.

i) SB 409 (Lowenthal), Chapter 410, Statutes of 2009, increased the penalties for assault and battery against a highway worker.

j) AB 1686 (Leno), Chapter 243, Statutes of 2007, increased the fine from $1,000 to $2,000 when an assault is committed against a parking control officer.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Cities - Orange County (ACC-OC)
Bay Area Council
California District Attorneys Association
California Police Chiefs Association

California State Association of Electrical Workers
California Water Association
City of Roseville
City of Sacramento Department of Utilities
Coalition of California Utility Employees
League of California Cities
Pacific Gas and Electric Company
San Diego Gas and Electric Company
San Francisco District Attorney Brooke Jenkins
Sempra Energy and its Affiliates: San Diego Gas & Electric Company and Southern California Gas Company
Southern California Edison
Southern California Gas Company

Oppose

ACLU California Action
California Attorneys for Criminal Justice
Californians United for a Responsible Budget
Debt Free Justice California
East Bay Municipal Utility District
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 LA County Public Defenders Union
San Francisco Public Defender

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Amended Mock-up for 2025-2026 SB-431 (Arreguín (S))

Mock-up based on Version Number 97 - Amended Senate 5/23/25
Submitted by: Staff Name, Office Name

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 241 of the Penal Code is amended to read:

241. (a) An assault is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

(b) When an assault is committed against the person of a parking control officer engaged in the performance of their duties, and the person committing the offense knows or reasonably should know that the victim is a parking control officer, the assault is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

(c) When an assault is committed against the person of a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, ~~or~~ search and rescue member, **or utility worker** engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, ~~**or a public utility employee or other worker engaged in essential infrastructure work,**~~ and the person committing the offense knows or reasonably should know that the victim is a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, ~~**or**~~ search and rescue member, **or utility worker** engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, ~~**or a public utility employee or other worker engaged in essential infrastructure work,**~~ the assault is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

(d) As used in this section, the following definitions apply:

(1) Peace officer means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license under the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Nurse" means a person who possesses a valid certificate or license under the standards of Chapter 6 (commencing with Section 2700) or 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code or a nurse of a hospital engaged in providing services within the emergency department.

(4) "Lifeguard" means a person who is:

(A) Employed as a lifeguard by the state, a county, or a city, and is designated by local ordinance as a public officer who has a duty and responsibility to enforce local ordinances and misdemeanors through the issuance of citations.

(B) Wearing distinctive clothing that includes written identification of the person's status as a lifeguard and that clearly identifies the employing organization.

(5) "Process server" means any person who meets the standards or is expressly exempt from the standards set forth in Section 22350 of the Business and Professions Code.

(6) "Traffic officer" means any person employed by a county or city to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

(7) "Animal control officer" means any person employed by a county or city for purposes of enforcing animal control laws or regulations.

(8) (A) "Code enforcement officer" means any person who is not described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, that has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

(B) "Code enforcement officer" also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(9) "Parking control officer" means any person employed by a city, county, or city and county, to monitor and enforce state laws and local ordinances relating to parking.

(10) "Search and rescue member" means any person who is part of an organized search and rescue team managed by a governmental agency.

(11) "Health care worker" means a person who, in the course and scope of employment, performs duties directly associated with the care and treatment rendered by the hospital's emergency department or the department's security.

~~**(12) "Public utility employee" means any person employed by a public utility, as defined in Section 216 of the Public Utilities Code, including contract workers, employees of a utility contractor, or employees of a corporate parent entity.**~~

~~**(13) "Essential infrastructure work" means construction, maintenance, repair, or operation of critical facilities and services related to electricity, water, natural gas, telecommunications, public transportation, roads, bridges, or waste management.**~~

(12) "Utility worker" means a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, or electric cooperative that performs services for or delivers a commodity to the public or any portion thereof and the service performed is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure.

SEC. 2. Section 243 of the Penal Code is amended to read:

243. (a) A battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, ~~**or**~~ search and rescue member, **or utility worker** engaged in the performance of their duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of them as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, ~~**or a public utility employee or other worker engaged in essential infrastructure work,**~~ and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, ~~**or**~~ search and rescue member, **or**

utility worker engaged in the performance of their duties, nonsworn employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, ~~**or a public utility employee or other worker engaged in essential infrastructure work,**~~ the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(c) (1) When a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of their duties, whether on or off duty, or a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a nonsworn employee of a probation department, custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars ($2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years.

