California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

Chief Counsel
Andrew Ironside

Deputy Chief Counsel
Stella Choe

Staff Counsel
Kimberly Horiuchi
Dustin Weber
Ilan Zur

Lead Committee Secretary
Elizabeth Potter

Committee Secretary
Samarpreet Kaur

1020 N Ste, Room 111
(916) 319-3744
FAX: (916) 319-3745

AGENDA

Tuesday, July 15, 2025
8:30 a.m. -- State Capitol, Room 126

Analysis Packet Part III
SB 635 (Durazo) – SB 857(Sen. PUB. S.)

Date of Hearing: July 15, 2025
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 635 (Durazo) – As Amended May 29, 2025

SUMMARY: Safeguards data collected by local governments pertaining to street vendors and compact mobile food operators (street food vendors) from immigration authorities. Specifically, **this bill**:

1) States that a local authority may adopt an additional regulation for sidewalk vending in a park if that requirement says the local authority shall not provide voluntary consent to an immigration enforcement agent to access, review, or obtain any of the local authority's records that include personally identifiable information of any sidewalk vendors in the jurisdiction without a subpoena or judicial warrant, except as defined.

2) States that a local authority may adopt an additional regulation for sidewalk vending in a park if that requirement says the local authority and its personnel shall not disclose or provide in writing, verbally, or in any other manner, personally identifiable information of any sidewalk vendor that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant.

3) Provides that a local authority may, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including requiring the sidewalk vendor to obtain from the local authority a permit for sidewalk vending or a valid business license, provided that the local authority issuing the permit or business license meets the following requirements:

   a) The local authority shall not inquire into or collect information about an individual's immigration or citizenship status or place of birth.

   b) The local authority shall not inquire into or collect information or documentation regarding an individual's criminal history, and shall not require an applicant to submit fingerprints, complete a LiveScan fingerprinting, or submit to a background check as part of an application for a permit or valid business license for sidewalk vending.

   c) A local authority that inquired into or collected information or documentation regarding an individual's immigration or citizenship status, place of birth, or criminal history, required an applicant to submit fingerprints or complete a LiveScan fingerprinting, or performed a background check before January 1, 2026, shall destroy those records on or before March 1, 2026.

4) Prohibits local authorities from contracting with, or delegating to, a non-public entity to enforce sidewalk vending or street food rules or regulations, to impound sidewalk vending or

street food vending equipment, or to cite, fine or prosecute a vendor for violations of vending rules or regulations.

5) Establishes that when enforcing any provision of, or regulation adopted pursuant to, this part regulating a sidewalk vendor, an agency or department of a local authority shall not do any of the following:

   a) Inquire into an individual's immigration status;

   b) Assist an immigration enforcement agent in defined activities;

   c) Perform the functions of an immigration officer, whether formal or informal, as defined;

   d) Place local authority personnel under the supervision of federal agencies, or employ local authority personnel deputized as special federal officers or special federal deputies, for purposes of immigration enforcement;

   e) Use an immigration enforcement agent as an interpreter for local authority matters, or use local authorities as interpreters for an immigration enforcement agent; or,

   f) Provide office space dedicated for any immigration enforcement agent for use within a local authority facility.

6) Provides that when enforcing any provision of, or regulation adopted pursuant to, this part regulating a sidewalk vendor, an agency or department of a local authority that has been authorized to make specified arrests shall not do any of the following:

   a) Use local authority moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

      i) Detaining an individual on the basis of a hold request;

      ii) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information; or,

      iii) Making or intentionally participating in arrests based on civil immigration warrants.

   b) Transfer an individual to immigration authorities; or,

   c) Contract with the federal government for use of local authority facilities to house individuals as federal detainees for purposes of immigration enforcement.

7) Establishes that when enforcing any provision of, or regulation adopted pursuant to, this part regulating an operator or employee of a compact mobile food operation, an enforcement agency and its personnel shall not do any of the following:

   a) Inquire into an individual's immigration status;

   b) Assist an immigration enforcement agent in defined activities;

c) Perform the functions of an immigration officer, whether formal or informal, as defined;

d) Place enforcement agency personnel under the supervision of federal agencies, or employ enforcement agency personnel deputized as special federal officers or special federal deputies, for purposes of immigration enforcement;

e) Use an immigration enforcement agent as an interpreter for enforcement agency matters, or use enforcement agency personnel as interpreters for an immigration enforcement agent; or,

f) Provide office space dedicated for any immigration enforcement agent for use within an enforcement agency facility.

8) Provides that when enforcing any provision of, or regulation adopted pursuant to, this part regulating an operator or employee of a compact mobile food operation, an enforcement agency that has been authorized to make specified arrests shall not do any of the following:

a) Use enforcement agency moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

i) Detaining an individual on the basis of a hold request;

ii) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information;

iii) Making or intentionally participating in arrests based on civil immigration warrants.

b) Transfer an individual to immigration authorities; or,

c) Contract with the federal government for use of enforcement agency facilities to house individuals as federal detainees for purposes of immigration enforcement.

9) States that an enforcement agency shall not delegate or assign authority to a nonpublic entity, or enter into a contract with a nonpublic entity, to do any of the following:

a) Enforce any provision of this part or regulation adopted pursuant to this part regulating an operator or employee of a compact mobile food operation;

b) Impound compact mobile food operation equipment; or,

c) Cite, fine, or prosecute an operator or employee of a compact mobile food operation for a violation of this part.

10) States that, except as otherwise required by federal law, an enforcement agency which regulates street food vendors shall not provide voluntary consent to an immigration enforcement agent to access, review, or obtain any of the enforcement agency's records that include personally identifiable information of any sidewalk vendor or street food vendor in the jurisdiction without a subpoena or judicial warrant. This does not prohibit an enforcement agency from challenging the validity of a subpoena or warrant in federal court.

11) States that an enforcement agency and its personnel shall not disclose or provide in writing, verbally, or in any other manner, personally identifiable information of any sidewalk vendor that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant.

12) Requires that a permit application for a compact mobile food operation shall comply with all of the following requirements:

    a) An enforcement agency shall accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the enforcement agency otherwise requires a social security number for a permit, and the number collected shall not be available to the public for inspection, shall be confidential, and shall not be disclosed except as required to administer the permit or licensure program or to comply with a state law or state or federal court order;

    b) The enforcement agency shall not inquire into or collect information about an individual's immigration or citizenship status or place of birth;

    c) The enforcement agency shall not inquire into or collect information or documentation regarding an individual's criminal history, and shall not require an applicant to submit fingerprints, complete a LiveScan fingerprinting, or submit to a background check as part of an application for a permit; and,

    d) An enforcement agency that inquired into or collected information or documentation regarding an individual's immigration or citizenship status, place of birth, or criminal history, required an applicant to submit fingerprints or complete a LiveScan fingerprinting, or performed a background check before January 1, 2026, shall destroy those records on or before March 1, 2026.

13) Defines "immigration enforcement" as "any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in, the United States."

14) Defines "personally identifiable information" as "an individual's name, business name, address, birthdate, telephone number, business location, California driver's license or identification number, individual taxpayer identification number, municipal identification number, government-issued identification number, consular identification, social media identifiers, employer identification number, business license number, seller's permit number, social security number, vending registration certificate or license number, known place of work, income and tax information, and any other information that would identify the individual."

15) Contains a Legislative finding that at least one part of the bill imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant

to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

a) In order to protect the privacy of California residents and prevent the disclosure of sensitive personal information, it is necessary that personal identifying information remain confidential.

16) Contains a severability provision.

17) Contains legislative findings and declarations.

EXISTING FEDERAL LAW:

1) States that notwithstanding any provision of federal, state, or local law, no state or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States. (8 U.S.C. § 1644.)

EXISTING LAW:

1) Provides that a city or county may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. (Cal. Const. Art. XI, Sec. 7.)

2) Prohibits local authorities from regulating sidewalk vendors unless those authorities comply with specified requirements. (Gov. Code, §§ 51037 – 51039.)

3) Prohibits law enforcement agencies (LEAs) from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. These provisions are commonly known as the Values Act. Restrictions include:

   a) Inquiring into an individual's immigration status;

   b) Detaining a person based on a hold request from immigration authorities;

   c) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public;

   d) Providing personal information, as specified, including, but not limited to, name, social security number, home or work addresses, unless that information is available to the public;

   e) Arresting a person based on a civil immigration warrant;

   f) Participating in border patrol activities, including warrantless searches;

   g) Performing the functions of an immigration agent whether through agreements known as 287(g) agreements, or any program that deputizes police as immigration agents;

h) Using immigration agents as interpreters;

i) Transferring an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or except as otherwise specified;

j) Providing office space exclusively for immigration authorities in a city or county law enforcement facility; and,

k) Entering into a contract, after June 15, 2017, with the federal government to house or detain adult or minor non-citizens in a locked detention facility for purposes of immigration custody. (Gov. Code, § 7284.6, subd. (a).)

4) Contains exceptions allowing LEAs to cooperate with immigration authorities, including: responding to a request from immigration authorities for information about a specific person's criminal history; giving immigration authorities access to interview an individual in their custody; and conducting enforcement or investigative duties associated with a joint law enforcement task force, as specified. (Gov. Code, § 7284.6, subd. (b).)

5) Prohibits, except as otherwise required by federal law, an employer or person acting on their behalf from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a judicial warrant, and specifies civil penalties for an employer who violates this prohibition. (Gov. Code, § 7285.1.)

6) Prohibits an employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant, except for access to I-9 employment eligibility verification forms or other documents for which a Notice of Inspection has been provided to the employer. Provides a civil penalty, enforceable by the Labor Commissioner or the Attorney General, for a violation of this prohibition. (Gov. Code, § 7285.2.)

7) Prohibits, except as required by state or federal law or as required to administer a state- or federally-supported educational program, school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding citizenship or immigration status of students or their family members. (Ed. Code, § 234.7.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "I am proud to author SB 635, a bill that will further equip our street vendors with the resources and protections that they need to grow their businesses. Street vendors are pivotal to California's culture and economy, and nationally they have been huge contributors to their communities. Now more than ever, California must unite to uplift and empower micro-businesses across the State. SB 635 advances micro-entrepreneurs' economic security and stability by keeping their data private."

2) **Effect of the Bill:** Prior to 2019, local jurisdictions had sole authority to regulate or ban sidewalk vending. However, the Legislature passed SB 946 (Lara), Chapter 459, Statutes of 2018, which prohibited local governments from banning sidewalk vending and established various parameters for local ordinances seeking to regulate sidewalk vending. Under SB 946, violations of a local authority's sidewalk vending ordinance, provided that it complies with other requirements, may only be punished by a series of administrative fines that increase in scale as the number of violations increases, or by revocation of a sidewalk vending permit. (See Gov. Code, § 51039.) SB 946 established that neither violations of those ordinances (including vending without a permit) nor failure to pay administrative fines could be punished as infractions or misdemeanors, a condition that applied to any criminal prosecutions pending at the time of the law's enactment. (Gov. Code, § 51039, subd. (c).)

   Some local governments have expressed concerns that sidewalk vending can be a cover for criminal activity, such as reselling of stolen property or the sale of counterfeit merchandise.[1] Los Angeles City Officials recently said that some street vendors around MacArthur Park participate in an open air market of illegal activity selling stolen goods, drugs, and even firearms.[2] As such, some local governments require a criminal background check and/or fingerprinting as part of the permit process in order to reduce the chance that street vending might be associated with such criminal activity. For example, in the City of West Hollywood a person needs to submit to fingerprinting and a background investigation before a valid business license can be issued.[3]

   This bill would prohibit the collection information about an individual's immigration or citizenship status, place of birth, or criminal history, or requiring a criminal background check or fingerprinting to obtain a permit for sidewalk vending. This bill would also require that any such information or documentation collected before its effective date be destroyed by March 1, 2026. This bill would also prohibit a local agency from delegating its authority to, or contracting with, a nonpublic entity to enforce vending rules and regulations, impound vending equipment, or cite, fine, or prosecute sidewalk vendors. In addition, this bill would prohibit a local authority from giving an immigration enforcement agent access to any of its records that include the personally-identifiable information of a sidewalk vendor without a subpoena or a judicial warrant.

   Some of the bill's provisions could create issues for certain municipalities. The requirement that towing services not be contracted or executed by a nonpublic entity may create a problem for smaller counties and localities where contracting with private entities for various service needs is common. Additionally, some of the restrictions could create conflicts with existing processes and practices, like those involving LiveScans and record destruction.

3) **Heightened Concerns Regarding Intimidation of Immigrants:** This bill aims to protect certain businesses and proprietors from state and local resources being used for various data-

---

[1] Solis, N, *MacArthur Park, Riddled with Drugs and Crime, is Different Now, Mayor Says* (Mar. 10, 2025) Los Angeles Times <https://www.latimes.com/california/story/2025-03-10/mayor-karen-bass-lapd-outline-efforts-to-combat-crime-mcarthur-park> [as of July 8, 2025].
[2] *Ibid.*
[3] *Sidewalk Vendors*, City of West Hollywood <https://www.weho.org/city-government/city-departments/community-safety/neighborhood-and-business-safety/business-licensing-and-permits/business-licensing/sidewalk-vendors> [as of July 8, 2025].

sharing and enforcement processes used by the federal government for immigration enforcement. President Trump vowed to carry out the largest deportation program in U.S. history during his second term.[4] On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[5] The provisions of this order include:

- Directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories (§§ 4 and 5);
- Directing Homeland Security Investigations to prioritize immigration enforcement (§ 4);
- Establishing Homeland Security Task Forces in each state (§ 6);
- Requiring all noncitizens, including and especially undocumented individuals, to register with DHS, with civil and criminal penalties for failure to register (§ 7);
- Collecting civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry, and from anyone assisting with unlawful entry (§ 8);
- Expanding the use of expedited removal (§ 9);
- Building more detention facilities (§ 10);
- Encouraging federal/state cooperation regarding immigration enforcement, such as 287(g) immigration enforcement agreements (§ 11) and requiring the sharing of information between the federal government and state/local governments (§ 18);
- Encouraging removable individuals to avail themselves of Voluntary Departure (§ 12);
- Establishing visa bonds, for nonimmigrant visa applicants (§ 14);
- Reestablishing the Victims Of Immigration Crime Engagement (VOICE) office, regarding victims of criminal offenses committed by noncitizens (§ 15);
- Limiting the grant of humanitarian parole (§ 16(a));
- Limiting Temporary Protected Status (TPS) (§ 16(b));
- Restricting the availability of employment authorization documents (work permits) for undocumented people (§ 16(c));
- Denying federal funds for sanctuary cities (§ 17);
- Reviewing federal grants to nonprofits helping undocumented/removable people, and freezing funding pending review (§ 19);
- Denying public benefits to undocumented individuals (§ 20); and,
- Hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol officers (§ 21).[6]

Moreover, on January 25, 2025, Immigration and Customs Enforcement (ICE) field offices were told that each office must detain at least 75 noncitizens every day, or more than 1,800

---

[4] Inskeep, Steve and Thomas, Christopher, *Trump promised the 'largest deportation' in US history. Here's how he might start* (Nov. 15, 2024) LAist <https://laist.com/news/politics/trump-promised-the-largest-deportation-in-us-history-heres-how-he-might-start> [as of July 8, 2025].
[5] *Protecting the American People Against Invasion* (Jan. 20, 2025) The White House <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> [as of July 8, 2025].
[6] *Ibid.*

per day nationwide.[7] The Trump Administration has been sending detained individuals to a mega prison in El Salvador.[8] This includes people who have permanent residency and even US citizens.[9] One report shows at least seven US citizens deported as of April 2025.[10]

It is against this backdrop that this bill seeks to restrict collection of information regarding sidewalk vendors and street food vendors and sharing of that information with federal immigration authorities.

4) **Overlap with the California Values Act:** The California Values Act prohibits state and local law enforcement agencies (LEAs) from directly enforcing or supporting enforcement of federal immigration law. (Gov. Code, §§ 7284 et seq,) "Law enforcement agency" is defined as "a state or local law enforcement agency, including school police or security departments." (Gov. Code, §§ 7284.4, subd. (a).) The California Department of Corrections and Rehabilitation (CDCR) is specifically excluded from this definition. (*Ibid.*)

   Among other things, the Values Act prohibits state and local law enforcement agencies from inquiring into an individual's immigration status, detaining an individual on the basis of a hold request, providing information regarding a person's release date, except as specified, or other personal information, such as the individual's home address or work address, and assisting immigration authorities in certain activities. (Gov. Code, § 7284.6, subd. (a)(1).) The Values Act contains some exceptions to these prohibitions. For example, although agencies generally cannot transfer an individual to immigration authorities, a transfer is permissible if authorized by a judicial warrant or judicial probable cause determination, or if the individual has been convicted of certain enumerated crimes. (Gov. Code, § 7284.6, subd. (a)(4).)

   Yet, the Values Act expressly authorizes law enforcement agencies to cooperate with immigration authorities in specific instances. Under the Values Act, LEAs have discretion to do any the following if doing so would not violate any policy of the LEA or any local law or policy of the jurisdiction in which the LEA is operating:

   1) Investigate, enforce, or detain, upon reasonable suspicion of, or arrest, an undocumented person who enters the U.S. after being deported, and may be subject to an enhancement for a prior aggravated felony, as specified, that is detected during an unrelated law enforcement activity,

   2) Respond to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System, where otherwise permitted by state law,

---

[7] *Trump Officials Issue Quotas to ICE Officers to Ramp up Arrests* (January 26, 2025) Washington Post <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/> [as of July 8, 2025].
[8] Aleman, M, *Venezuelan Migrants Deported by the US Ended up in a Salvadoran Priosn. This is Their Legal Status* (March 25, 2025) <https://apnews.com/article/el-salvador-trump-tren-de-aragua-venezuela-dde4259e5dcd502101b7b8fbd3c03659> [as of July 8, 2025].
[9] *As Trump cracks down on immigration, US citizens are among those snared* (Apr. 5, 2025) Washington Post <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/> [as of July 8, 2025].
[10] *Ibid.*

3) Conduct enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other LEAs for purposes of task force investigations, as long as 1) the primary purpose of the task force is not immigration enforcement; 2) the enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement; and 3) participation in the task force does not violate any governing local law or policy,

4) Making inquiries into information necessary to certify an individual for a visa, as specified, who has been identified as a potential victim of crimes such as trafficking, domestic violence, or sexual assault, and

5) Giving immigration authorities access to interview an individual in agency or department custody, subject to specified requirements. (Gov. Code, § 7284.6, subd. (b).)

While not explicitly stated, this bill would operate similarly to the California Values Act for certain local authorities, which regulate sidewalk vendors or street vendors. Due to the nuance written into the Values Act, this bill could create confusion among municipalities about exactly what they are permitted to do and prohibited from doing in certain situations. Given the purpose of this bill appears to be to limit cooperation with federal authorities, ensuring clarity in the language and providing clear guidance to these municipalities could help ensure this bill does not create unintended consequences for public servants acting in good faith.

5) **Argument in Support**: According to the *Electronic Frontier Foundation (EFF)*, "EFF writes in support of S.B. 635, which provides a critical opportunity to equip and protect vulnerable workers in California by strengthening data privacy, clarifying local government programs, and keeping sensitive information out of the hands of immigration enforcement agencies.

"EFF has long advocated for data privacy and the empowerment of individuals in the face of government surveillance and overreach. SB 635 addresses a critical issue by ensuring that sensitive personal information gathered through local government programs—such as sidewalk vending permits—are not used for immigration enforcement. In light of the growing threats to immigrant communities, this bill represents an important step toward safeguarding the privacy and dignity of California's street vendors.

"California has an obligation to protect the personal information of people trying to comply with street vendor laws, and vendors deserve assurance that the data they provide will only be used to administer and enforce the permitting process, and not for immigration enforcement. By explicitly prohibiting the disclosure of personal identifiable information (PII) to federal agencies, this bill ensures that street vendors are not subjected to the chilling effects of immigration enforcement. This protection extends beyond basic personal data to include safeguards against inquiries into immigration status, citizenship, and criminal history, which are often used as tools of exclusion and fear.