(2) When the battery specified in paragraph (1) is committed against a peace officer engaged in the performance of their duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of them as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman and the person committing the offense knows or reasonably should know that the victim is a peace officer engaged in the performance of their duties, the battery is punishable by a fine of not more than ten thousand dollars ($10,000), or by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, or by both that fine and imprisonment.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the

court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a domestic violence shelter-based program, up to a maximum of five thousand dollars ($5,000).

(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

For any order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a domestic violence shelter-based program be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a married person is caused in whole or in part by the criminal acts of their spouse in violation of this section, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision or Section 273.5, the person shall be imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.

(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.

(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of this section, the peace officer is not required to inform the victim of their right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(f) As used in this section:

(1) "Peace officer" means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license under the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Nurse" means a person who possesses a valid certificate or license under the standards of Chapter 6 (commencing with Section 2700) or 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code or a nurse of a hospital engaged in providing services within the emergency department.

(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) "Injury" means any physical injury that requires professional medical treatment.

(6) "Custodial officer" means any person who has the responsibilities and duties described in Section 831 and who is employed by a law enforcement agency of any city or county or who performs those duties as a volunteer.

(7) "Lifeguard" means a person defined in paragraph (4) of subdivision (d) of Section 241.

(8) "Traffic officer" means any person employed by a city, county, or city and county to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

(9) "Animal control officer" means any person employed by a city, county, or city and county for purposes of enforcing animal control laws or regulations.

(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

(11) (A) "Code enforcement officer" means any person who is not described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

(B) "Code enforcement officer" also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the

Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(12) "Custody assistant" means any person who has the responsibilities and duties described in Section 831.7 and who is employed by a law enforcement agency of any city, county, or city and county.

(13) "Search and rescue member" means any person who is part of an organized search and rescue team managed by a government agency.

(14) "Security officer" means any person who has the responsibilities and duties described in Section 831.4 and who is employed by a law enforcement agency of any city, county, or city and county.

(15) "Health care worker" means a person who, in the course and scope of employment, performs duties directly associated with the care and treatment rendered by the hospital's emergency department or the department's security.

~~**(16) "Public utility employee" means any person employed by a public utility, as defined in Section 216 of the Public Utilities Code, including contract workers, employees of a utility contractor, or employees of a corporate parent entity.**~~

~~**(17) "Essential infrastructure work" means construction, maintenance, repair, or operation of critical facilities and services related to electricity, water, natural gas, telecommunications, public transportation, roads, bridges, or waste management.**~~

(16) "Utility worker" means a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, or electric cooperative that performs services for or delivers a commodity to the public or any portion thereof and the service performed is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure.

(g) It is the intent of the Legislature by amendments to this section at the 1981–82 and 1983–84 Regular Sessions to abrogate the holdings in cases such as People v. Corey, 21 Cal. 3d 738, and Cervantez v. J.C. Penney Co., 24 Cal. 3d 579, and to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, while wearing a police uniform as private security guards or patrolmen and to allow the exercise of peace officer powers concurrently with that employment.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: July 1, 2025
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 524 (Arreguín) – As Amended June 25, 2025

SUMMARY: Requires every law enforcement agency (LEA) to maintain a policy that requires an artificial intelligence-generated official report to identify the type of artificial intelligence (AI) program used to write the report and include the signature of the officer who prepared the final report. Specifically, **this bill**:

1) Requires every LEA, as defined, to maintain a policy to require an official report prepared by a law enforcement officer or any member of a LEA that is generated using AI, either fully or partially, to contain both of the following:

   a) On each page of the report, identify every specific AI program used and prominently state the following: "This report was written either fully or in part using artificial intelligence."

   b) The signature of the law enforcement officer or member of an LEA who prepared the final report, either in physical or electronic form, verifying that they reviewed the contents of that report and that the facts contained in the report are true and correct.