"EFF recognizes the importance of clarifying the scope and operation of local government programs (such as sidewalk vending permits), especially in the context of immigrant communities. Local agencies often collect vast amounts of sensitive information, and the risk that this data could be shared with federal authorities for purposes of immigration enforcement is a serious concern. S.B. 635 effectively prevents this by ensuring that local authorities cannot allow federal immigration authorities to access PII unless compelled by a subpoena or judicial warrant. By closing this gap, the bill fosters trust between immigrant communities and local authorities, ensuring that all Californians, regardless of immigration status, can engage with local government programs without fear of retribution."

6) **Argument in Opposition**: According to the *City of Santa Cruz*, "On behalf of the Santa Cruz City Council, I write to respectfully oppose Senate Bill (SB) 635 unless amended. The City of Santa Cruz (City) is aligned with the California Values Act, does not use City resources to enforce federal immigration law, and fully supports the provisions in the bill that protect individuals from immigration enforcement, such as those prohibiting a jurisdiction's ability to collect and share information about an individual's immigration or citizenship status, place of birth, criminal history, and fingerprinting. However, the City is opposed to the provisions of the bill that prohibit a jurisdiction from working with a non-public entity to enforce sidewalk vending and compact mobile food regulations.

"Sidewalk and mobile food vendors bring a range of benefits to the City, providing locals and visitors convenient access to a range of goods and offering entrepreneurial and employment opportunities. The City has enacted regulations that facilitate vending while ensuring that public safety, public health, and accessibility can be maintained. The City contracts with a third-party, private contractor (contractor) to assist with regulatory compliance oversight on weekends and evenings. This contract is necessary because the demand for enforcement is seasonal, and the weekend and evening hours are outside the regular full-time schedule of code compliance staff. The services performed by the contractor could not be performed by our current code compliance and police staff. For example, police officers are often busy with higher-priority calls on Friday and Saturday evenings in the summer and not available for civil code violation enforcement. The contractor also supports greater efficiency in the City, because it eliminates the time that the City would need to spend recruiting new staff each spring, just to let those staff go each fall.

"Vending enforcement by the contractor's personnel provides valuable services to the City. For example, they ensure that vendors retain sufficient space for people to use the sidewalk without being forced into bicycle or vehicular travel on the street. They also support public health and safety by ensuring that food vendors have applicable permits from the County Health Department. The contractor's personnel have even engaged and addressed unpermitted sidewalk vendors selling alcohol and tobacco. The contractor provides services that would be challenging for the City to provide on its own, and if it did, the City would likely be pulling police officers away from higher-priority issues. Utilizing police officers for code compliance enforcement additionally places officers in an avoidable position of potential high liability. Additionally, the lack of enforcement by a contractor would likely result in a lack of enforcement overall, which could lead to public health concerns, including the sale of unsafe foods to the public.

"The City's concerns are not hypothetical. Before the City hired the contractor, unregulated vending activity in the City led to major sidewalk obstruction, ADA accessibility issues, pedestrians forced into the street or bike lanes, vending-related littering and dumping, and the sale of unsafe food to the public. Since the City revised its vending regulations and hired the contractor, vending is still common, but the sidewalks are passable, and the above-described health and safety issues have improved significantly."

7) **Related Legislation**:

a) AB 49 (Muratsuchi), prohibits school officials and employees of a local educational agency from allowing an officer or employee of an agency conducting immigration enforcement to enter a schoolsite for any purpose without providing valid identification and a valid judicial warrant, a court order, or exigent circumstances necessitating immediate action. This bill is pending hearing in the Senate Education Committee.

b) AB 419 (Connolly), requires the governing board or body of a local educational agency to post specified information related to immigration enforcement in the administrative buildings and on the internet websites of the local educational agency and each of its schoolsites, as provided. This bill is pending hearing in the Senate Education Committee.

c) AB 421 (Solache), prohibits California law enforcement agencies from collaborating with, or providing any information in writing, verbally, on in any other manner to, immigration authorities regarding proposed or currently underway immigration enforcement actions when the actions could be or are taking place within a radius of one mile of any childcare or daycare facility, religious institution, place of worship, hospital, or medical office. This bill was held in the Assembly Public Safety Committee.

d) AB 1300 (Caloza), prohibits a state or local government agency from collecting immigration-related personally identifiable information unless it is explicitly required by law to do so and the collection is justified by a legitimate government purpose. The bill would prohibit a state or local government agency from sharing personally identifiable information with federal immigration enforcement agencies without a judicial warrant or court order. This bill was held in the Assembly Judiciary Committee.

e) SB 48 (Gonzalez), prohibits a local education agency from disclosing any information about a student, their family and household, school employees, or teachers to immigration authorities without a valid judicial warrant or court order.

f) SB 81 (Arreguin), would prohibit, except as specified, a health care provider, service plan, contractor, or corporation and its subsidiaries and affiliates from disclosing medical information for immigration enforcement. The bill would also prohibit, to the extent permitted by state and federal law, those same entities from allowing access to a patient for immigration enforcement.

g) SB 98 (Perez), requires those postsecondary educational entities to notify, as specified, all students, faculty, staff, and other campus community members when the presence of immigration enforcement, as defined, is confirmed on campus. This bill is pending hearing in the Assembly Education Committee.

h) SB 307 (Cervantes), requires the Trustees of the California State University, and would request the Regents of the University of California, to implement additional precautionary measures if an undocumented student is subject to a federal immigration order, including, among others, requiring adoption of systemwide policy addressing course grades, administrative withdrawal, and reenrollment for undocumented students who are detained, deported, or unable to attend courses due to the actions of immigration authorities in relation to a federal immigration order, as specified. This bill is pending hearing in the Assembly Higher Education Committee.

i) SB 580 (Durazo), would require the Attorney General, on or before July 1, 2026, to develop model policies for limiting assistance with immigration enforcement, consistent with federal and state law, and to publish guidance and recommendations for databases operated by state and local agencies to limit the availability of information in those databases for the purposes of immigration enforcement, consistent with federal and state law. This bill is pending hearing in the Assembly Judiciary Committee.

j) SB 841 (Rubio), would prohibit an employee of a homeless shelter, rape crisis center, domestic violence shelter, or human trafficking shelter from allowing access to the nonpublic areas of the shelter or center for immigration enforcement activity, unless the individual requesting access has a valid judicial warrant or court order.

8) **Prior Legislation**:

a) AB 1306 (Wendy Carillo), of the 2023-24 Legislative Session, would have prohibited the CDCR from detaining on the basis of a hold request, providing an immigration authority with release date information, or responding to a notification request, transferring to an immigration authority, or facilitating or assisting with a transfer request any individual who is eligible for release pursuant to specified provisions, including, among others, youth offender, elderly, and medical parole releases. This bill was vetoed by the Governor.

b) AB 2641 (Essayli), of the 2023-24 Legislative Session, would have required law enforcement officials to cooperate with immigration authorities by detaining and transferring an individual and providing release information if a person has been convicted of a crime of sexual abuse or sexual exploitation of minors, or crimes committed against minors, as specified, or crimes committed against a minor that require registration under the Sex Offender Registration Act. This bill was held in the Assembly Public Safety Committee.

c) AB 600 (Arambula), Chapter 295, Statutes of 2021, expands the definition of nationality to include immigration status, thereby making it a hate crime to commit a criminal act, in whole or in part, because of the victim's actual or perceived immigration status.

d) AB 937 (Carillo), of the 2021-22 Legislative Session, would prohibit any state or local agency from arresting or assisting with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose, except as specified. This bill failed passage on the Senate floor.

e) SB 946 (Lara), Chapter 459, Statutes of 2018, prohibited local governments from banning sidewalk vending and established various parameters for local ordinances seeking to regulate sidewalk vending.

REGISTERED SUPPORT / OPPOSITION:

Support

Acce Action
ACLU California Action
Alliance for a Better Community
Asian Americans Advancing Justice Southern California
Asian Americans Advancing Justice-southern California
Asociacion De Emprendedor@s
Backes; Glenn
Beverly-vermont Community Land Trust
Black Women for Wellness Action Project
Cair-la
California Calls
California Coalition for Community Investment (CCCI)
California Federation of Labor Unions, Afl-cio
California Food and Farming Network
California Immigrant Policy Center
California Public Defenders Association
California Public Defenders Association (CPDA)
Cameo - California Association for Micro Enterprise Opportunity
Cameo Network
Center for Community Action & Environmental Justice
Center for Community Action and Environmental Justice (CCAEJ)
Central American Resource Center - Carecen - of California
Central American Resource Center of California (CARECEN-LA)
Central American Resource Center of Los Angeles
Children's Institute
Chinatown Community for Equitable Development (CCED)
City Heights CDC
Clean Carwash Worker Center
Coalition for Humane Immigrant Rights (CHIRLA)
Community Coalition
Community Power Collective
Cook Alliance
Courage California
Dreamer Fund
East Bay Community Law Center
East LA Community Corporation
Eastside Leads
Electronic Frontier Foundation
Ella Baker Center for Human Rights
Esperanza Community Housing
Farm2people
Garment Worker Center
Gente Organizada
Icon CDC
Immigrants are Los Angeles
Immigrants Rising
Inclusive Action for the City

Initiate Justice
Initiating Change in Our Neighborhoods Community Development Corporation Icon CDC
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Inner City Struggle
Innercity Struggle
Kiwa
LA Defensa
Lausd Board Member Dr. Rocio Rivas
Long Beach Forward
Los Angeles Neighborhood Land Trust
Los Angeles Unified School Board District 2, Office of Boardmember Dr. Rocio Rivas
Loyola Law School, the Sunita Jain Anti-trafficking Initiative
National Day Laborer Organizing Network (NDLON)
Oakland Privacy
Oakland; City of
Orale: Organizing Rooted in Abolition Liberation and Empowerment
Orale: Organizing Rooted in Abolition, Liberation, and Empowerment
Pilipino Workers Center
Polo's Pantry
Pomona Economic Opportunity Center
Powerca Action
Privacy Rights Clearinghouse
Public Counsel
Salva
San Diego Immigrant Rights Consortium
Secure Justice
Seiu California
Small Business Majority
South Asian Network
Thai Community Development Center
The Black Alliance for Just Immigration
The Translatin@ Coalition
United Teachers Los Angeles
United to Save the Mission
United to Save the Mission (USM)
Veggielution
Vera Institute of Justice
Voices for Progress
Western Center on Law & Poverty

Oppose

City of Santa Cruz
City of Torrance

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

Date of Hearing: July 15, 2025
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 680 (Rubio) – As Amended May 23, 2025

SUMMARY: Makes a defendant convicted of statutory rape subject to mandatory sex offender registration if there is more than a 10-year age gap with the minor, as specified. Specifically, **this bill**:

1) Applies to statutory rape offenses where the defendant is more than 3 years older than the minor or where the defendant is 21 years of age or older and the minor is under 16.

2) Applies the bill's provisions prospectively to offenses that occurred on or after January 1, 2026.

3) Places the defendant on tier one of the sex offender registry which is subject to a minimum registration period of 10 years.

EXISTING LAW:

1) Requires a sex offender to register for ten years, 20 years, or for a lifetime, depending on the offense. (Pen. Code, § 290, subd. (c)(1-2), (d).)

2) Requires persons convicted of specified sex offenses to register a sex offender, or re-register if the person has been previously registered, upon release from incarceration, placement, commitment, or release on probation. States that the registration shall consist of all of the following:

   a) A statement signed in writing by the person, giving information as shall be required by DOJ and giving the name and address of the person's employer, and the address of the person's place of employment, if different from the employer's main address;

   b) Fingerprints and a current photograph taken by the registering official;

   c) The license plate number of any vehicle owned by, regularly driven by or registered in the name of the registrant; and,

   d) Notice to the person that he or she may have a duty to register in any other state where he or she may relocate; and, Copies of adequate proof of residence, such as a California driver's license or identification card, recent rent or utility receipt or any other information that the registering official believes is reliable. (Pen. Code, § 290.015, subd. (a).)

2) Exempts from the mandatory registration requirement a person convicted of participating in an act of oral copulation, sodomy, or sexual penetration with a minor if, at the time of the offense, the person is not more than 10 years older than the minor, as specified. This paragraph does not preclude the court from requiring the person to register under the discretionary sex offender registration statute. (Pen. Code, § 290, subd. (c)(3).)

3) Provides that willful violation of any part of the registration requirements constitutes a misdemeanor if the offense requiring registration was a misdemeanor, and constitutes a felony of the offense requiring registration was a felony or if the person has a prior conviction of failing to register. (Pen. Code, § 290.018, subd. (a) & (b).)

4) Provides that within three days thereafter, the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice (DOJ). (Pen. Code, § 290.015, subd. (b).)

5) States that a misdemeanor failure to register shall be punishable by imprisonment in a county jail not exceeding one year, and a felony failure to register shall be punishable in the state prison for 16 months, two or three years. (Pen. Code, § 290.018, subd. (a) & (b).)

6) Provides that a court can require a person not otherwise required to register if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for the propose of sexual gratification. (Pen. Code, § 290.006)

7) States that the sex offender registration provisions are applicable to every person described in the Act without regard to when his or her crime or crimes were committed and to every offense described regardless of when it was committee. (Pen. Code, § 290.023.)

8) States that the DOJ is required to make information about registered sex offenders available to the public via an Internet Web site, as specified. (Pen. Code, § 290.46.)

9) Provides that DOJ is required to include on this web site a registrant's name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, any other information that the Department of Justice deems relevant unless expressly excluded under the statute. (*Id.*)

10) Requires DOJ to include on its Internet Web site either the home address or zip code of residence of persons who are required to register as sex offenders based upon their registration offense (Pen. Code, §§ 290.46, subd. (b)(2); 290.46, subd. (d)(2).)

11) Imposes specified restrictions on persons registered as sex offenders with respect to employment in certain areas, such as in education (Education Code §§ 35021, 44345), community care facilities (Health and Safety Code § 1522), residential care facilities (Health and Safety Code § 1568.09), residential care facilities for the elderly (Health and Safety Code § 1569.17), day care facilities (Health and Safety Code § 1596.871), engaging in the business of massage (Government Code § 51032), physicians and surgeons (Business and Professions Code § 2221), registered nurses (Business and Professions Code § 2760.1), among others.

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "As an educator and a victim's advocate, I know that more work needs to be done to protect vulnerable youth and reduce the demand for sex and the human trafficking of minors. It is inexplicable that some sex acts with a minor require sex offender registration but the unlawful sexual intercourse with a minor, irrespective of the age difference, does not. This is particularly troubling considering the increased risk for unintended pregnancies and sexually transmitted infections that may result from sexual intercourse. SB 680 fixes this discrepancy. This bill will ensure those who engage in the unlawful sexual intercourse with a minor who is more than three (3) years younger than the offender, or if the offender is over 21 years of age and the minor is under 16 years of age, will be required to register as a Tier 1 sex offender, provided that the offender is more than 10 years older than the minor. This bill seeks to eliminate the current omission in the law that prevents offenders that engage in unlawful sexual intercourse with a minor from mandated sex registration. In doing so, the sex offender registry will become a more robust investigative tool for law enforcement, the disparate protections afforded to victims that are currently based upon the specific type of sex act will be eliminated, and the demand for sex and human trafficking of minors will be reduced."

2) **History of California's Sex Offender Registration Act**: California was the first state to require sex offender registration in 1947. The stated purpose for sex offender registration is to deter offenders from committing future crimes, provide law enforcement with an additional investigative tool, and increase public protection. (*Wright v. Superior Court* (1997) 15 Cal.4th 521, 526; Alissa Pleau (2007) *Review of Selected 2007 California Legislation: Closing a Loophole in California's Sex Offender Registration Laws*, 38 McGeorge L.Rev. 276, 277; *Hatton v. Bonner* (2004) 365 F.3d 955, 961.) California's sex offender registration law historically required lifetime registration by persons convicted of specified sex crimes. (Pen. Code, § 290, subd. (a).)

   In 1996, California enacted "Megan's Law" allowing the public to access an address list of registered sex offenders. Before 2003, members of the public could only obtain the information on the Megan's Law list by calling a "900" number or visiting certain designated law enforcement agencies and reviewing a CD-ROM. However, in 2003, California required the DOJ to put the Megan's Law list of offenders on a public access website with the offender's address, photo and list of offenses. (See Pen. Code, § 290.46, subd. (a).) For some offenders with less serious offenses, only their ZIP code is listed. Now, a citizen can enter their address and see if there are registered sex offenders living in the community or even next door.

   In 2017, California modified its sex registry to a three-tiered registration system based on seriousness of the crime, risk of sexual reoffending, and criminal history. (SB 384 (Wiener), Ch. 541, Stats. 2017.) The recommendation to move to a tiered system came from the California Sex Offender Management Board's (CASOMB) 2010 recommendations report.[1]According to the committee's analysis for the bill which started off as SB 421 (Wiener) of that same year:

---

[1] See https://casomb.org/docs/CASOMB%20Report%20Jan%202010_Final%20Report.pdf (Jan. 2010), p. 50 (accessed Jun. 19, 2025).

> Based on a survey of several municipal law enforcement agencies in California, it is estimated that local law enforcement agencies spend between 60-66% of their resources dedicated for sex offender supervision on monthly or annual registration paperwork because of the large numbers of registered sex offenders on our registry. If we can remove low risk offenders from the registry it will free up law enforcement officers to monitor the high risk offenders living in our communities. Law enforcement cannot protect the community effectively when they are in the office doing monthly or annual paperwork for low risk offenders, when they could be out in the community monitoring high risk offenders. Furthermore, the public is overwhelmed by the number of offenders displayed online in each neighborhood and do not know which offenders are considered low risk and which offenders are considered high risk and therefore truly dangerous.

(Sen. Com. on Public Safety, Analysis of Senate Bill No. 421 (2017-18 Reg. Sess.) as amended Apr. 17, 2017, p. 9.) A tier one offender is someone who is required to register for a misdemeanor sex offense or a felony conviction that is not a serious or violent felony. Tier one requires a person to register for a minimum of 10 years. (Pen. Code, § 290, subd. (d)(1).) A tier two offender is a person who is required to register for a felony that is defined as a serious or violent felony or other specified sex offenses, unless the person is otherwise required to register under tier three. Tier two requires a person to register for a minimum of 20 years. (Pen. Code, § 290, subd. (d)(2).) A tier three offender is a person who is convicted of a specified offense or under the One-Strike Sex Law, or is designated as a sexually violent predator or habitual sex offender, in addition to other qualifying offenses and circumstances. (Pen. Code, § 290, subd. (d)(3).)

Sex offenders are required to register annually within five working days of their birthday. (Pen. Code, § 290, subd. (b).) If the offender has no fixed address, they are required to register every 30 days. (Pen. Code, § 290.011, subd. (a).) A person is also required to notify law enforcement of any change of address within five days of moving. (Pen. Code, § 290.013.) A person who fails to register as a sex offender within the period required by law is guilty of a felony punishable by 16 months, 2 or 3 years. (Pen. Code, § 290.018, subd. (b).) A person who changes their name is required to inform law enforcement within five working days. (Pen. Code, § 290.14, subd. (a).)

The minimum time for completion of the required registration period in tier one or tier two begins on the date of the person's release from incarceration or other commitment on the registerable offense. The time period is tolled during any period of subsequent incarceration or commitment, except that arrests not resulting in conviction, adjudication or revocation of supervision shall not toll the registration period. The minimum time period shall be extended by one year for each misdemeanor conviction of failing to register, and by three years for each felony conviction of failing to register, without regard to the actual time served in custody for the conviction (Pen. Code, § 290, subd. (e).)

Although most registerable offenses are felonies, there are some alternate felony/misdemeanor penalties and a few straight misdemeanors. (See Pen. Code, § 243.4 (sexual battery); Pen. Code, § 266c (obtaining sexual consent by fraud); Pen. Code, §§ 311.1, 311.2, subd. (c), 311.4, 311.11 (child pornography); Pen. Code § 647.6 (annoying or molesting a child); and, Pen. Code, § 314, subd. (1)(2) (indecent exposure).) Certain offenses where the act was engaged in voluntarily, albeit without consent because minors cannot legally consent, only require sex offender registration when there is more than a 10-year age gap between the defendant and the minor. (Pen. Code, § 290, subd. (c)(2).)

Generally, a court may also order a person not otherwise required to register as a sex offender to register if they find that the person committed the offense as a result of sexual compulsion or for the purposes of sexual gratification. (Pen. Code, § 290.006.)

As discussed above, there is an exemption for mandatory registration in existing law for a person who is convicted of participating in non-forcible acts (i.e. voluntary) of oral copulation, sodomy, or sexual penetration with a minor (15 years or older) providing that registration is not required if the difference between their ages is 10 years or less. (Pen. Code, § 290, subd. (c)(2).) The law clarifies that the court may still require the person to register as a sex offender under its discretionary powers. (Pen. Code, § 290.006.) This exemption was enacted in 2019 with the intent of addressing the disparate treatment of sex acts that originated from the criminalization of gay sex.

According to the Assembly Committee on Public Safety's analysis of the tiered registration bill:

> This bill specifies that the offenses of non-forcible sodomy, oral copulation, and sexual penetration with a minor would no longer require mandatory sex offender registration unless there is a ten year gap between the minor and the perpetrator. These offenses, when committed without force, where the minor was a willing participant and over the age of 14 are sometimes referred to colloquially as "Hofsheier offenses." The reason for this is that a California Supreme Court decision in 2006, *People v. Hofsheier*, found that requiring mandatory sex offender registration for one such an offense – oral copulation – was unconstitutional if the state did not also require registration for a person convicted of the offense of non-forcible sexual intercourse with a minor. (37 Cal. 4th 1185.) Offenses in which the victim is under the age of 14 are not considered Hofsheier offenses and they are typically prosecuted as a "lewd and lascivious act with a minor" under a separate penal code section. Lewd and lascivious acts refer to any sort of touching of a person with the intent to sexually arouse the perpetrator or the minor. (Pen. Code § 288; CALCRIM No. 1060.) Sex offender registration is mandatory for lewd and lascivious acts with minors, even if the conduct was non-forcible and the minor was a willing participant.[2]

This bill would add statutory rape to the list of crimes requiring mandatory sex offender registrations if the defendant was 21 years or older or was more than 3 years older than the minor at the time of the offense if there is more than a ten-year age gap. Similar to existing

---

[2] Assem. Comm. on Public Safety, Analysis of Senate Bill No. 145 (2019-20 Reg. Sess.) as amended May 21, 2019, pp. 4-5.

mandatory registration exceptions for persons not more than 10 years older than the minor, this bill would provide that the court may still order a person to register as a sex offender under the discretionary sex offender registration statute. (Pen. Code, § 290, subd. (c)(3), referencing Pen. Code § 290.006.)

3) **Sex Offender Management Board (CASOMB):** CASOMB was created in 2006 to examine the state of California's sex offender laws, and particularly, sex offender registration.[3] CASOMB's mission is to decrease sexual victimization and increase community safety by addressing issues, concerns and problems related to community management of adult sex offenders by identifying and developing recommendations to improve policies and practices.[4] As a general matter, the Legislature sought to defer research questions to CASOMB given its capacity for detailed analysis of available data and the highly politicized nature of sex offender registration.

   As mentioned above, in response to the CASOMB recommendations, the Legislature established a three-tiered registration system based on seriousness of the crime, risk of sexual reoffending, and criminal history. Duration of registration would range from 10 years to lifetime registration. According to CASOMB, some recommendations were ignored and discrepancies resulted due to the highly political nature of sex offenders and last minute amendments:

   > Years were spent by the CASOMB (a multidisciplinary board that includes victim advocates, law enforcement, district attorney, defense attorney, judge, treatment providers, and other key stakeholders) and district attorneys to create a responsible and evidence informed bill. The bill was co-sponsored by Los Angeles District Attorneys, Equality California, and California Coalition against Sexual Assault (victim advocates) and received no formal opposition. Through the amendment process, several changes were made to the well thought out and written proposal that affected tier placement for certain types of offense behavior. In its original version, it passed through the assembly public safety and senate public safety committees. It was modified as a condition of being released from the Assembly Appropriations Committee. In this gut and amend process, many offense behaviors were moved from tiers 1 and 2 and placed into Tier 3.
   >
   > In examining Tier 3, the CASOMB recognizes that it requires amending as some of the offenses that were placed in Tier 3 were not research informed decisions. Tier 3 was intended for individuals with lifetime prison sentences, individuals found to meet the criteria under the Sexually Violent Predator Act, Mentally Disordered Offenders with increased risk of re-offense, and individuals with more than one separately tried sexual offense conviction against a minor. The changes recommended by the CASOMB are the first steps in restoring the original intent of the bill.
   >
   > Risk for recidivism for general criminal offending, as well as sexual offense reoffending, decreases over time for those who are in the community and remain

---

[3] See https://casomb.org/index.cfm?pid=1211 [accessed July 2, 2025].
[4] CASOMB - CA Sex Offender Management Board [accessed July 8, 2025].)

> offense free. In the literature, this is referred to as "time offense-free." Desistance is an important concept to consider and is marked by the absence of offending. In research, this is usually defined as the absence of self-reported or officially recorded criminal behavior for a specific amount of time, such as 10 years. "For sexual offenders, a plausible threshold for desistance is when their risk for a new sexual offense is not different than the risk of a spontaneous sexual offense among individuals who have no prior sexual offense history but who have a history of nonsexual crime . . . A recent review of 11 studies from diverse jurisdictions (n = 543,024) found a rate of spontaneous sexual offenses among nonsexual offenders to be in the 1% to 2% range after 5 years."2 Hanson, et al (2019) found that even the highest risk sexual offenders, who have not committed any new offenses (criminal or sexual) for 20 years while in the community, are no more likely to commit a new offense than the general criminal offender.
>
> . . . .
>
> Research has also been conducted on the impact of registration on community safety and recidivism. Research does not support a link between registration and preventing recidivism or improving community safety. The cost of implementing registration for jurisdictions like Los Angeles County, is staggering. The CASOMB's "Tiering Background Paper" released in 2014 highlighted many of these problems.[5]

In this 2023 report, the CASOMB made several recommended changes for placement of offenses in the tiered registry and points to the disparities between these crimes:

> Placing individuals with a conviction of PC 288(c)(1) on Tier 3, is not consistent with the current legal continuum for sentencing. Individuals convicted under PC 261.5. subdivision (d) - unlawful sexual intercourse, sentencing includes a range of 1 year for misdemeanors, and 2, 3, or 4 years for felonies and does not require registration. Individuals convicted for PC 288(a) – Lewd and Lascivious acts with a minor under the age of 14 are placed in Tier 2. Individuals convicted for PC 288(a) have more severe sentences. The statute states, "they shall be punished by imprisonment in the state prison, by three, six, or eight years." While those convicted for PC 288(c)(1) "shall be punished by one, two, or three years, or by imprisonment in a county jail for not more than one year." PC 667.5 defines Section (a) as a serious offense, which allows for them to stay on probation for 5 years.[6]

Notably in the 2023 report, CASOMB recognized that statutory rape did not have a mandatory registration requirement and did make a recommendation requiring registration for this offense, which is what this bill proposes if the defendant is more than 10 years older than the minor.

---

[5] See *CASOMB December 2023 Report*, p. 5 https://casomb.org/index.cfm?pid=1211, pp. 6-7.
[6] *Id.* at pp. 5-9.

After the introduction of this bill, CASOMB has authored a position paper opposing the mandatory registration requirement that this bill would impose which is available on its website[7] (see note 6 below.)

4) **Effect of this Legislation**: This bill would require mandatory sex offender registration for statutory rape offenses that occur on or after January 1, 2026 where the defendant is more than 10 years older than the minor. This is similar to existing provisions of law that require mandatory registration for a defendant who engages in non-forcible sexual acts with a minor; this bill would require a person to register as a sex offender based on a conviction of statutory rape if they are more than 10 years older than the minor. The person would be subject to registration for a minimum of 10 years under Tier One of the sex offender registry. Because of the mandatory sex offender registration requirement, the person if sentenced to a term of imprisonment would have to serve that time in state prison even though the underlying statute states it is a county-jail eligible crime. (Pen. Code, § 1170, subd. (h)(3).)

   Existing law specifies that the sex offender registration requirements are to be applied retroactively. (Pen. Code, § 290.023.) However, this bill specifies that mandatory registration is to apply to persons who offenses occurred on or after January 1, 2026. This creates a conflict in the sex offender registration act that may lead to legal challenges on which provision controls. Additionally, while it may be clear in some cases that the sexual conduct occurred on or after January 1, 2026, in other cases it may not be so clear. For example, the sex offender registration act requires a person who was convicted of crimes in other states to register as a sex offender upon certain findings. (Pen. Code, § 290.005.) If the criminal summary information or court records do not contain specified information, it may be difficult to ascertain the dates the crime occurred or whether there is more than a 10 year age difference with the minor.

   Existing law contains a similar sex offender registration requirement for persons who are convicted of the crime of soliciting a minor when they are more than 10 years older than the minor and the person has a prior conviction for the same offense. This registration requirement applies to *convictions* that occur on or after January 1, 2025. (Pen. Code, § 290, subd. (c)(2)(A).) The date of a conviction, rather than when the crime occurred, may be easier to determine.

5) **Argument in Support**: According to *California District Attorneys Association*, "Under existing law, certain offenders convicted of unlawful sexual activity with a minor more than 10 years younger are required to register pursuant to Penal Code section 290. However, offenders convicted of unlawful sexual intercourse with a minor, even if the minor is more than 10 years younger, are not required to register. SB 680 appropriately refines this provision to ensure that individuals who engage in sexual intercourse with a minor more than 10 years younger are required to register as Tier One sex offenders (10 year registration requirement).

   "The failure to adequately track and monitor offenders who exploit minors undermines public safety and sends the wrong message about the seriousness of these crimes. By closing the loophole based on type of sexual activity, SB 680 will ensure greater accountability and

---

[7] See CASOMB SB 680 Position Paper [accessed July 8, 2025].

provide law enforcement with critical tools to monitor offenders who pose a risk to vulnerable youth."

6) **Argument in Opposition**: According to *CASOMB*, "Current law requires mandatory lifetime registration for a violation of 288 (c)(1) which is unlawful intercourse with a 14 or 15-year-old with a 10-year age difference. The California Sex Offender Registration Act in PC 290.006 already grants the authority for the prosecutor and judge to order discretionary registration on a case-by-case basis for unlawful sex with a minor (PC 261.5) in appropriate cases.

   "This bill would primarily affect cases where the victim was 16 or over. California is in a small minority of states that have an age of consent at 18, with no exceptions. California is already prosecuting individuals who have sexual relations with minors under the age of 18. Most of these offenders will receive supervision on probation.

   "There is no scientific evidence that ordering sex offender registration for persons convicted of unlawful sexual intercourse with a minor would increase public safety. On the contrary, ordering a younger adult to register may increase their chances of re-offense due to housing, education, and familial instability. Many of those who will now be ordered to register would have committed their offenses in their 20's. With the retroactive registry this would upend an individual's life in many ways, even if they have been living crime free for the last 30 years.

   "On January 21, 2021, SB 384 went into effect, which created a tiered system of registration. This bill signaled the first major reform of California's antiquated Sex Offender Registration Act which was created in 1947. The bill sought to remove individuals from the registry who did not pose a risk of re-offense. Furthermore, the bill sought to lessen the burden on public safety and law enforcement resources. SB 680 would undermine the significant progress that California has made in catching up with the rest of the states and the Federal government in its approach to sex offender registration.

   "In summary, CASOMB is in opposition to SB 680 because there is no evidence that this act will increase public safety. The court already possesses the authority to order registration on a case-by-case basis. Additionally, it will also divert costly resources that could be used to monitor higher risk offenders, thus making the community less safe."

7) **Related Legislation**: AB 1437 (Macedo) would impose mandatory sex offender registration requirements on a person who is discharged from a secure youth treatment facility for specified sex offenses committed while the person was a minor. AB 1437 was made a two-year bill.

8) **Prior Legislation**:

   a) SB 1128 (Portantino), of the 2023-24 Legislative Session, was substantially similar to this bill. SB 1128 was held in suspense in the Assembly Appropriations Committee.

   b) SB 384 (Weiner), Chapter 541, Statutes of 2017, created a tiered registry for sex offenses so that people will be required to register for 10 years, 20 years, or lifetime depending on the conviction offense.

c) SB 421 (Weiner), of the 2017-18 Legislative Session, would have recast the California sex offender registry scheme into a three-tiered registration system for periods of 10 years, 20 years or life, for a conviction in adult court of specified sex offenses, and five years, 10 years, and possibly life, for an adjudication as a ward of the juvenile court for specified sex offenses. SB 421 was held in suspense in the Assembly Appropriations Committee.

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 District Attorneys Association
California Narcotic Officers' Association
California Reserve Peace Officers Association
City of Los Angeles
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Expediente Rojo Project
Forgotten Children INC.
Fullerton Police Officers' Association
Los Angeles City Attorney's Office
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
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County District Attorney
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Sistahfriends
Zoe International

Oppose

ACLU California Action
Alliance for Constitutional Sex Offense Laws
CA Sex Offender Management Board
California Attorneys for Criminal Justice

Initiate Justice
Justice2jobs Coalition
LA Defensa
Local 148 LA County Public Defenders Union
San Francisco Public Defender
Sex Offenders for Accountability and Recovery
Smart Justice California, a Project of Tides Advocacy

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

Date of Hearing: July 15, 2025
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 704 (Arreguín) – As Amended June 25, 2025

SUMMARY: Prohibits the sale or transfer of a firearm barrel unless the transaction is completed in person by a licensed firearms dealer. Specifically, **this bill:**

1) States that, commencing January 1, 2027, a firearm barrel shall not be sold or transferred unless that transaction is completed in person by a licensed firearm dealer, and the licensed firearm dealer has conducted a background check to determine that the person is authorized to purchase a firearm, ammunition, and a firearm barrel in a manner prescribed by the California Department of Justice (DOJ).

2) Establishes that a firearm barrel shall only be possessed with the intent to be sold or offered to be sold by a licensed firearms dealer, as defined.

3) Provides that a person is authorized to purchase a firearm barrel if they are at least 18 years of age and are not prohibited from possessing or purchasing a firearm under state or federal law.

4) Requires the licensed firearm dealer to legibly record all of the following information on a form to be prescribed by the DOJ pertaining to the sale or transfer of the firearm barrel:

    a) The date of the sale or transfer;

    b) The purchaser's or transferee's driver's license or other identification number and the state in which it was issued;

    c) The make, model, and caliber of the firearm that the firearm barrel is designed for or used in;

    d) The purchaser's or transferee's full name;

    e) The name of the salesperson who processed the sale or transfer;

    f) The purchaser's or transferee's full residential address and telephone number; and,

    g) The purchaser's or transferee's date of birth.

5) Provides that, commencing July 1, 2026, a licensed firearms dealer shall electronically submit to the DOJ the information above for all sales and transfers of ownership of a firearm barrel, and that the DOJ shall not retain this information once the background check is completed and the firearm barrel has been listed as delivered.

6) Exempts the following from the process outlined above:

   a) Federal, state and local law enforcement agencies;

   b) The United States military;

   c) A person purchasing a firearm and undergoing a state and federal firearm background check pursuant to existing law;

   d) Sales or transfers to a person who, in the same transaction, is separately purchasing a firearm and undergoing a state and federal firearm background check, as defined;

   e) Sales or transfers to a federally licensed collector who is acquiring or being loaned the barrel of a firearm that is a curio or relic, as defined, and who has a current certificate of eligibility issued by DOJ, as defined;

   f) Transfers to the executor, personal representative, or administrator of an estate; and,

   g) A barrel that is attached to or affixed to a firearm.

7) Provides that a first violation is a misdemeanor, punishable by up to one year in jail and a $10,000 fine.

8) Provides that a subsequent violation shall be punishable by imprisonment in state prison for two, three, or four years, or in a county jail not exceeding one year, or by a fine not exceeding $2,000, or by both the fine and imprisonment.

9) Defines "firearm barrel" as the tube, usually metal and cylindrical, through which a projectile or shot charge is fired. A firearm barrel includes a firearm barrel that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as a firearm barrel, or that is marketed or sold to the public to become or be used as a firearm barrel once completed, assembled, or converted. A firearm barrel may have a rifled or smooth bore.

10) Requires money received by DOJ deposited in the DROS Special Account of the General Fund to be used to offset the costs associated with implementing this bill, among other laws.

11) Authorizes the DOJ to adopt regulations to implement its provisions, as specified.

12) Establishes that provisions of the bill are severable.

EXISTING FEDERAL LAW:

1) Provides that Congress shall have the power to regulate commerce with foreign nations, among states, and with the Indian tribes. (U.S. Const., art. I, Sec. 8, cl. 3.)

2) States that a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. (U.S. Const., 2nd Amend.)

3) Establishes that the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the National Instant Criminal Background Check (NICS) system established under this section. (34 U.S.C. § 40901(h).)

EXISTING LAW:

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

2) Requires a firearms dealer or licensee to meet all the following requirements:

    a) Have a valid federal firearms license;

    b) Have any regulatory or business license, or licenses, required by local government;

    c) Have a valid seller's permit issued by the California Department of Tax and Fee Administration;

    d) Have a certificate of eligibility issued by the DOJ, as specified;

    e) Have a license issued in a specified format; and,

    f) Be recorded in the DOJ's centralized list of licensees. (Pen. Code, § 26700.)

3) Provides that a license to sell firearms is subject to forfeiture for any violation of specified prohibitions and requirements, with limited exceptions. (Pen. Code, § 26800, subd. (a).)

4) States that transfers go through a licensed dealer, 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, with defined exceptions. (Pen. Code, §§ 26505, 26515.)

5) 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. (Pen. Code, § 27545.)

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. Makes a failure to comply a misdemeanor. (Pen. Code, § 28100.)

7) Provides that the register required above shall be prepared by and obtained from the State Printer, and that DOJ shall prescribe the form of the register and the record of electronic transfer. (Pen. Code, §§ 28105, 28155.)

8) Establishes the DROS Special Account within the General Fund, which shall be available for expenditure by the DOJ 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, 28235).

9) Requires that in connection with any sale, loan or transfer of a firearm, a licensed dealer must provide the DOJ with specified personal information about the seller and purchaser as well as the name and address of the dealer. A copy of the DROS, containing the buyer and seller's personal information, must be provided to the buyer or seller upon request. (Pen. Code, §§ 28160, 28210, & 28215.)

10) Requires the DOJ, upon submission of firearm purchaser information, to examine its records to determine if the purchaser is prohibited from possessing, receiving, owning, or purchasing a firearm. Prohibits the delivery of a firearm within 10 days of the application to purchase or, after notice by DOJ, within 10 days of the submission to the DOJ of any corrections to the application to purchase, or within 10 days of the submission to the DOJ of a specified fee. (Pen. Code, §§ 28200-28250.)

11) Provides that the DOJ shall participate in the National Instant Criminal Background Check System (NICS), and specifies the process DOJ must follow in notifying various parties that a prospective firearm purchaser is prohibited from acquiring a firearm under state or federal law. (Pen. Code, § 28220.)

12) Provides that for numerous specified provisions, the definition of "firearm" immediately above includes the frame or receiver of the weapon, including both a completed frame or receiver or firearm precursor part. (Pen. Code, § 16520, subd. (b).)

13) Prohibits the purchase, sale, offer, or transfer of any firearm precursor part that is not a federally regulated firearm precursor part, except as specified. (Pen. Code, §§ 30400, 30420.)

14) Authorizes DOJ to issue ammunition vendor licenses and requires a valid ammunition vendor license for any person, firm, corporation, or other business for the sale of more than 500 rounds in any 30-day period, as specified. (Pen. Code, §§ 30385-30395, 30342.)

15) Requires ammunition vendors to collect specified ammunition purchaser information and transmit the information to DOJ. DOJ is required to electronically approve the purchase or transfer of ammunition through a vendor, as specified. (Pen. Code, §§ 30352, 30370.)