2) Specifies that if a law enforcement officer or member of an LEA uses AI to create an official report, whether fully or partially, the first draft created shall be retained for as long as the final report is retained.

3) Specifies that, except for the final report, a draft of any report created with the use of AI shall not constitute an officer's official statement.

4) Requires the program used to generate a draft, interim, or final report to maintain an audit trail that, at a minimum, identifies both of the following:

   a) The person who used AI to create a report.

   b) The video and audio footage used to create a report, if any.

5) Defines "artificial intelligence" to mean an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

6) Specifies that this definition of AI, as used in this bill, applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law

enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative artificial intelligence (GenAI).

7) Defines "law enforcement agency" as any department or agency of the state or any local government, special district, or other political subdivision thereof that employs any peace officer, as specified.

EXISTING LAW:

1) Artificial Intelligence:

   a) Makes specified legislative findings and declarations pertaining to transparency surrounding the use of AI, including that AI-use must be guided by principles of fairness, transparency, privacy, and accountability, that there must be transparency in the use of GenAI systems, and that the public has the right to know when they are interacting with GenAI being used by the state and to have an accessible identification of that interaction. (Gov. Code, § 11549.63, subds. (a) & (d).)

   b) Defines the following terms for purposes of the California AI Transparency Act, and the GenAI Accountability Act, and specified AI-generated political advertisements:

      i) "Artificial intelligence" means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Gov. Code, § 11549.64, (a) & (b); Bus. & Prof. Code, § 22757.1, subds. (a); Gov. Code, § 84514, subd. (d)(1).)

      ii) "Generative artificial intelligence" means an AI system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system's training data. (Gov. Code, § 11549.64, (a) & (b); (Bus. & Prof. Code, § 22757.1, subds. (a).)

   c) Provides that the Office of Emergency Services shall, as appropriate, perform a risk analysis of potential threats posed by the use of GenAI to California's critical infrastructure, including those that could lead to mass casualty events. (Gov. Code, § 11549.65, subd. (b)(1).)

   d) Requires every state agency or department to consider procurement and enterprise use opportunities in which GenAI can improve the efficiency, effectiveness, accessibility, and equity of government operations consistent with the Government Operations Agency, the Department of General Services, and the Department of Technology's policies for public sector GenAI procurement. (Gov. Code, § 11549.65, subd. (c).)

   e) Requires a state agency or department that utilizes GenAI to directly communicate with a person regarding government services and benefits to ensure that those communications include both of the following:

      i) A disclaimer that indicates to the person that the communication was generated by GenAI, as specified.

ii) Information, or a link to an internet website containing information, describing how the person may contact a human employee of the state agency or department. (Gov. Code, § 11549.66.)

f) Requires, operative January 1, 2026, persons that create, code or otherwise produce a publicly accessible GenAI system that has over 1,000,000 monthly visitors or users, as specified, to make available an AI detection tool that allows users to assess whether an image, video or audio content was created or altered by AI, among other detection functions, as specified. (Bus. & Prof. Code, § 22757.2, subd. (a).)

g) Requires, operative January 1, 2026, persons that create, code or otherwise produce a publicly accessible GenAI system that has over 1,000,000 monthly visitors or users, as specified, to offer users the option to include a clear and reasonably understandable manifest disclosure in image, video, or audio content created or altered by the person's GenAI system that identifies the content as AI-generated, as specified. (Bus. & Prof. Code, § 22757.3, subd. (a).)

h) Makes violations of the two preceding paragraphs civilly liable in the amount of $5,000 per violation, where each day in violation is a discrete violation. (Bus. & Prof. Code, § 22757.4, subds. (a) & (b).)

i) Requires specified political advertisements that contain any image, audio, or video generated or substantially altered using AI, to include, in a clear and conspicuous manner, the following disclosure: "Ad generated or substantially altered using artificial intelligence." (Gov. Code, § 84514.)