16) Defines "firearm" for most provisions of the Penal Code related to firearms as a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. (Pen. Code, § 16520, subd. (a).)

17) Defines "firearm precursor part" as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted. (Pen. Code, § 16531, subd. (a).)

18) Defines "federally regulated firearm precursor part" as any firearm precursor part deemed to be a firearm pursuant to specified federal statutes and regulations issued pursuant thereto, and, if required, has been imprinted with a serial number by a federal licensee authorized to serialize firearms in compliance with those federal laws. (Pen. Code, § 16519.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "In recent years, California experienced a proliferation of ghost guns built from unregulated parts including unfinished frames and receivers. The legislature and the governor have taken strong action to prevent the unregulated sale and possession of these untraceable firearms. However, there is an emerging ghost gun threat. Criminals and the firearm industry quickly pivoted away from ghost gun kits and parts to three-dimensional printing (3D printing) of as many parts as possible to construct a working firearm, without having to go through a firearm background check or being subject to any of the other state or federal laws regulating firearms. These firearms are being recovered at increased rates all over the state and it is imperative that we take action now to curb the threat.

   "This bill builds on California's nation-leading gun safety laws and seeks to prevent firearm assembly by those who are not legally authorized to possess them."

2) **Effect of this Bill:** Under existing California law, all firearm sales and transfers, including sales and transfers of firearm precursor parts, must be completed through licensed firearm dealers. (Pen. Code, §§ 26500 – 26625.) As firearm barrels seem to be neither precursor parts nor firearms in and of themselves under existing definitions, state law imposes virtually no restrictions on their sale or transfer. This bill seeks to prohibit the sale or transfer of a firearm barrel unless a licensed firearms dealer completes that transaction in person and the dealer conducts a background check. The bill further requires the firearm dealer to record certain information regarding the transaction, which would be submitted to DOJ. Some are exempt from these requirements, including among others, federal, state, and local law enforcement agencies, the United States military, and a person already undergoing a state and federal background check because they are purchasing a firearm.

   This bill would regulate only one component of a firearm. Barrels are components of almost all firearms and are one of the three essential components to nearly every firearm (the other two being action and stock).[1] With the enormous variety of firearms available, it is difficult to note every distinct part of a firearm, but most firearms appear to have at least a dozen distinct parts.[2] More comprehensive lists that identify more than thirty distinct parts can be readily found, too.[3]

   It does not appear possible currently to manufacture a 3D-printed fully formed and functional firearm. Manufacturing or acquiring many distinct parts is therefore required. Tragedy can strike with just one sufficiently manufactured firearm firing one accurate bullet, but whether those tragedies are avoidable by regulating just one part of a firearm was not found during research.

---

[1] *Basic Parts of a Gun*, American Gun Association <https://blog.gunassociation.org/parts-of-a-gun/> [as of June 19, 2025].
[2] *Ibid.*
[3] *Parts of Firearms*, U.S. Concealed Carry Association <https://www.usconcealedcarry.com/resources/terminology/parts-of-firearms/> [as of June 19, 2025].

It is likewise unclear whether increasing penalties has a deterrent effect. There is reliable evidence showing increased penalties generally fails to deter criminal behavior.[4] Data shows greater deterrent effects as the likelihood of being caught increases and the perception rises that one will be caught.[5] In contrast, the act of punishment and the length of punishment largely do not increase deterrence.[6] Given the data on confinement and deterrence,[7] it is debatable whether new criminal penalties only on firearm barrels will reduce the proliferation of ghost guns or increase public safety.

This bill additionally makes violations of its provisions punishable by up to one year in jail and a mandatory $1,000 fine for a first offense. Notably, the amount spelled out in statute as a fine for violating a criminal offense are base figures, as these amounts are subject to statutorily-imposed penalty assessments, such as fees and surcharges. (See Pen. Code, §§ 1464-1465.8, Gov. Code, §§ 70373, 7600.5, 76000-76104.7.) Current penalty assessments total roughly four times of the base fine. (*Ibid.*) Therefore, a fine of $1,000 actually could cost an individual $4,100. (*Ibid.*)

Criminal fines rapidly balloon into unpayable amounts for most of the population, which create downstream economic consequences for impacted individuals and society. Unsurprisingly, the judicial branch reported that $8.6 billion in fines and fees remained unpaid at the end of 2019-20.[8] With evidence also showing that rising criminal fines increases felony recidivism,[9] specifically among a population that historically has faced disproportionate punishment in the criminal justice system, it remains questionable whether increasing criminal punishment would produce the desired public safety results.

3) **The *Bruen* Analysis:** This bill would require background checks for purchases or transfers of firearm barrels. The Second Amendment says, ". . . the right of the people to keep and bear arms[] shall not be infringed." (U.S. Const. amend II.) The US Supreme Court has interpreted the Second Amendment to recognize an individual right to keep and bear arms. (See *District of Columbia v. Heller* (2008) 554 U.S. 570.) The Court also incorporated the Second Amendment to the States, thereby binding the States to protect this right, at least at the same level of the federal government. (See *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 597 U.S. 1, 37) When evaluating a Second Amendment challenge, we must first analyze whether the individual has shown that "the Second Amendment's plain text covers [their] conduct." (*Id.* at p. 17.) This burden is met "if the law at issue 'regulates' Americans' arms-bearing conduct." (*United States v. Rahimi* (2023) 602 U.S. 680, 691.) Once the individual clears this threshold, the Constitution presumptively protects their conduct. (*Ibid.*) Here, whether a firearm barrel is an "arm" is a potentially dispositive

---

[4] *Five Things About Deterrence* (May 2016) National Institute of Justice <https://www.ojp.gov/pdffiles1/nij/247350.pdf> [as of June 24, 2025].
[5] *Ibid.*
[6] *Ibid.*
[7] See *infra*, at footnotes 6-10.
[8] *Overview of Criminal Fine and Fee System* (May 13, 2021) Legislative Analyst's Office <https://lao.ca.gov/Publications/Detail/4427> [as of June 24, 2025].
[9] Giles, *The Government Revenue, Recidivism, and Financial Health Effects of Criminal Fines and Fees* (Sept. 9, 2023) Wellesley College <http://dx.doi.org/10.2139/ssrn.4568724> [as of June 27, 2025] (showing that the increase in fines levied for criminal punishment increased the likelihood of felony recidivism, especially among Black defendants).

consideration—if a firearm barrel were not an arm, then the Second Amendment would not apply to this bill.

Using a Framing-era dictionary, the Court defined arms as "weapons of offence, or armour of defence," including "any thing that a [person] wears for his defence, or takes into his hands, or used in wrath to cast or strike at another." (*Heller*, *supra*, at p. 581.) The Court found the Second Amendment extends to "all instruments that constitute bearable arms, even those not in existence at the time of the founding." (*Id.* at p. 582.) Given the breadth and imprecision of this definition, it is arguable whether a firearm barrel, standing alone, could be a bearable arm. The size, material, and weight of most firearm barrels could lend themselves to use as offensive weapons, but such use would be uncommon and would not be an intended use.[10] While the US Supreme Court has not directly addressed this question, our Ninth Circuit Court of Appeals has given us guidance.

As the Ninth Circuit stated over a decade ago, "for the right to bear arms to have meaning, the Amendment's text must carry an implicit, corollary right to bear components or accessories necessary for the ordinary functioning of a firearm." (*Duncan v. Bonta* (9th Cir. 2025) 133 F.4th 852, 866, quoting *Jackson v. City & County of San Francisco* (9th Cir. 2014) 746 F.3d 953, 967.) The Ninth Circuit therefore found the Second Amendment encompasses a right to possess components "necessary to render . . . firearms operable." (*Duncan v. Bonta* (9th Cir. 2025) 133 F.4th 852, 866-67, quoting *Fyock v. Sunnyvale* (9th Cir. 2015) 779 F.3d 991, 998.)

The court would go on to distinguish between "arms" and "accoutrements," the latter of which they stated are not protected by the Second Amendment. (*Duncan, supra,* at p. 867.) The court defined "accoutrements" as "flint, scabbards, holsters, and ammunition containers such as cartridge cases or cartridge boxes." (*Ibid.*) Because a firearm barrel is one of the few essential components of a firearm[11] and appears distinct from the court's definition of accoutrements, a firearm barrel seems to most clearly land in the Second Amendment's corollary right to keep components necessary to operate a firearm. Therefore, a firearm barrel is likely an "arm" under the Second Amendment. This means the Constitution presumptively protects ordinary conduct related to firearm barrels, such as possession, purchasing, selling, and ownership.

It is arguable whether corollary Second Amendment rights need be subjected to a "full historical inquiry" to pass constitutional muster (See *United States v. Manney* (9th Cir. 2024) 114 F. 4th 1048.) The Ninth Circuit has noted that when regulation implicates ancillary Second Amendment rights, the relevant question is whether the law "meaningfully constrain[s] the right to keep and bear arms for the purpose of self-defense." (See *B&L Prods. V. Newsom* (9th Cir. 2024) 104 F.4th at 108, 119.) If the challenged law does not implicate conduct necessary to effectuate core Second Amendment rights, like the right to keep and bear arms, it may not need to satisfy *Bruen*'s historical tradition test. (*Oakland Tactical Supply LLC v. Howell Township, Michigan* (6th Cir. 2024) 103 F.4th 1186, 1196.) An argument can be made that firearm barrel regulations both meaningfully constrain the core rights because a barrel is one of three essential components to a firearm and do not

---

[11] See *supra*, at footnote 1.

meaningfully constrain core rights because the law is not a prohibition on acquiring barrels, but simply requires a person go through essentially the same process as acquiring a firearm. Since we do not have clear Supreme Court precedent guiding us on this particular issue, however, it seems reasonable to analyze the bill under the historical tradition test.

With the threshold showing satisfied, the burden is on the government to justify a law or regulation that purports to place restrictions on protected Second Amendment conduct by showing the law is "consistent with the nation's historical tradition of firearms regulation." (*Bruen*, *supra*, at p. 17.) A firearms regulation is constitutional under the Second Amendment if the government establishes the proposed law is "relevantly similar" to historical laws, regulations, and traditions. (*Id.* at p. 29.) Relevantly similar means laws that have historical analogues, how the proposed law comparatively burdens a person's Second Amendment rights, and how the proposed law is comparatively justified. (*Ibid.*)

The search for relevantly similar laws regulating firearm barrels yields some results. In 1616, King James I banned dags, which is a small handgun.[12] The 1541 statute from King Henry VIII's reign banned handguns "shorter than one yard[] in length" and shoulder guns shorter than "thre[e] quarters of one yard[]" in length.[13] In an effort to restrict trading and selling arms to Native Americans, the colony of New Netherland instituted a severe gun barrel ban around 1652 with the purpose of limiting trade with Native Americans and Black Americans.[14] A 1792 Pennsylvania law disarmed "'disaffected' persons during the Revolutionary War of 'any blunderbuss,'" though this law largely was aimed at giving American militia members authority to seize weapons from those who may be opposing the revolutionary cause.[15] Some American colonies also established militia laws that regulated the length of firearms required for militia service.[16]

There is an argument that surveying other historical laws for other necessary components to render a firearm operable, like actions, stocks, and ammunition, more fully represents the historical tradition courts could apply to this bill. The *Bruen* Court advised us that satisfying the test "requires only that the government identify a well-established and representative historical *analogue*, not a historical *twin*." (*Bruen*, supra, at p. 30.) The *Bruen* Court also warned that, "courts should not 'uphold every modern law that remotely resembles a historical analogue,' because doing so 'risk[s] endorsing outliers that our ancestors would never have accepted.'" (*Ibid.*) The *Bruen* and *Rahimi* Courts were looking for analogues to regulations essentially targeted at behavior related to possessing operable firearms – public carry laws and laws authorizing temporary dispossession of dangerous individuals (See generally, *Bruen and Rahimi*, supra.). This bill would likewise regulate behavior in the sense

---

[12] Greenlee, *The Tradition of Short-Barreled Rifle Use and Regulation in America* (2025) 25.1 Wyom. L.Rev. 112, 128 <https://scholarship.law.uwyo.edu/cgi/viewcontent.cgi?article=1514&context=wlr> [as of June 19, 2025].
[13] *Ibid.*
[14] Kopel & Greenlee, *The History on Bans of Types of Arms Before 1900* (2024) University of Denver Journal of Legislation <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1774&context=jleg> [as of June 19, 2025] (the ban read, in part, "no person . . . shall be at liberty to bring into the country . . . any sort of gunbarrels, finished or unfinished . . . .").
[15] *Supra,* note 32, at pp. 114-18 (Blunderbusses had a "'short flintlock' with a 'flared muzzle' that could 'fire one large projectile or several at once,' and appeared in [many] forms, 'including pistols, carbines, and musketoons.'" Larger ones for carrying in a coach had 9 inch barrels, while pistol and carbine blunderbusses were smaller.).
[16] *Id.* at 130, fn. 152 (militia members were required to be outfitted with "a good musket . . . not under three foot nine inches in length.").

that it regulates sales and transfers, but the regulations in this bill primarily are targeted at regulating specific behaviors with just one component of a non-operable firearm – firearm barrels. This makes determining the scope of the historical inquiry challenging without clearer judicial guidance. Given the existence of historical firearm barrel regulations, focusing the historical analysis on those regulations as analogous seems worth examination.

It is unclear whether the firearms barrel laws add up to a sufficiently comprehensive historical tradition. In *Bruen*, the Court evaluated more than a dozen laws and regulations from English common law, the American colonial period, the Framing era, antebellum America, the Civil War and Reconstruction eras, and the American territorial period. (*Id.* at pp. 43-70.) They found insignificant historical evidence to support a tradition of public carry regulations that constitutionally would justify New York's may-issue licensing regime. (*Id.* at 70.) In *Rahimi*, however, the Court largely used only two sets of laws (going armed laws and surety laws) to justify dispossession of someone who had a demonstrated history of dangerousness. (See *Rahimi*, *supra*, at p. 696.)

The question of whether these laws evidence a relevantly similar historical tradition that would be sufficient to support the restrictions in this bill produce an important source of constitutional concern. The relevantly similar laws cited in *Rahimi*, where the "how" and "why" involved historical laws regulating firearm use by dangerous individuals because a history of dangerousness indicates the person is a greater threat to public safety, were used by the Court as support for a federal law temporarily dispossessing people of firearms who have a history of dangerous behavior. (*Rahimi*, *supra*, at pp. 697-99.) The historical tradition of firearm barrel regulations analogous to this bill (the "how") almost entirely involve barrel length with the restrictions being inconsistently enforced and then abandoned.[17] This bill largely regulates acquisition, transfer, and sales of firearm barrels, with authorization for bans in certain cases but without any references to the size of the barrel. The historical concerns around barrel length (the "why") focused on the risks of concealability and ensuring greater accuracy of the firearms used by militia members.[18] Concerns over concealability and accuracy do not appear present in this bill. This bill purports to make ghost guns more difficult to produce, which would then ideally reduce ghost guns used in crimes and improve public safety.

Two English laws from the 16th and 17th centuries and some colonial-era laws, all which regulated only firearm barrel length, may not be sufficiently and relevantly similar to this bill to establish constitutionality.[19] Even the historical regulations on barrel length appear sparse. As one scholar wrote, "There were very few length-based firearms regulations in England, the colonial era, founding era, or United States's first 150 years."[20] The author went on to write:

---

[17] *Id.* at 128-130 (noting the 1541 statute was "not enforced for long", the 1652 New Netherland restriction on gun barrel sales was "futile" that led the colony to permit each colonist one flintlock carbine, and even this allowance "did not survive" after England seized control of the colony in 1664.).
[18] *Supra,* note 32, at pp. 128-31.
[19] See *supra,* notes 13-17; and *Bruen*, supra, at p. 35 ("As with historical evidence generally, courts must be careful when assessing evidence concerning English common-law rights . . . And English common-law practices and understandings at any given time in history cannot be indiscriminately attributed to the Framers of our own Constitution.)
[20] *Supra*, note 14, at p. 128.

> Some American colonies enacted militia laws specifying the length of firearms certain militiamen had to keep and bear for militia service. But these laws did not prevent militiamen or anyone else from owning firearms of other lengths. Nor did any founding era or nineteenth-century laws, although a great variety of firearms were invented with a myriad of barrel lengths and different numbers of barrels throughout those time periods.[21]

Even the 1652 gun barrel ban in the New Netherland colony and the 1792 Pennsylvania law authorizing militias to dispossess "disaffected persons," both of which did not address barrel length, offer limited evidence of a historical tradition. These laws regulated firearm barrels in a different way – one authorized a firearm barrel ban and the other authorized seizure of firearm barrels, while this bill conditions mostly sales to in-person transactions following a background check.[22] Additionally, the rationale for these laws were rooted in national defense and discrimination,[23] which are concerns different from this bill.[24] Because this bill would regulate differently and for different reasons, the historical evidence unlikely is relevantly similar. The lack of historical evidence here creates important constitutional concerns,[25] and its constitutionality reasonably may be questioned.

4) **The Dormant Commerce Clause:** This bill would impact certain out-of-state firearms businesses by establishing requirements that firearm barrels in the State be sold or transferred in person at a licensed California dealer. Because this would create a disadvantage for out-of-state sellers, the bill's constitutionality under the Constitution's Commerce Clause may also be at issue.

   The dormant Commerce Clause is a constitutional rule read into the Commerce Clause. The Supreme Court has interpreted the Commerce Clause to infer a constitutional rule that state laws putting unreasonable restrictions on interstate commerce, even in areas where Congress has not regulated, are unconstitutional. (See *Nat'l Pork Producers Council v. Ross* (2023) 598 U.S. 356, 357.) The Supreme Court has identified two main tenets for dormant Commerce Clause analysis: 1) states may not discriminate against interstate commerce, and 2) states may not take actions that are facially neutral but unduly burden interstate commerce. (*South Dakota v. Wayfair, Inc.* (2018) 585 U.S. 162, 172-73.) It is possible for a state law to discriminate against interstate commerce "either on its face or in practical effect." (*Maine v. Taylor* (1986) 477 U.S. 131, 138.) If a showing is made that the law discriminates against interstate commerce, the proponents must demonstrate that the statute serves a legitimate local purpose and that purpose cannot be equally served by available nondiscriminatory means. (*Ibid.*) In these cases, the extent of the burden from the law that can be tolerated depends on "the nature of the local interest involved." (*Pike v. Bruce Church, Inc.* (1970) 397 U.S. 137, 142.)

---

[21] *Supra*, note 14, at pp. 129-30
[22] See *supra,* notes 15-16.
[23] See *supra,* notes 14-15.
[24] See *ibid.*
[25] *Bruen*, supra, at p. 29 ("whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are 'central' considerations when engaging in an analogical inquiry."]; and *Rahimi,* supra, at p. 698 ["Like the surety and going armed laws, [the federal law at issue] applies to individuals found to threaten the physical safety of another. This provision is 'relevantly similar' to those founding era regimes in both why and how it burdens the Second Amendment right."].)

This *Pike* balancing test was questioned in the Supreme Court's most recent dormant Commerce Clause case, but was not outright rejected, which leaves analyses of potential dormant Commerce Clause violations subject to multiple possible lines of inquiry. (See generally, *Ross*, supra.) The Court, however, appeared to reject a *per se* rule for interstate commerce discrimination in this same case, which does somewhat narrow the analytical focus. (*Ibid.*) While there may be relevant questions about whether Congress can waive dormant Commerce violations for states regulating in the same area Congress has regulated,[26] the Court did not address this issue in its most recent case implicating the dormant Commerce Clause. (*Ibid.*) It remains unclear whether Congress ever established such a waiver in this context and thus, whether that waiver would apply to this bill, which is a unique state law that regulates only firearm barrels. (See, e.g., *Prudential Ins. Co. v. Benjamin* (1946) 328 U.S. 408, 426 ["[I]f the commerce clause 'by its own force' forbids discriminatory state taxation, or other measures, how is it that Congress by expressly consenting can give that action validity?"].)

On its face, this bill does not appear to discriminate against interstate commerce. The purpose of the bill is to enhance public safety for Californians by placing regulations on firearms barrels. The author expects this will enhance public safety by reducing the proliferation of ghost guns, which would reduce those guns used in crimes. Even starting with the assumption that the law is facially neutral, certain elements of the bill place burdens on interstate commerce, like those requiring in-person transactions at a California licensed dealer following a background check. This bill as law would produce some amount of discrimination against interstate commerce because out-of-state retailers of firearms barrels no longer would be able to sell firearm barrels directly to California consumers. Whether this law rises to the level of an "undue" burden is debatable, since the bill does carve out exceptions and does not appear to restrict out-of-state seller to in-state seller or dealer transactions.

The key questions here may then be the nature of the bill's purpose, whether that purpose is legitimate, and if that purpose otherwise can be accomplished by available, nondiscriminatory means. The nature and legitimacy of the bill appear sound. Public safety concerns are a widely accepted and foundational purpose for state regulation. Whether there are available, nondiscriminatory means to achieve this objective likely presents the greatest constitutional concern under a dormant Commerce Clause analysis, especially as one court recently found an analogous firearms-related law unconstitutional under both the Second Amendment and the dormant Commerce Clause.

In a case implicating some of California's ammunition regulations, one federal court found a violation of the dormant Commerce Clause. This bill would be at least partly analogous to those regulations because the background checks would be conducted without using NICS (as discussed further in Section 6) and like our ammunition regulations, this bill would preclude transactions from out-of-state sellers directly to in-state consumers. There, the court wrote, "The Attorney General has pointed to no other laws in the nation that erect a similar barrier to this one, keeping away out-of-state ammunition sellers and guaranteeing all sales originate with, or flow through, only in-state ammunition sellers. It is precisely such purposeful discrimination that lies at the core of the Supreme Court's dormant Commerce Clause concerns." (*Rhode v. Bonta* (Fed. S. Dist. 2024) 713 F. Supp 865, 885.) The court, finding that our ammunition laws discriminated against interstate commerce, enjoined enforcement of the laws to "permit out-of-state businesses to sell directly to California's residents." (*Id.* at pp. 885-86.) The Ninth Circuit Court of Appeals agreed to hear this case and, pending their decision, allowed those ammunition laws to go into effect. (*Rhode v. Bonta* (9th Cir. Feb. 5, 2024), Order Granting Stay No. 24-542.)

Given the similarity of certain aspects of this bill relative to our ammunition regulatory regime, should this bill become law it could soon face the same fate. Ultimately, however, whether this bill's provisions would violate the dormant Commerce Clause is unclear.

5) **Ease of Manufacture:** The author references the ghost gun threat in California and states that "this bill . . . seeks to prevent firearm assembly by those who are not legally authorized to possess them." It is unclear whether this is supported by research evidence. No data was located or provided that shows a link between subjecting the purchasers of firearm barrels to background checks and a reduction in the unlawful manufacture, possession, or use of ghost guns. Without more data, it is difficult to analyze the potential public safety implications in this section. There are, however, practical concerns that can be analyzed.

   One argument made by the author is that ". . . one major firearm component, its barrel, is difficult to manufacture . . . These 3D-printed firearm barrels present unique challenges due to the extreme pressures of firing the cartridge." Various searches of different source types using different key word combinations yielded no peer-reviewed research squarely supporting this claim. Even anecdotally, the evidence is mixed.

   In May 2020, more than five years ago, the barrel for a .22 AR-style pistol was printed successfully from polymer and one tester fired 65 shots, with the last 45 rounds fired in rapid succession.[27] The article did note, "[T]he effectiveness and durability of entirely-polymer rifling remains a trickier challenge to overcome," but also pointed to viable alternative processes for Do-It Yourself (DIY) firearm manufacturing.[28] This suggests some evidence that five years ago firearm barrels were uniquely difficult to manufacture, but also that numerous options remained available.

   In one study, where a primary aim was to conduct experiments with various models of fully 3-D Printed (F3DP) firearms to examine the functionality and reliability of these arms, six separate fully-printed models (including the barrels) were manufactured from polymer and all six successfully discharged at least one round.[29] Some of the firearms remained intact following discharge, though two of the six firearms developed broken barrels.[30] The other four all developed some issue after firing, too.[31] A designer of F3DP firearms cited by the

---

[27] Hays, *Polymer 3D-printed Barrel Successfully Tested* (May 28, 2020) Armament Research Services <https://armamentresearch.com/polymer-3d-printed-barrel-successfully-tested/> [as of June 24, 2025].
[28] *Ibid.*
[29] Szwed, et al., *Was a 3D-printed Firearm Discharged? Study of Traces Produced by the use of Six Fully 3D-printed Firearms* (July 2023) Forensic Science International <https://www.sciencedirect.com/science/article/pii/S037907382300186X#bib2> [as of June 24, 2025].
[30] *Ibid.*
[31] *Ibid.*

study warned against using polymer material to print the firearms, "especially the barrel."[32] This certainly shows some evidence for barrels being uniquely difficult to manufacture, especially when printed using polymer, but the research did not establish any firm conclusions.

In an example showing the ease of manufacturing a ghost gun in 2025, a reporter successfully built a replica of the gun used by Luigi Mangione in the killing of health care CEO Brian Thompson.[33] As the article noted, "[T]he 3D printing . . . was the easy part."[34] To legally build the replica firearm, the author had to spend approximately $1,150, travel out of state, expend efforts to secure the services of a dealer with a specialty FFL and an expert in 3D printing firearms parts, locate and access reliable software, and spend two days to build the printable parts (other parts were purchased online and shipped to the printing site).[35] Before use, the author was warned that the firearm might not be reliable.[36] To avoid damage to himself, the reporter shot the gun from his hip.[37] The firearm malfunctioned and became unusable after discharging two rounds.[38] This suggests some evidence that firearm barrels may be uniquely difficult to manufacture, but the story did not highlight the barrel specifically and instead focused on both the relative ease of printing the firearm and the myriad issues associated with creating an operational finished product.

6) **Avoiding NICS:** This bill proposes a background check system for purchase of firearm barrels. Existing California law requires that DOJ participate in NICS, which is the backbone of California's background check system for firearms. (Pen. Code, § 28220.) Background checks through NICS involve licensed dealers querying the NICS database via the DOJ, which acts as an official, designated point of contact (POC).[39] States that participate in NICS are required to adhere to a strict set of federal regulations, including a requirement that FFLs only initiate a background check in connection with a proposed firearm transfer, and for no other purpose. (28 C.F.R. § 25.6(a) (2025).)

"Misuse or unauthorized access includes, but is not limited to, the following: State or local agencies, FFLs, or individuals purposefully using the system to perform a check for unauthorized purposes." (28 C.F.R. § 25.11(b)(2) (2025).) Federal regulations provide that state or local agencies that violate these rules are subject to a $10,000 fine and cancellation of NICS inquiry privileges. (28 C.F.R. § 25.11(a) (2025).) Since firearm barrels are not "firearms," running NICS background checks for purchasers or transferees of firearm barrels likely would qualify as misuse of the NICS system.
This bill seems to steer away from use of the NICS system to do background checks for those purchasing firearm barrels. Considering the extraordinary public safety importance of NICS access, and the pronounced risk of access loss under the current federal administration, it is essential that use of the NICS system be not in any way implicated in this bill.

---

[32] *Ibid.*
[33] Greenberg, Andy, *We Made Luigi Mangione's 3D-Printed Gun-and Fired It* (May 19, 2025) Wired <https://www.wired.com/story/luigi-mangione-ghost-gun-built-tested/> [as of June 19, 2025].
[34] *Ibid.*
[35] *Ibid.*
[36] *Ibid.*
[37] *Ibid.*
[38] *Ibid.*
[39] *National Instant Criminal Background Check System 2022 Operational Report* (2022) U.S. Department of Justice <https://ucr.fbi.gov/nics/reports/active-records-in-the-nics-index-by-state> [as of June 19, 2025].

7) **Argument in Support**: According to the *City of Alameda*, "Firearm barrels, especially those that can be used to convert pistols into more lethal or untraceable weapons, are currently sold without oversight, by mail or online, without background checks or transaction records. Unregulated parts like barrels enable the assembly of "ghost guns," weapons without serial numbers that evade tracing, posing a significant threat to public safety.

   "SB 704 addresses all off these issues. Specifically, this bill ensures that all barrel transfers are conducted through licensed firearm dealers, in-person, and with a background check requirement to help deter illicit access to these firearm barrels. Additionally, the record-keeping provisions in this bill will establish accountability and aid law enforcement with investigations into firearm misuse. By mandating that these transactions flow through licensed dealers, SB 704 improves the traceability of firearm parts and complements existing gun control measures—supporting safer, more secure communities.

   "The City of Alameda supports gun safety and common-sense gun laws and policies that keep guns out of the wrong hands, including expanded background check requirements. For these reasons, we are pleased to support SB 704 and respectfully ask for your "AYE" vote when this measure comes before you."

8) **Argument in Opposition**: According to *Gun Owners of America*, "On behalf of Gun Owners of California, I am writing in my continued strong opposition to SB 704, which would require all sales/transfers of firearm barrels to be processed through a licensed dealer, complete with background checks and entry into state databases. California already enforces some of the strictest gun laws in the country—including background checks for every firearm purchase. Adding barrels to this process is unnecessary, duplicative, and targets the wrong people. Criminals aren't walking into gun stores and asking for serialized barrels. This bill burdens only the law-abiding.

   "A firearm barrel is an essential component of a firearm, and as such, is protected under the Second Amendment. The continued scrutiny and regulation of individual gun parts—like barrels, springs, and pins—is not about safety. It's about creating a slow, bureaucratic stranglehold on gun ownership by regulating every possible aspect of a constitutionally protected right. If someone already owns a legally purchased, registered firearm, there is no legitimate safety interest in requiring them to undergo another background check just to replace or upgrade a barrel.

   "Worse yet, this bill proposes a penalty of up to $10,000 and a year in jail for violating its terms—an absurd and excessive punishment for something as simple as acquiring a piece of metal tubing that only functions when paired with a firearm already subject to full regulation. SB 704 is not about safety; it's about harassment and intimidation of lawful gun owners through regulatory overkill. We urge you to refocus legislative energy on real solutions to violent crime—not the micromanagement of constitutionally protected tools."

9) **Related Legislation**:

   a) SB 15 (Blakespear) would authorize DOJ to remove a person from the centralized list who has willfully failed to comply with specified licensing requirements or who, among other things, failed to remedy violations discovered as a result of an inspection within 90 days of the inspection. SB 15 was held in suspense in the Senate 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 suspense in the Senate Appropriations Committee.

c) AB 1092 (Castillo) would extend the concealed carry weapon license window from two to four years, beginning on January 1, 2027. AB 1092 failed passage in this committee.

10) **Prior Legislation**:

a) SB 899 (Skinner), Chapter 544, Statutes of 2024, required the court, when issuing protective orders, to provide to the person subject to the order how any firearms or ammunition still in their possession need to be relinquished.

b) AB 1133 (Schiavo), of the 2023-2024 Legislative Session, would have required DOJ 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.

c) SB 715 (Portantino), Chapter 250, Statutes of 2021, amended the available exceptions to include new requirements for loans based upon the type of firearm and the age of the minor. This bill also prohibits the dealer from returning a firearm to the person making the sale, transfer, or loan, if that person was prohibited from obtaining a firearm.

REGISTERED SUPPORT / OPPOSITION:

Support

Brady California
Brady Campaign
Brady United Against Gun Violence
City of Alameda
City of Santa Rosa
Everytown for Gun Safety Action Fund
Giffords Law Center to Prevent Gun Violence
Oakland; City of
San Diegans for Gun Violence Prevention
San Francisco City Attorney's Office (UNREG)

Oppose

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

Libertarian Party of Fresno County
1 private individual

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

Date of Hearing: July 15, 2025
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 733 (Wahab) – As Amended June 17, 2025

SUMMARY: Authorizes a sexual assault survivor who is 18 years of age or older and who is undecided whether to report a sexual assault to law enforcement at the time of a sexual assault examination to request that all medical evidence collected from them not be tested until the time they decide to make a report to law enforcement.

EXISTING LAW:

1) Requires a law enforcement agency (LEA) in whose jurisdiction a specified sex offense occurred to do one of the following for any sexual assault forensic evidence received by the LEA on or after January 1, 2016:

   a) Submit sexual assault forensic evidence to the crime lab within 20 days after it is booked into evidence; or

   b) Ensure that a rapid turnaround DNA program is in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime lab within five days after the evidence is obtained from the victim (Pen. Code, § 680, subd. (c)(1).)

2) Provides that the crime lab shall do one of the following for any sexual assault forensic evidence received by the crime lab on or after January 1, 2016:

   a) Process sexual assault forensic evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence; or

   b) Transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, for processing of the evidence for the presence of DNA. If a DNA profile is created, the transmitting crime lab shall upload the profile into CODIS as soon as practically possible, but no longer than 30 days after being notified about the presence of DNA. (Pen. Code, § 680, subd. (c)(2).)

3) Requires the LEA investigating the crime to inform the victim of the status of the DNA testing of the rape kit evidence or other crime scene evidence from the victim's case upon the request of said sexual assault victim. The law enforcement agency may, at its discretion, require that the victim's request be in writing. The LEA shall respond to the victim's request with either an oral or written communication, or by email, if an email address is available. The LEA is not required to communicate with the victim or the victim's designee regarding the status of DNA testing absent a specific request from the victim or the victim's designee. (Pen. Code, § 680 subd. (d)(1).)

4) Provides that, subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims have the following rights:

   a) The right to be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit evidence or other crime scene evidence from their case;

   b) The right to be informed whether or not the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence has been entered into the Department of Justice Data Bank of case evidence; and,

   c) The right to be informed whether or not there is a match between the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, provided that disclosure would not impede or compromise an ongoing investigation. (Pen. Code, § 680, subd. (d)(2).)

5) Requires that, if an LEA does not analyze DNA evidence within six months prior to the established time limits, a victim of a sexual assault offense be informed, either orally or in writing, of that fact by the LEA. (Pen. Code, § 680, subd. (e).)

6) Provides that if an LEA intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case, the victim shall be given written notification by the LEA of that intention. (Pen. Code, § 680, subd. (f)(1).)

7) Specifics that an LEA shall not destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case before at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, before the victim's 40th birthday. (Pen. Code, § 680, subd. (f)(2).)

8) Specifies that written notification to the victim about the destruction of the evidence in an unsolved sexual assault case shall be made at least 60 days prior to its destruction or disposal. (Pen. Code, § 680, subd. (g).)

9) Provides that a sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information. (Pen. Code, § 680, subd. (h).)

10) Requires that the DOJ, on or before July 1, 2022, and in consultation with LEAs and crime victims groups, establish a process that allows a survivor of sexual assault to track and receive updates privately, securely, and electronically regarding the status, location, and information regarding their sexual assault evidence kit in the department's SAFE-T database. (Pen. Code, § 680.1.)

11) Requires that upon the initial interaction with a sexual assault victim, an LEA or medical provider provide the victim with a card to be developed by every local law enforcement agency, in consultation with sexual assault experts that explains all of the rights of sexual assault victims. This card shall include, but is not limited to, all of the following:

a) A clear statement that a sexual assault victim is not required to participate in the criminal justice system or to receive a medical evidentiary or physical examination in order to retain their rights under the law;

b) Telephone or Internet Web site contact information for a nearby rape crisis center and sexual assault counselor;

c) Information about the types of law enforcement protection available to the sexual assault victim, including a temporary protection order, and the process to obtain that protection;

d) Instructions for requesting the results of the analysis of the victim's sexual assault forensic evidence;

e) Information about state and federal compensation funds for medical and other costs associated with the sexual assault and information on any municipal, state, or federal right to restitution for sexual assault victims if a criminal trial occurs;

f) A clear statement that the victim has the right to have a sexual assault counselor and at least one other support person of the victim's choosing present at any initial medical evidentiary examination, physical examination, or investigative interview arising out of a sexual assault, and that a sexual assault counselor can be contacted 24 hours a day;

g) Information about the rate of potential evidence degradation;

h) A clear statement that if sexual assault forensic evidence will be tested, it should be transported to the crime laboratory and analyzed within specified time limits; and,

i) A clear statement that the law enforcement agency or crime laboratory will retain the sexual assault forensic evidence for at least 20 years, or if the victim was under 18 years of age at the time of the alleged offense, at least until the victim's 40th birthday. (Pen. Code, § 680.2, subd. (a).)

12) Requires a law enforcement official, upon written request by a sexual assault victim, to furnish a free copy of the initial crime report related to the sexual assault, regardless of whether the report has been closed by the LEA, to the victim. An LEA may redact personal, identifying information in the copy furnished to the victim. (Pen. Code, § 680.2, subd. (b).)

13) Requires an LEA to provide sufficient copies of the card to each provider in its jurisdiction of medical evidentiary examinations or physical examinations arising from sexual assault. (Pen. Code, § 680.2, subd. (d).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "Senate Bill (SB) 464 (Chapter 715, Statues of 2023) took a vital step towards empowering survivors by requiring sexual assault kits (SAKs) to be tested, ensuring legal protections, and keeping survivors informed about their cases. Despite advancements that put victims first, vague legal language led to confusion

among first responders, resulting in inconsistent practices across California that left many survivors feeling unheard and powerless. SB 733 directly addresses this gap by cleaning up ambiguities in SB 464. SB 733 establishes clarity allowing survivors 18 years or older and who are undecided about making a report to law enforcement to request that their SAKs remain untested until they make that choice. SB 733 reaffirms that survivors have the right to decide how and when to engage with the justice system. In establishing consistency, SB 733 safeguards the self-determination of victims, creates uniformity in outcomes, and ensures California upholds the autonomy that every survivor deserves."

2) **Sexual Assault Victim's Bill of Rights:** California established the Sexual Assault Victims' Bill of Rights in 2003. (AB 898 (Chu), Chapter 537, Statutes of 2003.) In passing that law, the Legislature found and declared that "[l]aw enforcement agencies have an obligation to victims of sexual assaults in the proper handling, retention and timely DNA testing of rape kit evidence or other crime scene evidence and to be responsive to victims concerning the developments of forensic testing and the investigation of their cases."

   Upon the request of the survivor, law enforcement agencies investigating the sexual assault may inform the survivor of the status of the DNA testing. Specifically, the California DNA Bill of Rights provides that subject to sufficient resources to respond to requests, survivors have a right to be informed whether or not the assailant's DNA profile was developed from the rape kit evidence, whether or not that profile was uploaded to the DNA database and whether or not a hit resulted from the upload.

   The Sexual Assault Victims' Bill of Rights was amended by AB 1517 (Skinner), Chapter 874, and Statutes of 2014. Those amendments encouraged law enforcement and crime labs to handle and process sexual assault forensic evidence within specific time frame. It was amended again by AB 1312 (Gonzalez) Chapter 692, Statutes of 2017 amended the bill of rights to provide that each victim should be given a card outlining their rights.

   Sexual assault victims are entitled to, during their first contact with law enforcement, a card that outlines their rights and the laws specifies what that card shall include. Existing law provides that the card shall also include that a statement that a victim cannot be found in contempt of court for refusing to testify in a sexual assault case.

   In 2019, SB 22 (Leyva), Chapter 588, Statutes of 2019 required, for all tests collected law enforcement agencies to either submit sexual assault forensic evidence to a crime lab or ensure a rapid turnaround DNA program is in place. SB 22 also required crime labs to either process evidence for DNA profiles and upload them into the DNA database or transmit the evidence to another crime lab for processing and uploading.