2) Law Enforcement

a) Requires POST and each local LEA to conspicuously post on their internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. (Pen. Code, § 13650.)

b) Requires state and local LEAs to make public specified information regarding individuals arrested by the agency, except to the extent that disclosure of a particular item would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation. (Gov. Code, § 7923.610.)

c) Provides that a peace officer that knowingly and intentionally make or causes to be made any material statement in a peace officer report, or to another peace officer and the statement is included in the peace officer report, regarding the commission or investigation of any crime, knowing the statement to be false, is guilty of filing a false report, punishable by up to one year in county jail or for one, two, or three years in state prison. (Pen. Code, § 118.1.)

d) Defines "serious misconduct" for purposes of peace officer decertification, to include dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct. (Pen. Code, § 13510.8, subd. (b)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Artificial Intelligence is spreading wildly and creating many concerns, particularly with regard to transparency. This bill is designed to build transparency into the process of creating police reports using AI without in any way impairing the ability of police agencies to use AI to enhance their work product. Adding a footer to a police report stating it was prepared using AI, naming the program used, and requiring an audit trail and the saving of relevant audio and video are already features built into products. The criminal justice system needs clarity and transparency to maintain trust. This bill does that."

2) **What is GenAI?** GenAI is a type of artificial intelligence that can create new content, including text, images, video, computer code, music, and other media by applying user-generated prompts to a vast database of training data.[1] GenAI models, such as Open AI's ChatGPT and Google's Gemini utilize machine learning, large language models, and neural networks to create novel content that mimics human creativity.[2] For example, GenAI models can write a poem, draw a picture, or compose a song based on a given prompt or theme. GenAI utilizes artificial neutral networks based on the functioning of a human brain, to identify the patterns and structures within existing data to generate new and original content.[3]

3) **Recent Efforts to Regulate the Use of GenAI in California:** Since the launch of publicly-available GenAI models, their capacity and scope have expanded rapidly, impacting how we communicate, educate, interact, transact, travel, and consume media. Moreover, a wide range of industries, both public and private, have increasingly integrated GenAI into their operations in order to increase productivity, lower costs, and improve user and consumer experience.

   In response, California's Governor and Legislature have taken steps in the last two years to establish a framework for, and restrictions on, the use of AI in California. On September 6, 2023, Governor Newsom issued Executive Order N-12-23 for the purposes of studying "the development, use, and risks of AI technology throughout the state and to develop a deliberate and responsible process for evaluation and deployment of AI within state government."[4]

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[1] Elastic, *What is generative AI?* (Accessed June 16, 2025), available at: https://www.elastic.co/what-is/generative-ai.
[2] *Ibid.*
[3] *Ibid.*
[4] Governor Gavin Newsom, *Governor Newsom Signs Executive Order to Prepare California for the Progress of Artificial Intelligence* (Accessed June 17, 2025), available at: https://www.gov.ca.gov/2023/09/06/governor-newsom-signs-executive-order-to-prepare-california-for-the-progress-of-artificial-intelligence/.

Among other things, the order: 1) directed state agencies and departments to perform a joint risk-analysis of potential threats to California's critical energy infrastructure by the use of GenAI; 2) issued guidelines for public sector procurement, uses, and required training for applying GenAI; 3) directed agencies and departments to consider procurement and enterprise use opportunities where GenAI can improve the efficiency of government operations; 4) directed state agencies and departments to develop a report examining the most significant and beneficial uses of GenAI in the state; 5) developed guidelines for agencies and departments to analyze the impact that adopting GenAI tools may have on vulnerable communities; 6) directed agencies to provide trainings for state government workers to use state-approved GenAI to achieve equitable outcomes: 7) established a formal partnership with UC Berkeley and Stanford University to evaluate the impacts of GenAI; 7) directed engagement with the Legislature and stakeholders to develop policy recommendations for the responsible use of AI, including any guidelines, criteria, reports, or training; and 8) periodically evaluate the potential impact of GenAI on regulatory issues.[5]

The following year the Legislature enacted SB 896 (Dodd), Chapter 928, Statutes of 2024, which codified parts of Executive Order N-12-23 and additionally required a state agency or department that utilizes GenAI to directly communicate with a person regarding government services and benefits to ensure that those communications include a disclaimer that indicates to the person that the communication was generated by GenAI. Similarly, SB 942 (Becker), Chapter 291, Statutes of 2024, the provisions of which are not effective until January 1, 2026, required GenAI platforms that have over 1 million monthly users and are accessible to Californians to provide an AI detection tool to users that allows them to assess whether image, video or audio content was created or altered by that platform. SB 942 also required these platforms to offer users the option to include a manifest disclosure – and requires them to include a latent disclosure – in content created or altered by the platform that identifies content as AI-generated. SB 896 (Dodd) and SB 942 (Becker) utilized the same definitions of "artificial intelligence" and "generative artificial intelligence."[6]