   In 2021, SB 215 (Leyva), Chapter 634, Statutes of 2021 granted the right of a sexual assault victim to access DOJ's SAFE-T database for the information involving their case. In November 2022, California Attorney General Rob Bonta announced the launch of a new online portal to allow survivors of sexual assault to track the status of their sexual assault evidence kits and the hiring of the state's first-ever sexual assault evidence outreach coordinator, Dr. Sarai Crain, who will work directly with law enforcement, medical facilities, and other partner organizations to support local efforts to track and process sexual assault evidence.[1]

As a result of the new portal, survivors are now able to learn in real-time whether their sexual assault evidence kit has been received by a law enforcement agency, is in transit to a lab, has been received by a lab, is undergoing DNA analysis, or has had DNA analysis completed. The portal also provides information on resources available to survivors. Individuals are able to access their own kit information online by entering their kit number and the name of the investigating agency. In California, kit information is typically provided to survivors upon completion of a forensic sexual assault medical exam.

Finally, in 2023, SB 464 (Wahab), Chapter , no later than July 1, 2026, each LEA and public crime laboratory, as specified, to create a record in the SAFE-T database for every victim sexual assault kit in their possession that has not had DNA testing completed as of July 1, 2026.

This bill states any person over 18 years of age may request that their sexual assault kit not be tested until the time they decide to make a report to law enforcement.

3) **Argument in Support**: None submitted.

4) **Argument in Opposition**: None submitted.

5) **Prior Legislation**:

   a) AB 41 (Chiu), Chapter 694, Statutes of 2017, requires law enforcement agencies to report information regarding rape kit evidence, within 120 days of the collection of the kit, to the Department of Justice through the SAFE-T database and requires that information include, among other things, whether biological evidence samples were submitted to a DNA laboratory for analysis and if a probative DNA profile was generated.

   b) SB 464 (Wahab), Chapter 715, Statutes of 2023, requires, among other things, all law enforcement agencies, medical facilities, public crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits to conduct an audit of all untested sexual assault evidence kits in their possession.

REGISTERED SUPPORT / OPPOSITION:

Support
None on file.

Opposition
None on file.

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

---

[1] https://www.forensicmag.com/591712-California-Launches-New-Online-Portal-for-Rape-Victims/

Date of Hearing: July 15, 2025
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 763 (Hurtado) – As Amended May 23, 2025

SUMMARY: Increases existing criminal penalties for a violation of the Cartwright Act and impose an additional $1 million civil penalty for a violation of the Act. Specifically, **this bill**:

1) Increases the criminal penalties for a violation of the Cartwright Act, as follows:

   a) If the violator is a corporation, the maximum fine is increased from $1 million to $100 million, or twice the pecuniary gain or loss caused by the violation, whichever is greater; or,

   b) If the violator is an individual, the maximum term of imprisonment is increased to two, three, or five years and the maximum fine is increased from $250,000 to $1 million, or twice the pecuniary gain or loss caused by the violation, which is greater.

2) Requires, in an action initiated and prosecuted by the Attorney General, all moneys received by any court in payment for a fine or civil penalty imposed pursuant to a violation of the Cartwright Act to be deposited in the Department of Justice (DOJ) antitrust account within the General Fund of the State Treasury.

3) Requires that a civil penalty of not more than $1 million be assessed and recovered in any civil action brought by DOJ or district attorney against any person, corporation, or business entity for a violation of the Cartwright Act. Provides a non-exclusive list of relevant circumstances that must be considered by a court or jury in assessing the amount of the civil penalty.

4) Provides that the civil penalty collected shall accrue only to the State of California or the county treasurer of the county in which the court is situated, and all proceeds shall be deposited in the DOJ antitrust account of the General Fund (in an action brought by DOJ) or to the county (in an action brought by a district attorney).

5) Provides that, unless otherwise expressly provided by law, the remedies or penalties provided within the Cartwright Act are cumulative to each other and to the remedies or penalties available under other state law.

EXISTING FEDERAL LAW:

1) Establishes the Sherman Antitrust Act of 1890 (Sherman Act). (15 U.S.C. §§ 1-7.)

2) Makes illegal, under the Sherman Act, every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the states or with foreign nations. (15 U.S.C. § 1.)

3) Authorizes a state attorney general to bring a civil action in the name of the state in any district court of the United States having jurisdiction over the defendant to secure monetary relief, as provided, for violations of the Sherman Act. (15 U.S.C. § 15c.)

EXISTING LAW:

1) Establishes the Cartwright Act. (Bus. & Prof. Code, §§ 16700 et seq.)

2) Makes every trust unlawful, against public policy, and void, except as exempted under the Cartwright Act. (Bus. & Prof. Code, § 16726.)

3) Provides that any contract or agreement in violation of the Cartwright Act is absolutely void and not enforceable. (Bus & Prof. Code, § 16722.)

4) Authorizes the Attorney General, or the district attorney of any county, subject to specified notice requirements, to initiate a civil action or criminal proceeding for a violation of the Cartwright Act. (Bus. & Prof. Code, § 16754.)

5) Provides that a violation of the Cartwright Act is a conspiracy against trade, and that a person who engages in any such conspiracy or takes part therein, or aids or advises in its commission, or who as principal, manager, director, agent, servant or employee, or in any other capacity, knowingly carries out any of the stipulations, purposes, prices, rates, or furnishes any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, is punishable, as follows:

   a) If the violator is a corporation, by whichever is greater:

      i) A fine of not more than $1 million; or,

      ii) Not more than twice the amount of any pecuniary gain derived from or pecuniary loss resulting from a violation of the Act;

   b) If the violator is an individual, by:

      i) Imprisonment in the county jail for one year, two years, or three years, or by imprisonment in the county jail for not more than one year:

      ii) A fine of not more than the greater of $250,000 or not more than twice the amount of any pecuniary gain derived from or pecuniary loss resulting from a violation of the Act; or,

      iii) By both fine and imprisonment. (Bus. & Prof. Code, § 16755, subd. (a).)

6) Allows a criminal action pursuant to this section to be commenced within four years after the commission of the last act comprising a part of any violation. No cause of action barred under existing law on the effective date of the amendment of this section at the 1977–78 Regular Session of the Legislature shall be revived by such amendment. (Bus. & Prof. Code, § 16755, subd. (b).)

7) Provides that all moneys received by a court in payment of any fine or civil penalty imposed must be paid to the State Treasury, if the Attorney General initiated and prosecuted the

action; or to the treasurer of the county in which the prosecution is conducted, if the district attorney initiated and prosecuted the action. In an action that was prosecuted jointly by the Attorney General and a district attorney, the amounts shall be paid in the proportion agreed upon by the prosecuting entities. (Bus. & Prof. Code, § 16755, subd. (c).)

8) Authorizes any person who is injured in their business or property by reason of anything forbidden under the Cartwright Act, regardless of whether the injured person dealt directly or indirectly with the defendant, to file a civil action to recover treble damages, interest, and injunctive relief. The Attorney General or a district attorney may file a suit for damages on behalf of a state or county political subdivision. (Bus. & Prof. Code, § 16750.)

9) Authorizes the Attorney General to file a civil action in the name of the people of the State of California, as *parens patriae* on behalf of natural persons residing in the state, for a violation of the Cartwright Act, to secure monetary relief in the form of treble damages sustained by those natural persons, interest, costs, and reasonable attorney fees. (Bus. & Prof. Code, § 16760.)

10) Defines "person" within the Cartwright Act to include corporations, firms, partnerships, and associations. (Bus. & Prof. Code, § 16702.)

11) Defines a "trust" under the Cartwright Act as a combination of capital, skill, or acts by two or more persons for any of the following purposes:

   a) To create or carry out restrictions in trade or commerce;

   b) To limit or reduce the production, or increase the price of merchandise or of any commodity;

   c) To prevent competition in manufacturing, making, transportation, sale, or purchase of merchandise, produce, or any commodity;

   d) To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce, or commerce intended for sale, barter, use, or consumption in the state;

   e) To make or enter into or execute or carry out any contracts, obligations, or agreements of any kind or description, by which they do all or any combination of the following:

      i) Bind themselves not to sell, dispose of, or transport any article or any commodity or any article of trade, use, merchandise, commerce, or consumption below a common standard figure, or fixed value;

      ii) Agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure;

      iii) Establish or settle the price of any article, commodity, or transportation between them or themselves and others, so as directly or indirectly to preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity; or,

iv) Agree to pool, combine, or directly or indirectly unite any interests that they may have connected with the sale or transportation of any such article or commodity, that its price in any manner might be affected. (Bus. & Prof. Code, § 16720.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "SB 763 is a crucial step toward modernizing and strengthening the penalties under California's Cartwright Act to effectively deter anti-competitive practices that harm consumers, small businesses, and our overall economy. Over the past two decades, we've witnessed an alarming concentration of market power, with monopolies and oligopolies dominating entire industries. When corporations manipulate markets, inflate prices, and eliminate competition, they drive up costs for working families already struggling to afford necessities like rent, food, and energy.

   "These corporate giants use mergers, acquisitions, and strategic barriers to crush competition, leaving consumers with fewer choices and higher prices. Despite this growing threat, California's penalties for anti-competitive behavior remain woefully outdated—corporate fines that once seemed substantial are now little more than the cost of doing business.

   "SB 763 addresses this imbalance by increasing the maximum penalty for corporate violators to $6 million and for individuals to $1 million, with the possibility of up to 5 years in prison. This ensures that our penalties more effectively deter corporations from interfering with trade, fixing prices, and reducing competition – actions that can raise prices and harm workers, businesses, and consumers. By strengthening these enforcement tools, we send a clear message: California will not allow powerful corporations to rig the system at the expense of working people."

2) **Effect of the Bill:** This bill would increase incarceration and financial penalties for individual and corporate violators of the Cartwright Act, which is a law designed to protect consumers and discourage anti-competitive business practices. (*Marin County Bd. of Realtors, Inc. v. Palsson* (1976) 16 Cal.3d 920, 935.) Currently, the maximum fine for corporations determined to have restrained trade in violation of the Cartwright Act is capped at the greater of $1 million or two times the amount of pecuniary gain or loss. (Bus. & Prof. Code, § 16755, subd. (a).) Individual violators face a maximum fine of the greater of $250,000 or two times the amount of pecuniary gain or loss. (Bus. & Prof. Code, § 16755, subd. (a).)

   The $1 million fine for a corporate violator was added in 1975 and has not been increased since. (See Stats. 1975, Ch. 386, § 1.) The fine for an individual violator was raised from $100,000 to $250,000 in 1990. (See SB 2576 (Kopp), Ch. 486, Stats. 1990). In the same year, the alternative fine of double the violator's pecuniary gain or loss caused by the violation was added for both individual and corporate defendants. (Ibid.)

   This bill aligns the criminal fines contained in state-level antitrust laws with those of the federal Sherman Act by raising the alternative maximum for corporations to $100 million and for individual violators to $1 million. Additionally, under the Cartwright Act, individual violators may be punished by imprisonment in the county jail for one, two, or three years.

(Pen. Code, § 16755, subd. (a).) This bill increases punishment for individual violators of the Cartwright Act to two, three, or five years in the county jail. This bill also provides that, unless otherwise expressly provided by law, the remedies or penalties provided within the Cartwright Act are cumulative to each other and to the remedies or penalties available under other state law.

It is unclear whether increasing penalties has a deterrent effect. There is reliable evidence showing increased penalties generally fails to deter criminal behavior.[1] Data shows greater deterrent effects as the likelihood of being caught increases and the perception rises that one will be caught.[2] In contrast, the act of punishment and the length of punishment largely do not increase deterrence.[3] Given the data on confinement and deterrence,[4] it is debatable whether new criminal penalties on violators of our antitrust laws will discourage anticompetitive behavior.

This bill additionally increases financial penalties for individual and corporate violators. Criminal fines rapidly balloon into unpayable amounts for most of the population, which create downstream economic consequences for impacted individuals and society. Unsurprisingly, the judicial branch reported that $8.6 billion in fines and fees remained unpaid at the end of 2019-20.[5] With evidence also showing that rising criminal fines increases felony recidivism,[6] deterrent effects from this bill are uncertain. It is likewise unclear whether greater deterrence and reduced recidivism can be realized from corporate violators of these laws.

3) **The Cartwright Act:** This bill would update part of California's antitrust statutory scheme. California's main antitrust statute is the Cartwright Act, which closely parallels its federal counterpart – Section 1 of the Sherman Act (15 U.S.C. § 1). This part of the Sherman Act prohibits contracts, combinations, and conspiracies in restraint of trade. (See *ibid.*) Like its federal counterpart, the Cartwright Act is designed to aid the consumer by preserving and promoting competition in commercial markets by encouraging interaction among competitors to produce the best allocation of economic resources, including lower priced and higher quality goods. (*Cianci v. Superior Court* (1985) 40 Cal. 3d 903, 918-19.) California courts have construed the Cartwright Act as "broader in range and deeper in reach than the Sherman Act." (*Id.* at 920.) Cartwright Act proscribes even indirect or subtle forms of coordinated behavior that may affect market prices or restrict trade. (See Bus. & Prof. Code, § 16720 et seq.)

   This area of California law defines a "trust" to include combinations or agreements in which competitors "agree to pool, combine or directly or indirectly unite any interests that they may

---

[1] *Five Things About Deterrence* (May 2016) National Institute of Justice <https://www.ojp.gov/pdffiles1/nij/247350.pdf> [as of July 9, 2025].
[2] *Ibid.*
[3] *Ibid.*
[4] See *infra,* at note 6.
[5] *Overview of Criminal Fine and Fee System* (May 13, 2021) Legislative Analyst's Office <https://lao.ca.gov/Publications/Detail/4427> [as of July 9, 2025].
[6] Giles, *The Government Revenue, Recidivism, and Financial Health Effects of Criminal Fines and Fees* (Sept. 9, 2023) Wellesley College <http://dx.doi.org/10.2139/ssrn.4568724> [as of July 9, 2025] (showing that the increase in fines levied for criminal punishment increased the likelihood of felony recidivism, especially among Black defendants).

have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected." (Bus. & Prof. Code, § 16720, subd. (e)(4).) Under the Cartwright Act, an "agreement" or "concerted action" refers to a mutual understanding or coordinated conduct between two or more persons to restrain trade, and is an essential element of any antitrust claim under both the Cartwright Act and the Sherman Act. (See *Marin County Bd. of Realtors, Inc. v. Palsson* (1976) 16 Cal.3d 920, 928 (Cartwright Act requires concerted action); see also *Texaco, Inc. v. Dagher* (2006) 547 U.S. 1, 5 (federal antitrust law also requires concerted action).)

Under California law, a restraint is considered unreasonable if it harms competition, rather than merely harming individual competitors. (*G.H.I.I. v. MTS, Inc.* (1983) 147 Cal. App. 3d 256, 269.) Courts evaluate this through either the *per se* rule or the rule of reason. (*Palsson*, supra, at p. 930.) Certain types of restraints are deemed *per se* unlawful, like group boycotts, because they are presumed to always harm competition. (*Ibid.*) Other restraints are analyzed under the rule of reason, which requires a case-specific inquiry into the conduct's actual or likely anticompetitive effects, the parties' market power, and any procompetitive justifications. (*Id.* at pp. 934-35.)

4) **Argument in Support**: According to the *California Department of Justice*, "Currently, powerful corporations view antitrust enforcement as just another cost of doing business. SB 763 would increase criminal penalties and add civil penalties for violations of California's Cartwright Act.

"Antitrust violations can lead to rising costs for consumers because when companies collude or gain significant market power through illegal anticompetitive practices, they have less pressure to keep prices low and can raise prices without fear of losing customers to other competitors. Competitive marketplaces established through antitrust vigilance help consumers by ensuring fair prices for goods and services, an array of products to choose from, quality goods and services, and the steady introduction of innovative new products.

"California's Cartwright Act prohibits agreements between corporations to restrain trade, limit production, and fix prices or otherwise prevent competition. SB 763 is needed because the existing penalties for criminal violations of the Cartwright Act have not been updated for decades and are insufficient to deter antitrust violations in the current market.

"Given their vast resources, corporations and individuals currently view the existing criminal fines as a minor cost of doing business, leading to repeated antitrust violations. Without stronger financial and personal penalties, there is no meaningful disincentive for committing illegal practices like price-fixing, as the costs of violating the antitrust laws will be outweighed by the potential financial gains. The resulting antitrust abuses systemically undermine fair competition, which negatively impacts workers, business, and consumers.

"Accordingly, SB 763 would impose a maximum criminal fine of up to $6 million against corporations—the first time that this amount has been increased since the current $1 million fine was initially established in 1975. SB 763 would also impose a maximum criminal fine of up to $1 million for individuals—the first such increase since the current fine of $250,000 was enacted in 1990. (SB 2576 (Kopp), Ch. 486, Stats. 1990.)
"In addition, the bill would add civil penalties of up to $1 million per violation that courts can impose based on factors such as the nature, seriousness, and persistence of the

misconduct. In adding civil penalties to the Cartwright Act, SB 763 would join California with 44 other states that already provide such remedies under their state antitrust laws. Of the 44 states that already authorize civil penalties, 40 of them impose a higher civil penalty than the $2,500 per violation that is recoverable in California, indirectly, through enforcement of the Unfair Competition Law."

5) **Argument in Opposition**: According to the *California Apartment Association*, "On behalf of the members of the California Apartment Association (CAA), I am writing to express CAA's continued strong opposition to SB 763, your bill that proposes to significantly increase penalties under California's antitrust law, the Cartwright Act.

   "SB 763 would raise corporate penalties from $1 million to $6 million, or twice the gain or loss caused by the violation, whichever is greater. If the violator is an individual, it would impose a term of imprisonment to two, three, or five years; and the maximum fine would be increased from a maximum of $250,000 to a maximum of $1 million, or twice the gain or loss caused by the violation, whichever is greater. These penalties are severe when added to the imposition of an extra civil penalty of up to $1 million in any civil action brought by the Attorney General or a district attorney against any person, corporation, or business entity found in violation of the Cartwright Act.

   "We are unaware of any precedent in which the State has sought to arbitrarily impose such a sweeping and disproportionate increase in penalties. This move seems to imply the existence of widespread antitrust violations occurring without consequence. Current penalties under the Cartwright Act are already substantial. They include treble damages, attorneys' fees and costs for prevailing parties, injunctive relief in civil cases, and criminal sanctions such as imprisonment and significant fines. Additionally, the Act already contains an alternative sentencing provision that allows the State to seek fines beyond the statutory maximum—up to twice the gross financial gain or loss resulting from the unlawful conduct. These measures ensure that penalties are severe enough to deter corporate misconduct and prevent companies from viewing fines as merely a cost of doing business. Given these existing enforcement tools and their proven deterrent effect, we believe SB 763's extreme increases in penalties are unnecessary and unjustified. For these reasons, the California Apartment Association must respectfully oppose SB 763."

6) **Related Legislation**:

   a) AB 325 (Aguiar-Curry) would instead provide that in a complaint for any violation of the Cartwright Act, it is sufficient to contain factual allegations demonstrating that the existence of a contract, combination in the form of a trust, or conspiracy to restrain trade or commerce is plausible. The bill would provide that a complaint for any violation of the Cartwright Act is not required to allege facts tending to exclude the possibility of independent action. This bill is pending hearing in the Senate Appropriations Committee.

   b) AB 1345 (Bauer-Kahan) would provide that is unlawful for one or more persons to act, cause, take, or direct a measure, action, or event that is either in restraint of trade, as specified, or to monopolize or monopsonize, as specified. AB 1345 was referred to, but never heard in the Assembly Judiciary Committee.

7) **Prior Legislation**:

   a) SB 697 (Hurtado), of the 2023-24 Legislative Session, would have increased criminal penalties for violations of the Cartwright Act. This bill was held in the Assembly Appropriations Committee.

   b) AB 1199 (Gipson), of the 2021-22 Legislative Session, would have required a qualified entity, as defined, that owns qualified property, as defined, to report annually to the Secretary of State specified information regarding the qualified property owned by the qualified entity. This bill was held in the Assembly Revenue & Tax Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Economic Liberties Project
California Department of Justice
California Federation of Labor Unions, Afl-cio
California State Council of Service Employees International Union (seiu California)
Economic Security California Action
Health Access California
Techequity Action
Udw/afscme Local 3930
Writers Guild of America West

Oppose

American Property Casualty Insurance Association
Associated Builders and Contractors of California
Brea Chamber of Commerce
Calbroadband
California Apartment Association
California Apartment Association
California Building Industry Association (CBIA)
California Business Properties Association
California Chamber of Commerce
California Grocers Association
California Hospital Association
California Restaurant Association
California Retailers Association
Carlsbad Chamber of Commerce
Civil Justice Association of California (CJAC)
Council of Business and Industries
Council of Industries
CTIA
Family Business Association of California
Greater Conejo Valley Chamber of Commerce

Insights Association
National Association of Mutual Insurance Companies
Oceanside Chamber of Commerce
Personal Insurance Federation of California
Software Information Industry Association
Technet
United Hospital Association

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

Date of Hearing: July 15, 2025
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 841 (Rubio) – As Amended June 19, 2025

SUMMARY: Prohibits an employee of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider from allowing immigration enforcement activity in the nonpublic areas of the facility without a valid warrant or court order. Specifically, **this bill**:

1) Prohibits an employee of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider from, to the extent possible, allowing access to the nonpublic areas of the site for immigration enforcement activity without a valid judicial warrant or court order, except as required by state or federal law, or as required to administer a state or federally supported protected provider.

2) Requires a director of a such a provider, or their designee, to grant access if provided all of the following:

    a) A valid identification;

    b) A written statement of purpose; and,

    c) A valid judicial warrant.

3) Defines "immigration enforcement" to include any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

4) Contains a severability clause.

EXISTING FEDERAL LAW

1) Prohibits the federal government from "conscripting" the states to enforce federal regulatory programs. (U.S. Const., 10th Amend.)

2) Prohibits a federal, state, or local government entity or official from prohibiting, or in any way restricting, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (8 U.S.C. §§ 1373, 1644.)

EXISTING STATE LAW

1) Prohibits, except as otherwise required by federal law, a public or private employer from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a judicial warrant, and specifies civil penalties, enforceable by the Labor Commissioner or the Attorney General (AG), for an employer who violates this prohibition. (Gov. Code, § 7285.1, subds. (b)-(c).)

2) Provides that the above prohibition does not preclude an employer from taking the agent to a nonpublic area, where employees are not present, to verify whether the agent has a warrant, provided that no consent to search the nonpublic areas is given in the process. (Gov. Code, § 7285.1, subd. (c).)

3) Prohibits, except as otherwise required by federal law, a public or private employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant, except for access to I-9 employment eligibility verification forms or other documents for which a Notice of Inspection has been provided to the employer, and establishes specified civil penalties for a violation of this prohibition. (Gov. Code, § 7285.2.)

4) Prohibits, except as required by state or federal law or as required to administer a state- or federally-supported educational program, school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding citizenship or immigration status of pupils or their family members. (Ed. Code, § 234.7, subd. (a).)

5) Requires the AG, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, public libraries, health facilities operated by the state or a political subdivision thereof, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, to the fullest extent possible consistent with federal and state law, and ensure that public schools remain safe and accessible to all California residents, regardless of immigration status. (Gov. Code, § 7284.8, subd. (a).)
6) Establishes the California Values Act, which prohibits law enforcement agencies from using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to specified exemptions. (Gov. Code, §§ 7282.5, 7284.6.)

7) Provides that the Values Act does not restrict any government entity or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status of an individual, as specified. (Gov. Code, § 7284.6, subd. (e).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Federal policy has traditionally designated domestic violence shelters, homeless shelters, rape crisis centers, and courthouses as locations protected from immigration and customs enforcement. However, this longstanding policy was rescinded in January under the current presidential administration – and since

then, these locations have reported a chilling effect and significant anxiety over this policy change.

"Immigrant survivors of domestic violence already face many barriers to accessing support, and after the recent policy change, they may be even less likely to seek assistance due to the fear of detention and deportation. In addition, immigration status and the threat of deportation can be used as a tool of coercive control by perpetrators of domestic violence and sexual assault, through threats of reporting survivors' immigration statuses to the United States Immigration and Customs Enforcement agency (ICE). This fear of ICE can have a significant effect in reducing the willingness of survivors to seek help.

"When survivors are too afraid to seek help, it makes our communities less safe. SB 841 strengthens public safety and equity by ensuring that all survivors—regardless of immigration status—can access emergency support without fear of government action. It is clear that in the absence of compassionate federal policy, the state must take action to ensure domestic violence shelters and similar locations are seen as safe spaces for the vulnerable people who need their services. We have already seen domestic violence organizations impacted by immigration enforcement actions in Los Angeles."

2) **Background:**

a) Increased Federal Immigration Enforcement

President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House has set a goal of 1 million annual deportations.[1]

On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[2] Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that "sanctuary" jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and

---

[1] Politico, *Trump got $170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785
[2] The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/

denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.[3]

Immigration arrests have significantly increased since President Trump's second term began.[4] Just last month, protests grew in Los Angeles (L.A.) in response to widespread immigration enforcement activity throughout the area. From June 6 to June 22 federal immigration enforcement teams arrested 1,618 immigrants for deportation in L.A. and surrounding Southern California regions.[5] In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objection of state officials.[6] Immigration raids have continued throughout L.A. in the weeks since the protests, prompting residents to stay home out of fear of being detained.[7] Most of the persons arrested by ICE from June 1 to June 10 had never been charged with a crime.[8]

b) Rescission of the ICE Sensitive Locations Memo

DHS has had standing guidance prohibiting immigration authorities from conducting enforcement actions in certain "sensitive locations," including schools, hospitals, and churches, unless exigent circumstances existed, prior approval was obtained, or other law enforcement actions have led officers to a sensitive location, as specified.[9] In 2021, the Biden Administration issued a memo expanding these sensitive places to include, as pertains to this bill, social service establishments, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need.[10] In justifying the directive, the memo stated the "need to consider the fact that an enforcement action taken near – and not necessarily in—the protected area can have the same restraining impact on an individual's access to the protected area itself. … The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities."[11]

---

[3] *Ibid.*
[4] Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html
[5] Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says
[6] Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437.)
[7] Vives, et. al., *L.A. neighborhoods clear out as immigration raids send people underground*, Los Angeles Times (June 15, 2025), available at: https://www.latimes.com/california/story/2025-06-15/some-l-a-neighborhoods-clear-out-as-immigration-raids-push-people-underground
[8] Rachel Uranga, *Most nabbed in L.A. raids were men with no criminal conviction, picked up off the street,* Los Angeles Times (June 24, 2025), available at: https://www.latimes.com/california/story/2025-06-15/some-l-a-neighborhoods-clear-out-as-immigration-raids-push-people-underground
[9] U.S. Immigration and Customs Enforcement, *Memorandum: Enforcement Actions at or Focused on Sensitive Locations* (Oct. 24, 2011), available at: https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf
[10] *Id.* at p. 45.
[11] *Ibid.*

On January 21, 2025, acting DHS Secretary Benjamin Huffman rescinded the Biden directive stating that it "thwart[ed] law enforcement in or near so-called 'sensitive' areas.'"[12] On January 31, 2025, DHS issued a new directive stating they were "not issuing rules regarding where immigration laws are permitted to be enforced. Instead… the ICE Director charges Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where and when to conduct an immigration enforcement action in or near a protected area."[13] In March, ICE reverted back to the 2021 policy, but only in relation to places of worship. (*Ibid.*)

The recent passage of federal legislation allocating $170 billion for border and immigration enforcement foreshadows the possibility of even more extensive immigration raids in the coming years.[14]

3) **Fourth Amendment and the Reasonable Expectation of Privacy:** Both the United States and the California Constitutions guarantee the right of all persons to be secure from unreasonable searches and seizures. (U.S. Const., 4th Amend.; Cal. Const., art. 1, sec. 13.) This protection applies to all unreasonable government intrusions into legitimate expectations of privacy. (*United States v. Chadwick* (1977) 433 U.S. 1, 7, overruled on other grounds by *California v. Acevedo* (1991) 500 U.S. 565.) The Supreme Court has emphasized that the Fourth Amendment requires adherence to judicial processes, and has stressed that searches and seizures occurring without a warrant issued by a judge or magistrate are considered to be per se unreasonable under the Fourth Amendment, subject to certain exceptions. (*Katz v. U.S.* (1967) 389 U.S. 347, 357.) Whether a person has a "reasonable expectation of privacy" in a place, for purposes of triggering Fourth Amendment protections, is an inquiry that takes into account the specific circumstances surrounding the intrusion, societal understanding about the place where the intrusion occurred, and the severity of the intrusion. (See e.g., *Trujillo v. City of Ontario* (9th Cir. 2006) 428 F.Supp.2d 1094, 1103; *Hill v. Nat'l Collegiate Athletic Assn.* (1994) 7 Cal.4th 1, 36-37.)

   Fourth Amendment protections generally apply to business premises, although they do not apply to portions of commercial premises that are open to the public. (*Marshall v. Barlow's, Inc.* (1978) 436 U.S. 307, 311; *People v. Doty* (1985) 165 Cal.App.3d 1060, 1066; *Patel v. City of Montclair* (9th Cir. 2015) 798 F.3d 895.) As such, Fourth Amendment protections extend to employees on the property and to any of their personal property to which an expectation of privacy may reasonably attach. (*Mancusi v. DeForte* (1968) 392 U.S. 364, 369-372; *People v. Thompson* (1988) 205 Cal.App.3d 1503.) As applied to this bill, a person utilizing the services of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider, and particularly those temporarily using such locations for overnight shelter, may have a reasonable expectation of privacy in the non-public areas of that cite, depending on the specific circumstances of that site. For example, there may be a reasonable expectation of privacy in areas of a homeless shelter such as large shared sleeping quarters. (*Community for Creative Non-Violence v.*

---

[12] U.S. Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole,* January 21, 2025 available at: https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.

[13] U.S. Department of Homeland Security, *ICE Directive Common Sense Enforcement Actions in or Near Protected Areas,* January 31, 2025 available at: https://www.ice.gov/about-ice/ero/protected-areas.

[14] Myah Ward, *Trump got $170 billion for immigration. Now he has to enact it*, Politico (July 5, 2025), available at: https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html

Unknown Agents of United States Marshals Service (1992) 791 F.Supp. 1, 6.)[15] As such, shelter staff are not obligated to consent to a peace officer's warrantless entry into a shelter's bedroom or living quarters, and may refuse to consent to a warrantless entry, or otherwise ask to see a judicial warrant. (*United States v. Prescott* (9th Cir. 1978) 581 F.2d 1343, 1350-1351.)[16] Generally, a judicial warrant is not required for peace officers to look for or approach clients in a public area of a shelter.[17]

4) **Effect of this Bill**: In 2017, the California Legislature took significant steps to limit state and local cooperation with federal immigration enforcement officers. Particularly, the Legislature enacted SB 54 (De Leon), Chapter 495, Statutes of 2017, also known as the California Values Act, which limited use of state and local resources for the purposes of immigration enforcement. More relevant to this bill, the Legislature also enacted AB 450 (Chiu), Chapter 492, Statutes of 2017, which prohibited an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant. Particularly, AB 450 prohibited, except as otherwise required by federal law, a public or private employer or person acting on their behalf from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a judicial warrant. (Gov. Code, § 7285.1, subds. (b)-(c).) It also outlined specifies civil penalties of $2,000-$5,000 for first violation, and $5,000-$10,000 for each subsequent violation, enforceable by the Labor Commissioner or AG, for an employer who violates this prohibition. (*Ibid.*)

   Here, this bill is somewhat similar to AB 450 in that it prohibits an employee of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider from, to the extent possible, allowing access to the nonpublic areas of the site of such an entity for immigration enforcement activity without a valid judicial warrant or court order, except as required by state or federal law, or as required to administer a state or federally supported protected provider. It would require a director of such an entity, or their designee, to grant access if provided a valid identification, a written statement of purpose, or a valid judicial warrant. The bill contains a severability clause.

   A prior U.S. District Court case suggests that this bill may be vulnerable to a legal challenge. In 2018 the Trump administration challenged SB 54 and AB 450 in District Court. Specifically, the Trump Administration challenged AB 450's constitutionality as applied to private employers only, arguing that the bill was preempted by federal law and violated the doctrine of intergovernmental immunity. (*United States v. California* (E.D. Cal. 2018) 314 F.Supp.3d 1077, 1096.) The doctrine of intergovernmental immunity, derived from the Supremacy Clause of the Constitution, makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435.) The district court did not reach a conclusion on the issue of preemption, but it did find that the Trump Administration was likely to succeed on the issue of intergovernmental immunity. (*United States v. California, supra,* 314 F.Supp.3d. at p. 1096.) In particular, the court held that "a law which imposes monetary penalties on an employer solely because that employer voluntarily consents to

---

[15] See also California Department of Justice, *Promoting Safe and Secure Shelters for All* (Dec. 2024), at p. 16, available at: https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/shelter.pdf
[16] *Ibid.*
[17] *Id.* at p. 17.

federal immigration enforcement's entry into nonpublic areas of their place of business or access to their employment records impermissibly discriminates against those who choose to deal with the Federal Government." (*Ibid.*)

The District Court proceeded to find that the provisions of AB 450 that prohibited employers from providing voluntary consent to an immigration agent to enter a nonpublic area of a place of labor and from re-verifying the employment eligibility of current employees when not required by federal law impermissibly infringed on the sovereignty of the U.S. However, the District Court found that SB 54, as well as the employee notice provision of AB 450 (requiring employers to provide notice to their employees of any impending I-9, or other employment record, inspection within 72 hours of receiving notice of that inspection) were not preempted by federal law. (*United States v. California*, *supra,* 314 F.Supp.3d. at p. 1086.)

The Trump Administration appealed this ruling. On appeal, the Ninth Circuit found that the district court properly concluded that AB 450's employee-notice provisions did not violate the doctrine of intergovernmental immunity and were not preempted by federal law. (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 881-882.) The District Court's finding that the Trump Administration's intergovernmental immunity claim pertaining to imposing monetary penalties on an employer who consents to immigration agents entering into non-public areas of a business was likely to succeed on the merits, was not a matter on appeal. Further, the Ninth Circuit upheld SB 54 citing that because federal immigration law is silent on the role of state or local governments in immigration enforcement, and SB 54 was focused on *state and local* agencies, the law was not preempted. (*United States v. California*, *supra*, 921 F.3d, at p. 887.) In particular they stated, "SB 54 does not directly conflict with any obligations that the INA or other federal statutes impose on state or local governments, because federal law does not actually mandate any state action[.]" (*Ibid.*) The administration appealed the Ninth Circuit ruling but the Supreme Court denied the request, leaving the decision untouched.

SB 841 is somewhat similar AB 450's provision that prohibits an employer from voluntarily consenting to federal immigration enforcement's entry into nonpublic areas of their place of business. This may make this bill vulnerable to the same type of intergovernmental immunity challenge that the District Court stated was likely to succeed on the merits in *United States v. California* (E.D. Cal. 2018) 314 F.Supp.3d 1077, 1096.) However, this bill is distinguishable for several reasons. First, the district court found that AB 450 violated the Supremacy Clause as applied to *private* employers only. Here, SB 841 generally applies to employees of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider, and does not distinguish between public or private providers. This would appear to encompass a variety of public, private, and non-profit entities.[18] There may be no legal issue as to this bill's application to public employers. Second, the district court in *U.S. v. California* specifically discussed the imposition of civil penalties for a violation of AB 450 as a factor in why that law violated the Supremacy Clause. Here, SB 841 does not include any such penalties. Third, AB 450 applied to all employers, regardless of industry, whereas this bill is more narrowly limited to only those

---

[18] Los Angeles Homeless Services Authority, *Find A Shelter* (accessed July 8, 2025), available at: https://www.lahsa.org/portal/apps/find-a-shelter/adults; VALORUS, *Rape Crisis Centers Category: California* (accessed July 8, 2025), available at: https://www.valor.us/get-help/wpbdp_category/california/;

employees of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider.

Additionally, this bill contains several qualifiers to avoid conflicts with existing federal or state law. Most notably, the bill's obligations apply "[e]xcept as required by state or federal law, or as required to administer a state or federally supported homeless shelter, rape crisis center, or domestic violence shelter." Therefore, to the extent state or federal law requires an employee of such a site to provide immigration agents with access to the non-public areas of the site, this bill's requirements will not apply. Further, its prohibition against an employee of a homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider providing access to nonpublic areas of the site, only applies "to the extent possible." This suggests this bill may be more akin to guidance, rather than a mandate. Thus, while it is difficult to predict the outcome of a potential legal challenge to this bill, it is reasonable to believe that this measure would survive constitutional scrutiny.

5) **Argument in Support**: According to *Asian Americans Advancing Justice Southern California*, "SB 841, also known as The Keep Safe Spaces Safe Act, will protect domestic violence shelters and other safe spaces that help vulnerable individuals heal and recover from abuse so that the people who need to access these locations do not need to fear the trauma of unwarranted immigration enforcement.

"Federal policy has traditionally designated domestic violence shelters, homeless shelters, rape crisis centers, family justice centers, and human trafficking service providers as locations protected from immigration and customs enforcement. However, this longstanding policy was rescinded in January under the current presidential administration – and since then, these locations have reported a chilling effect and significant anxiety over this policy change. Immigrant survivors of domestic violence already face many barriers to accessing support, and after the recent policy change, they may be even less likely to seek assistance due to the fear of detention and deportation. In addition, immigration status and the threat of deportation can be used as a tool of coercive control by perpetrators of domestic violence and sexual assault, through threats of reporting survivors' immigration statuses to the United States Immigration and Customs Enforcement agency (ICE). This fear of ICE can have a significant effect in reducing the willingness of survivors to seek help. In a 2019 survey of domestic violence service providers, more than half reported working with survivors who withdrew civil or criminal legal cases against their abusers because of fear of immigration-related consequences.

"In the absence of compassionate federal policy, the state must take action to ensure domestic violence shelters and similar locations are seen as safe spaces for the vulnerable people who need their services. SB 841 will insulate domestic violence shelters, homeless shelters, rape crisis centers, family justice centers, and human trafficking service providers from unwarranted immigration enforcement by requiring employees at these locations to refuse access to the nonpublic areas of these locations for "immigration enforcement activity," as defined, unless valid identification, a written statement of purpose, and a valid judicial warrant or court order is presented.

"By making these changes to state law, SB 841 will help victims of domestic violence and other abuse know that there is a safe space where they can be protected from their abusers."

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

7) **Related Legislation**:

   a) SB 48 (Gonzalez) would prohibit, to the extent possible, a local educational agency's personnel from allowing an officer or employee of an agency conducting immigration enforcement from entering school-sites without a valid judicial warrant or court order, prohibits LEAs from disclosing personal information to immigration authorities without a valid warrant or court order, and requires the AG to publish model policies for schools on responding to immigration enforcement. SB 48 is pending a hearing in the Assembly Judiciary Committee.

   b) SB 81 (Arreguín) would prohibit, to the extent permitted by state and federal law, a health care provider entity and its personnel from granting access to the nonpublic areas of the facility for immigration enforcement without a valid judicial warrant or court order, among other changes. SB 81 is pending a hearing in the Assembly Privacy & Consumer Protection.

   c) SB 635 (Durazo) would prohibit, among other things, a local authority from providing voluntary consent to an immigration enforcement agent to access, review, or obtain any of the local authority's records that include personally identifiable information of any sidewalk vendors in the jurisdiction without a subpoena or judicial warrant. SB 635 is being heard in this committee today.

   d) AB 421 (Solache) would expand the California Values Act by prohibiting California LEAs from collaborating with immigration authorities regarding immigration actions that may be taking place within one mile of a childcare facility, place of worship, hospital, or medical office. AB 421 was never heard in this committee.