4) **GenAI-Generated Police Reports:** While AI-use is not currently widespread in the law enforcement context, LEAs have begun to explore how AI can increase the efficiency of existing tools such as automated license plate readers, security cameras and body-worn cameras, facial recognition technology, firearm discharge detection, audio, video and text redaction, report transcription, computer-aided dispatch systems, and predictive policing models.[7] For example, just last month Riverside County announced they are using AI-based redaction technology to automatically identify and redact sensitive content and other identifying details that are captured in recorded footage.[8]

Most relevant to this bill, LEAs have begun using a new GenAI-driven technology that assists officers with drafting police reports. This technology, which is currently provided by two companies – Axon and Truleo – utilizes software that is linked to body cameras to

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[5] *Ibid.*
[6] See Gov. Code, § 11549.64, (a) & (b) & Bus. & Prof. Code, § 22757.1, subds. (a).
[7] Redden, J., Aagaard, B., & Taniguchi, T., *Artificial Intelligence Applications in Law Enforcement* (2020), U.S. Department of Justice, National Institute of Justice, Office of Justice Programs, Criminal Justice Testing and Evaluation Consortium, at pp. 5-7, available at: https://cjtec.org/files/5f5f94aa4c69b.
[8] Fox-Sowell, Sophia, *California county sheriff's office starts using AI software to redact documents*, STATESCOOP (May 30, 2025), available at: https://statescoop.com/california-county-sheriffs-office-ai-redaction/.

upload and transcribe footage to generate police reports in a matter of minutes.[9] Fresno, San Mateo, East Palo Alto, and Campbell police departments have begun using Axon's AI police report drafting technology, which is known as Draft One. The U.S. Department of Justice's Office of Community Oriented Policing Services provides a helpful summary of how this technology works:

> When an officer uploads their video, the footage is sent to the cloud to be analyzed by AI, which produces the first draft of a police report based on the audio. Because the transcription is based entirely on audio, officers are encouraged to narrate the situation in real time. The AI tools are not able to parse or summarize the video's visual content.
>
> With Draft One and Truleo, the officer begins by selecting the incident's category (traffic violation, domestic incident, etc.) and creating a template. The officer then reviews the AI–created report, filling in the brackets for additional details that may be relevant. They can also manually edit the report, changing or adding information.
>
> The narrative ends with the disclosure that the report was generated by AI, and the officer's signature testifies to the accuracy of the document. The report is submitted through the Axon system or by Truleo to their department's records management system.[10]

This technology has several benefits. Because it produces policy reports more quickly than manual entry, it can reduce the amount of time officers spend writing police reports, which may allow officers to spend more time policing in the field.[11] Proponents of this technology also contend it improves the thoroughness and accuracy of the reports by capturing verbal exchanges or speech that an officer may not notice or recollect. [12]

On the other hand, AI-written police reports raise concerns about transparency, machine-learning bias, and the admissibility of such reports in court proceedings.[13] Police reports play a critical role in prosecutorial charging decisions, as well as judicial pretrial release decisions. An AI-generated police report calls into question whether the facts in such a report are sufficiently reliable to support prosecutorial charging, or judicial pretrial detention decisions.[14] A recent ACLU report summarizes some of the concerns associated with GenAI-created police reports:

> The use of AI to draft police reports is likely to have different effects in minor and major allegations of wrongdoing. In more minor cases, as Ferguson points out, police reports are often the only account of an incident (besides the defendant's) that

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[9] Office of Community Oriented Policing Services: Community Policing Dispatch, *Using AI to Write Police Reports* (Jan. 2025) 18:1, available at: https://cops.usdoj.gov/html/dispatch/01-2025/ai_reports.html.
[10] *Ibid.*
[11] *Ibid.*
[12] *Ibid*; VICE, *Cops Are Using AI to Write Police Reports* (Aug. 27, 2024), available at: https://www.vice.com/en/article/ai-police-reports-axon-draft-one/
[13] Office of Community Oriented Policing Services: Community Policing Dispatch, *Using AI to Write Police Reports* (Jan. 2025) 18:1, available at: https://cops.usdoj.gov/html/dispatch/01-2025/ai_reports.html.
[14] Ferguson, *Generative Suspicion and the Risks of AI-Assisted Police Reports* (July 17, 2024). Northwestern L. Rev., at p. 55, available at: https://papers.ssrn.com/sol3/Delivery.cfm/4897632.pdf?abstractid=4897632&mirid=1.

prosecutors, defense attorneys, and judges have access to as charging, plea bargain, and sentencing decisions are made. Changes in the generation of police reports, such as the use of AI with all its attendant problems, could increase the number of injustices in such cases.

In more serious cases, the police report is likely to be just one of many sources of evidence, including witness testimony and the body camera footage itself. But though the role of the police report may be smaller, its potential consequences could be much more significant. By default, Axon's software is set not to be used for any incidents involving felonies or arrests. But Axon's executives have publicly stated that "the DAs and the actual agencies that are doing these reports . . . are rapidly turning off the restrictions," and that "most of the agencies that are live right now are using it on all incidents." That means these AI-assisted police reports could already be affecting criminal outcomes in very serious situations.[15]

5) **Effect of this Bill:** Existing law does not restrict the use of AI in conjunction with the production of police reports. Police officers are generally required to honestly and accurately file reports. Particularly, peace officers are prohibited from knowingly and intentionally making material false statements pertaining to the commission of a crime in a peace officer report. (Pen. Code, § 118.1.) This offense is punishable by up to one year in county jail or for one, two, or three years in state prison. (*Ibid.*) This obligation applies irrespective of whether the officer manually fills out the report or generates the report using an AI program such as Draft One. Intentionally filing a false report is also grounds for peace officer decertification.[16] (Pen. Code, § 13510.8, subd. (b)(1).) In sum, while existing law indirectly prohibits a peace officer from knowingly filing AI-generated reports that contain false statements it does not limit or otherwise require transparency surrounding the use of AI to generate such police reports.

This bill, a first-of-its kind, seeks to establish guidelines and transparency surrounding AI-generated police reports. *First,* it requires LEAs to maintain a policy that requires an official report prepared by a law enforcement officer that is partially or entirely generated using AI to contain certain disclosures. Any such AI-generated report must identify, on each page of the report, every AI program that was used, and prominently state: "This report was written either fully or in part using artificial intelligence." It must also include the signature of the officer that prepared the final report, verifying that they reviewed the contents of that report and that the facts in the report are true and correct.

Second, it requires the first created draft of an official report to be retained for as long as the final report is retained, for any report where an officer uses AI to fully or partially generate an official report. Under the bill, except for the final report, a draft of any report created with the use of AI does not constitute an officer's official statement. *Third,* the bill requires the

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[15] Stanley, Jay, *Police Departments Shouldn't Allow Officers to Use AI to Draft Police Reports*, American Civil Liberties Union (Nov. 2024), available at: https://assets.aclu.org/live/uploads/2024/12/Automated-Police-Reports-1291.pdf.

[16] See Pen. Code, § 13510.8, subd. (b)(1) (defining "serious misconduct" for purposes of what constitutes grounds for peace officer decertification, to include "dishonesty relating to the reporting, investigation, or prosecution of a crime… including…false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct").

program used to generate a draft, interim, or final report to maintain an audit trail that, at a minimum, identifies the person who used AI to create a report and the video and audio footage used to create a report, if any.

This bill defines "artificial intelligence" to mean "an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments." This is the same definition of AI adopted in SB 896 (Dodd), Chapter 928, Statutes of 2024, and SB 942 (Becker), Chapter 291, Statutes of 2024. (Gov. Code, § 11549.64, (a) & (b); Bus. & Prof. Code, § 22757.1, subds. (a).) This bill additionally specifies that this definition applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by GenAI.

This bill proposes to provide the public with transparency regarding when, and what type of, AI programs are being used to generate police reports, as well as the extent to which AI programs are being used by LEAs more generally. Additionally, requiring officers to verify the accuracy of the contents of AI-generated reports provides for human review for any potential biases, inaccuracies, or glitches associated with the technology.

6) **Practical Considerations**: This bill appears to be tailored towards AI-generated police reports. The bill generally defines AI to mean "an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments" before stating this definition "applies to" AI systems that automatically draft *police report* narratives. It is not clear whether this bill is intended to *only* apply to AI programs that generate police reports (e.g. Draft One), or whether such police report-AI generation programs are just one example of the type of AI systems that this bill "applies to." The author may wish to clarify this point.

Similarly, the AI restrictions and disclaimers proposed by this bill apply generally to "official reports" prepared by a law enforcement officer or member of an LEA. "Official report" is not defined in the bill, or elsewhere in the Penal Code, and it may not always be clear what law enforcement officer-created reports are "official." LEAs are responsible for preparing a variety of reports including police reports,[17] police investigative reports,[18] domestic violence incident reports,[19] child abuse reports,[20] elder abuse reports,[21] in-custody death reports,[22] officer-involved shooting reports,[23] reports pertaining to potential peace officer misconduct,[24] as well as stop data under the Racial and Identity Profiling Act (RIPA),[25] among other reporting obligations. The author may wish to further clarify whether this bill is only

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[17] See Pen. Code, §§ 1027, subd. (b); 1203.097, subd. (b)(1).
[18] See Pen. Code, § 851.92, subd. (d)(5).)
[19] See Pen. Code, § 13730, subd. (a).
[20] See Pen. Code, § 11166, subd. (k).
[21] See Welf. & Inst. Code, § 15630, subds. (b), (c), & (g).
[22] See Gov. Code, § 12525, subd. (a).
[23] See Gov. Code, § 12525.2, subd. (a).
[24] See Pen. Code, § 832.7, subd. (b)(1)(A)-(E).)
[25] See Gov. Code, § 12525.5.

intended to apply to AI-generated *police reports*, and if not, what other reports are encompassed by this bill.

Finally, the bill refers to "generative artificial intelligence" but does not define this term. For clarity purposes the author may wish to cross reference the definition for this term that was adopted by SB 896 (Dodd), Chapter 928, Statutes of 2024, and SB 942 (Becker), Chapter 291, Statutes of 2024.[26]

7) **Argument in Support**: According the *California Public Defenders Association,* "Artificial Intelligence is ubiquitous, and yet regulation of it is in its infancy. It has recently been discovered that law enforcement in this state is using AI to generate police reports from the audio from body worn cameras. This AI software is being used without any notice to end-users of these reports. Police officers write reports to memorialize criminal incidents – from reports of crimes to arrests. Those reports are powerful – they form the very basis of virtually every criminal prosecution. Prosecutors who file cases usually rely virtually 100 per cent on those police reports – conducting no original investigation. It is crucial that reports be accurate and complete.

"Not only is there is serious risk that the generative AI programs being used may create reports that miss important information, but of greater concern is that they may include information that is inaccurate or even false. It has been reported that a number of law enforcement agencies in the state are piloting a software program called "Draft One" but these agencies have been keeping its use a secret.

"SB 524 requires transparency so that end-users - prosecutors, defense attorneys and courts - are informed that the police report they are relying on were generated either in whole or in part by a generative artificial intelligence program. This bill requires that law enforcement agencies include information on any page where AI was used the name of the program used and the statement: "This report was written either fully or in part using artificial intelligence."

"SB 524 also requires the first and final report be retained in a manner that allows ready access if law enforcement uses AI to prepare a report either wholly or in part.

"Finally, SB 524 requires the program used to generate a report maintain an audit trail that, at a minimum, identifies all of the following: (1) The person who used artificial intelligence to create a report; (2) the person who made any changes to a report and (3) the video footage used to create a report.

"Everything required by this bill mandates is available within the software and nothing more would be required of a law enforcement agency than an adjustment to the program's settings. The information required is then generated automatically. It costs nothing to the agency and is available right "out of the box."

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[26] See Gov. Code, § 11549.64, (a) & (b) & Bus. & Prof. Code, § 22757.1, subds. (a) (defining "generative artificial intelligence" as an artificial intelligence system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system's training data).

"AI can be a very powerful and dangerous tool. It is essential that individuals who rely on reports generated by AI to make important decisions, such as whether to charge someone with a crime, be fully informed that AI was used to generate the report. SB 584 requires minimal steps be taken when AI is used by law enforcement. This bill will ensure there is transparency, and that everyone who relies on a police report be made aware that it was generated by AI. It also ensures that underlying information necessary to evaluate the reliability of the report generated be made accessible to the parties who rely on the report."

8) **Argument in Opposition**: According to the *Peace Officer Research Association of California*, "While we recognize the intent of SB 524 to promote transparency in the use of emerging technologies, the bill raises serious concerns about unintended consequences that would undermine officer integrity, impose significant administrative burdens, and introduce unnecessary legal vulnerabilities.

"As currently amended, SB 524 requires law enforcement agencies to adopt policies governing the use of AI in generating official reports…

"PORAC's concerns include the following:

- The mandatory disclosure statement on every page of an AI-involved report could imply to the public, courts, or defense attorneys that such reports are inherently less reliable or credible. This stigmatizes officers' work, even if AI is used minimally for grammar corrections. The disclosure could be exploited in legal proceedings to challenge the veracity of their reports. A defense attorney might argue that AI introduced errors or biases, casting doubt on the officer's account, regardless of the officer's oversight or edits.

- The requirement to retain all drafts, maintain an audit trail, and ensure compliance with AI-specific policies adds significant administrative costs.

- Errors in documenting AI use or retaining drafts could be misconstrued as intentional noncompliance, leading to disciplinary actions or accusations of falsifying reports.

- The bill's broad definition of AI could encompass common tools like spell-checkers, grammar software, or audio transcription programs. Officers may inadvertently violate the policy by using such tools without realizing they qualify as AI.

- The unfunded mandates will impose significant, labor (diverting officers' time from core duties), training and storage costs.

"Given the growing integration of technology in modern policing, it is critical that policies regulating AI use strike a careful balance between accountability and practicality. Unfortunately, SB 524 overcorrects in a way that risks confusing innovation with misconduct."

9) **Related Legislation**:

a) AB 1018 (Bauer-Kahan) would create a comprehensive regime designed to ensure human oversight over automated decision systems that are used in "consequential decisions" – those that materially impact an individual's rights, opportunities, or access to critical resources or services – in order to mitigate bias and unreliability in these systems. AB 1018 is pending a hearing in Senate Judiciary Committee.

b) SB 833 (McNerney) would require state agencies in charge of critical infrastructure that deploy AI systems to establish a human oversight mechanism to monitor its AI system's operations and to conduct annual safety and human oversight compliance assessments of its AI and automated decision systems, as specified. SB 833 is pending a hearing in Assembly Privacy and Consumer Protection Committee.

10) **Prior Legislation**:

a) SB 942 (Becker), Chapter 291, Statutes of 2024, places obligations on businesses that provide GenAI systems to make accessible tools to detect whether specified content was generated by those systems.

b) SB 896 (Dodd), Chapter 928, Statutes of 2024, codifies some aspects of the Governor's AI executive order, and requires that the use of GenAI for state communications be disclosed.

c) AB 2355 (W. Carrillo), Chapter 260, Statutes of 2024, requires any political advertisement, as specified, that is published or distributed by a political committee, to include a disclaimer if content in the ad was generated or substantially altered using artificial intelligence (AI).

REGISTERED SUPPORT / OPPOSITION:

Support

California Attorneys for Criminal Justice
California Civil Liberties Advocacy
California Public Defenders Association (CPDA)
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice (CURYJ)
County of Los Angeles Board of Supervisors
Electronic Frontier Foundation
Felony Murder Elimination Project
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Oakland Privacy
Prosecutors Alliance Action
Rubicon Programs
San Francisco Public Defender
Smart Justice California, a Project of Tides Advocacy

Security Industry Association

Oppose

California Police Chiefs Association
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office
San Bernardino County Sheriff's Department
Orange County Sheriff's Department

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