8) **Prior Legislation**:

   a) SB 54 (De Leon), Chapter 495, Statutes of 2017, limited the involvement of state and local law enforcement agencies in federal immigration enforcement.

   b) AB 450 (Chiu), Chapter 492, Statutes of 2017, prohibits an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant.

   c) AB 699 (O'Donnell), Chapter 493, Statutes of 2017, requires the AG to publish model policies limiting assistance with immigration enforcement at public schools, requires local educational agencies to adopt the model policies or equivalent polices, and provides education and support to immigrant students and their families.

   d) AB 2792 (Bonta), Chapter 768, Statutes of 2016, requires local law enforcement agencies to provide copies of specified documentation received from ICE to the individual in custody and to notify the individual regarding the intent of the agency to comply with ICE requests.

e) AB 4 (Ammiano), Chapter 570, Statutes of 2013, prohibits a law enforcement official from detaining an individual on the basis of an ICE hold after that individual becomes eligible for release from custody, unless, at the time that the individual becomes eligible for release from custody, certain conditions are met, including, among other things, that the individual has been convicted of specified crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

1 Individual
Asian Americans Advancing Justice Southern California
Asian Americans for Community Involvement
Asian Women's Shelter
Building Futures With Women and Children
CA Family Justice Network
California Civil Liberties Advocacy
California Immigrant Policy Center
California Partnership to End Domestic Violence
California Public Defenders Association
California Public Defenders Association (CPDA)
California Women's Law Center
Center for Community Solutions
Center for Domestic Peace
Coalition for Humane Immigrant Rights of Los Angeles
Coalition to Abolish Slavery and Trafficking
Communities United for Restorative Youth Justice (CURYJ)
Community Solutions
Community Solutions for Children, Families, and Individuals
Cora - Community Overcoming Relationship Abuse
Domestic Violence Solutions for Santa Barbara County
East Los Angeles Women's Center
Empower Tehama
Family Services of Tulare County
Family Violence Appellate Project
Family Violence Law Center
Gray's Trauma-informed Care Services Corp
Haven (healthy Alternatives to a Violent Environment)
Haven Hills, INC.
Healthy Alternatives to Violent Environments
Healthy Alternatives to Violent Environments (HAVEN)
House of Ruth
House of Ruth, INC.
Housing California
Interface Children & Family Services
Live Violence Free
Los Angeles Lgbt Center
Lumina Alliance

Marjaree Mason Center
Monterey County Rape Crisis Center
Mountain Crisis Services
My Sister's House CA
Napa News
New STAR Family Justice Center
Next Door Solutions to Domestic Violence
North Coast Rape Crisis Team
Oakland Privacy
Partners Against Violence
Peace Over Violence
Praxis Health Empowerment
Progress Advisors
Project Sanctuary, INC.
Project Sister Family Services
Public Law Center
Rape Counseling Services of Fresno
Rape Trauma Services: a Center for Healing and Violence Prevention
Reach the Valley
Riverside Area Rape Crisis Center
Safe Alternatives to Violent Environments
San Francisco Women Against Rape (SFWAR)
Shelter From the Storm, INC.
Sierra Community House
Siskiyou Domestic Violence & Crisis Center
Sister Warriors Freedom Coalition
Stopping Domestic Violence
Survivor Justice Center
Tahirih Justice Center
The People Concern
Tri Valley Haven
Tri-valley Haven for Women
Valor US
Verity
Walnut Avenue Family & Women's Center
Waymakers
Wild Iris Family Counseling & Crisis Center
Women's and Children's Crisis Shelter
Women's Center-high Desert, INC.
Womenshelter of Long Beach
Ywca Golden Gate Silicon Valley
Ywca Greater Los Angeles

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744

Date of Hearing: July 15, 2025
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 848 (Pérez) – As Amended July 7, 2025

SUMMARY: Expands the list of persons defined as mandated reporters and creates a statewide data system for tracking substantiated school employee misconduct. Specifically, **this bill**:

1) Revises the mandated reporter definition in existing law as follows:

    a) Strike out "teacher," and instead include "an employee, volunteer, or governing board or body member of a school district, county office of education, charter school, or private school.

    b) Strike out "a teacher's aide or teacher's assistant employed by a public or private school," and instead include "an employee, volunteer, or board member of a public or private contractor to a school district, county office of education, charter school, state special school or diagnostic center operated by the State Department of Education (DOE), or private school whose duties require contact or supervision of pupils at that school district, county office of education, charter school, state special school or diagnostic center operated by DOE, or private school."

    c) Strike out "a classified employee of a public school," and instead include "an employee or volunteer assigned to a state special school or diagnostic center operated by DOE."

    d) States that for purposes of the revised paragraphs, a volunteer is a person who is over 18 years of age and who interacts with pupils outside of the immediate supervision and control of the pupil's parent or guardian or a school employee.

    e) Makes conforming changes.

2) Expands the annual training on the duties of mandated reporters requirement that currently applies to school districts, county offices of education, state special schools and diagnostic centers operated by DOE and charter schools, to also apply to private schools commencing July 1, 2026, and to apply to volunteers that are mandated reporters in the education field as specified.

3) Requires, on or before July 1, 2026, each governing board of a school district, county board of education, and governing body of a charter school or private school, and DOE, for purposes of state special schools and diagnostic centers operated by the department, to do both of the following:

    a) Adopt written policies that promote safe environments for pupil learning and engagement, consistent with the specified legislative intent, and that explicitly address professional boundaries and establish appropriate limits on contact during or outside the school day; and,

b) Adopt written policies, plans, or specifications regarding school facilities, and the furnishing of school facilities, that address classroom and nonclassroom environments to promote safe environments for learning and engagement that are easily supervised.

4) States that school districts, county offices of education, and charter schools are encouraged to work with their public entity risk pool joint powers authority or insurance provider to identify and adopt best practices known to prevent violent crimes, injury, sex offenses, and egregious misconduct.

5) Specifies that "sex offense" has the same meaning as defined in Education Code section 44010.

6) Defines "violent crime" to mean any of the following:

   a) An act defined in paragraphs (2) to (4), inclusive, of subdivision (i) of Education Code Section 67381.

   b) An act for which a pupil could or would be expelled.

   c) A "violent" felony as defined in subdivision (c) of Penal Code section 667.5.

   d) A "serious" felony as defined in subdivision (c) of Penal Code section 1192.7.

7) Provides that "law enforcement agencies" includes local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices.

8) Defines "safety plan" to mean "a plan to develop strategies aimed at the prevention of, response to, and education about, potential incidents involving medical emergencies, including sudden cardiac arrest, and crime and violence on the school campus."

9) Requires the comprehensive school safety plan to include, no later than July 1, 2026, procedures specifically designed to address the supervision and protection of children from child abuse or sex abuse.

10) Adds to the definition of "sex offense" within the Education Code the act of communicating with intent to commit a sexual offense, the act of arranging a meeting with a minor with intent to commit a sexual offense, and the act of annoying or molesting a child under 18 after having a previous felony conviction of specified sex offenses involving a minor.

11) Requires a person applying for a noncertificated position at a school district, county office of education, charter school, or state special school or diagnostic center operated by DOE, or applying for any position at a private school to provide that prospective employer with a complete list of every school district, county office of education, charter school, state special school and diagnostic center operated by DOE, and private school that the applicant has previously been an employee of.

12) Requires school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by DOE considering an applicant for a noncertificated position, and private schools considering an applicant for any position, to inquire of the previous employers disclosed by the application as to whether the applicant, during their employment, was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct, as defined, that were required to be reported to the Commission on Teacher Credentialing (CTC).

13) Requires school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by DOE, and private schools that have made a report of an employee's egregious misconduct to CTC to disclose this fact upon inquiry and, notwithstanding any other law, provide a copy of all relevant information that was reported to the CTC, within its possession.

14) States that for purposes of this section, noncertificated employees include noncertificated temporary employees regardless of the length of their employment.

15) Requires CTC, on or before July 1, 2027, contingent upon an appropriation for these purposes, to develop a statewide data system that includes all of the following information for individuals serving a noncertificated position for a local educational agency or in any position for a private school employer:

   a) The name, date of birth, and a unique identification number of the employee;

   b) The name of the school employer;

   c) The starting date, ending date, if applicable, and title for each school position held by the employee;

   d) The name of any local educational agency or private school employer that conducted an employee investigation for egregious misconduct that resulted in evidence for a substantiated report, as defined in Section 11165.12 of the Penal Code, on or after July 1, 2027;

   e) The date an investigation described in paragraph (d) was commenced; and,

   f) The date a substantiated reported described in paragraph (d) was filed.

16) Requires those local educational agencies and private school organizations that are responsible for employment, employee investigations, or hiring decisions, before hiring an individual for a noncertificated position at a local educational agency or any position at a private school employer, to review the statewide data system established by this bill to determine whether an investigation resulted in a substantiated report.

17) Requires the local educational agency employer or private school employer to provide to the statewide data system established by this bill the name and start date of the individual and the title of the position within 30 calendar days of hiring of the noncertificated position at a local educational agency or for any position at a private school employer.

18) Requires the local educational agency employer or private school employer to provide to the statewide data system established by this bill the name and start date of the individual and the title of the new or additional position within 30 calendar days of an individual changing into, or adding, a noncertificated position with the same local educational agency employer or any position at a private school organization.

19) Requires the local educational agency employer or private school employer to provide to the statewide data system established by this bill the final date of employment or final date in the position within 10 calendar days of an employee leaving a position.

20) Requires the local educational agency employer or private school employer to submit notice that an investigation was commenced to the statewide data system established by this bill within 10 calendar days of the start of an investigation of egregious misconduct.

21) Requires the statewide data system records to indicate a pending status from the receipt of the notice until the local educational agency employer or private school employer submits a subsequent notice to the statewide data system.

22) Requires the local educational agency employer or private school employer to submit notice stating the result of the investigation to the statewide data system within 10 calendar days of the completion of an investigation of egregious misconduct.

23) States that if an investigation of egregious misconduct results in a substantiated report, a record of the investigation result shall be created in the statewide data system; if an investigation result in an unfounded or inconclusive report, no record of an investigation shall be created in the statewide data system.

24) Provides that if a noncertificated employee leaves a local educational agency employer or any employee leaves a private school employer before the completion of an investigation of egregious misconduct, the employer shall submit notice of the change in employment status mid-investigation to the statewide data system to be included in the employee's record.

25) States that if a previously substantiated report is later determined by the governing board or body of the local educational agency or private school to be unfounded or inconclusive, the local educational agency or private school shall notify the CTC within 10 days. Upon receiving the notification, CTC shall remove the report from the statewide system.

26) States that CTC shall serve only as the data administrator for records submitted to the statewide data system. CTC shall ensure the secure operation and technical accuracy of the statewide data system, but shall not be responsible for verifying the truthfulness or legal sufficiency of the information submitted by local educational agency employers or private school employers.

27) Defines "local educational agency" to mean a school district, county office of education, charter school, or state special school or diagnostic center operated by DOE.

28) Provides jurisdiction to the Committee of Credentials (COC) to review a record of substantiated report and a record of a start of an investigation followed by a change in

employment status during the investigations entered into the statewide data system established by this bill and follow existing specified procedures for allegations affecting rights to credential.

29) Requires, starting July 1, 2026, the Superintendent, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services (DSS), to do all of the following:

   a) Develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the DOE, private schools, and charter schools, and their school personnel and volunteers in California, regarding the detection and reporting of child abuse and assault, and post on the department's internet website links to existing training resources.

   b) Provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with the Child Abuse and Neglect Reporting Act (CANRA).This guidance shall include, but not necessarily be limited to, both of the following:

      i) Information on the identification of child abuse and neglect and child sexual abuse and assault; and,

      ii) Reporting requirements for child abuse and neglect and child sexual abuse and assault.

30) Requires, starting July 1, 2026, the Superintendent to develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the DOE, private schools, and charter schools, and their school personnel and volunteers in California, regarding the prevention of abuse, including sexual abuse and assault, of children on school grounds, by school personnel and volunteers, or in school-sponsored programs.

31) Requires DOE, starting July 1, 2026, to develop appropriate means of instructing school personnel regarding the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.

32) Requires school districts, county offices of education, state special schools and diagnostic centers operated by DOE, private schools, and charter schools, starting July 1, 2026, to do the following:

   a) Provide annual training, using the online training module provided by DSS to their employees, volunteers, and person working on their behalf who are mandated reporters on the mandated reporter requirements. This training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor.

   b) Provide annual training on the prevention of abuse, including sexual abuse and assault, of children on school grounds, by school personnel and volunteers, or in school-sponsored programs.

c) The training shall be provided to school personnel hired during the course of the school year and to volunteers upon commencing volunteer services.

33) States that school districts, county offices of education, state special schools and diagnostic centers operated by DOE, private schools, and charter schools that do not use the online training module provided by DSS shall use an equivalent training module developed specifically to meet the requirements of this section and report that training to the Superintendent.

34) Requires the alternative training module to be approved by the public entity risk pool joint powers authority or liability insurance provider used by the school district, county office of education, state special school or diagnostic center operated by DOE, private school, or charter school.

35) States that a volunteer is a person over 18 years of age and who interacts with pupils outside of the immediate supervision and control of the pupil's parent or guardian or a school employee.

36) Provides that a person who has completed the mandated reporter training provided by the DSS and received a certificate of completion within the previous 12 months shall be deemed to satisfy the training requirements specified above.

37) Applies the existing prohibition on hiring a person who has been convicted of a violent or serious felony by a school district in a position requiring certification qualifications or supervising positions requiring certification qualifications to sex offenses listed in Education Code section 44010, except as specified.

38) Applies the existing parent and legal guardian notification procedures that apply when a principal or their designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the school site at which they are the principal to also apply to sex offenses.

39) Requires DOE, in consultation with the Office of Child Abuse Prevention in the DSS, local educational agencies, and public entity risk pool joint powers authorities that provide risk management services to California schools, to do all of the following:

   a) On or before July 1, 2026, develop, disseminate to all school districts, county offices of education, charter schools, state special schools and diagnostic centers operated by the department, and private schools, and post on DOE's internet website, resources and information regarding all of the following:

      i) Building awareness and understanding of appropriate boundaries regarding adult-to-pupil interactions and relationships.

      ii) Building awareness and understanding of appropriate professional boundaries between pupils and school personnel and volunteers.

      iii) Building awareness and understanding of appropriate pupil-to-pupil interactions and relationships.

iv) Building awareness and understanding of the detection and indicators of inappropriate behaviors in adults and pupils, and strategies to reduce risk and establish healthy boundaries.

v) Options to report child abuse and assault, and inappropriate interactions and relationships, and to safely seek assistance.

b) On or before July 1, 2026, develop guidance on the appropriate means of instructing pupils regarding the prevention of abuse, including sexual abuse and assault, of pupils, consistent with all of the following:

i) The instruction shall be age appropriate and differentiated by grade and instructional setting.

ii) The instruction shall include the prevention of abuse, including sexual abuse and assault, of children at home, in the community, on school grounds, by school personnel, other pupils, and school volunteers, or in school-sponsored programs.

iii) The instruction shall be delivered by certificated personnel who do not otherwise have regular contact with the pupils receiving the instruction and who have received training.

40) Includes Legislative intent regarding school safety and training.

EXISTING LAW:

1) Establishes CANRA with the intent and purpose of protecting children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim. (Pen. Code, § 11164.)

2) Defines "child" under CANRA to mean a person under the age of 18 years. (Pen. Code, § 11165.)

3) Defines "child abuse or neglect" under CANRA to include physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child as defined, and unlawful corporal punishment or injury. (Pen. Code, § 11165.6.)

4) Defines "mandated reporter" under CANRA as specific child-care custodians, health practitioners, law enforcement officers, and other medical and professional persons. (Pen. Code, § 11165.7.)

5) Requires school districts, county offices of education, state special schools and diagnostic centers operated by DOE, and charter schools to annually train their employees and persons working on their behalf specified as a mandated reporter in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be

limited to, training in child abuse and neglect identification and child abuse and neglect reporting. (Pen. Code, § 11165.7, subd. (d).)

6) Requires any mandated reporter who has knowledge of or observes a child, their professional capacity or within the scope of their employment whom they know or reasonably suspect has been the victim of child abuse or neglect, to report it as specified, to any police or sheriff's department, a county probation department if designated by the county to receive mandated reports, or the county welfare department. (Pen. Code, §§ 11166, subd. (a) & 11165.9.)

7) Defines "reasonable suspicion" under CANRA as meaning that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Pen. Code, § 11166, subd. (a)(1).)

8) Requires specified government agencies to forward to the DOJ a report of every case of suspected child abuse or neglect that it investigates and determines to be substantiated; and if a previously filed report proves to be not substantiated, the DOJ shall be notified in writing, and shall not retain that report. (Pen. Code, § 11169, subd. (a).)

9) Defines "substantiated report" as a report that is determined by the investigator to constitute child abuse or neglect based on some evidence that makes it more likely than not that child abuse or neglect occurred. (Pen. Code, § 11165.12, subd. (b).)

10) Provides that any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of $1,000 or by both. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, the failure to report is a continuing offense until a specified agency discovers the offense. (Pen. Code, § 11166, subd. (c).)

11) States that it is the intent of the Legislature that all California public schools teaching kindergarten or any of grades 1 to 12, inclusive, operated by a school district, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, classified employees, local emergency medical services personnel, and other persons who may be interested in the health and safety of pupils and the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. (Ed. Code, § 32280.)

12) States that each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any grades 1 to 12, inclusive. (Ed. Code, § 32281, subd. (a).)

13) States that when a principal or their designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the school site of an elementary or secondary school at which they are the principal, the principal may send to

each pupil's parent or legal guardian and each school employees a written notice of the occurrence and general nature of the crime. (Ed. Code, § 32281, subd. (e).)

14) Requires a comprehensive school safety plan to include, but not be limited to, all of the following:

    a) Assessing the current status of crime committed on school campuses and at school-related functions.

    b) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, as specified.

    c) Beginning July 1, 2025, an instructional continuity plan to establish communication with pupils and their families and provide instruction to pupils when in-person instruction is disrupted due to an emergency. (Ed. Code, § 32282, subd. (a).)

15) States that the comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public. (Ed. Code, § 32282, subd. (d).)

16) Defines specific offenses as "sex offenses" triggering mandatory reporting and disciplinary action, including suspension and revocation of teaching credentials. (Ed. Code, § 44010.)

17) Prohibits employment of individuals convicted of sex offenses, requiring local education agencies to request California Department of Justice (DOJ) to conduct background checks through fingerprinting and criminal history records. (Ed. Code, §§ 44237, 45125.)

18) Establishes procedures for local education agencies to dismiss certificated employees for immoral conduct, unprofessional conduct, or crimes involving moral turpitude. (Ed. Code, §§ 44932, 44933.)

19) Requires local education agencies to maintain personnel records, including documentation of complaints, investigations, and discipline involving misconduct allegations. (Ed. Code, § 44031.)

20) Requires DOE , in consultation with the Office of Child Abuse Prevention in DSS, to develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by DOE, and charter schools, and their school personnel in California, regarding the detection and reporting of child abuse, and post on DOE's internet website links to existing training resource, and provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with CANRA. (Ed. Code, § 44691, subd. (a)(1)-(2).)

21) Requires annual training for mandated reporters working in local education agencies on recognizing and reporting child abuse and neglect. (Ed. Code, § 44691, subd. (c).)

22) Prohibits, in addition to any other prohibition or provision, a person who has been convicted of a violent or serious felony from being hired by a school district in a position requiring certification qualifications or supervising positions requiring certification qualifications. A school district shall not retain in employment a current certificated employee who has been convicted of a violent or serious felony and who is a temporary employee, a substitute employee or probationary employee, unless the conviction is reversed and the person is acquitted of the offense, or the charges are dismissed. (Ed. Code, § 44830.1, subd. (a).)

23) States, notwithstanding the above prohibition, a person shall not be denied employment or terminated from employment based on the conviction if the person has obtained a certificate of rehabilitation and pardon. (Ed. Code, § 44830.1, subd. (f).)

24) Requires an employer to request subsequent arrest service from DOJ. (Ed. Code, § 44830.1, subd. (i).)

25) Prohibits school districts, county offices of education, charter schools, and state special schools from expunging from an employee's personnel file complaints of, substantiated investigations into, or discipline for, egregious misconduct, except as specified. (Ed. Code, § 44939.5, subd. (b).)

26) Requires a person applying for a certificated position at a school district, county office of education, charter school, or state special school to provide that prospective employer with a complete list of employers that employed the applicant and requires the prospective employer to inquire as to, and the previous employer to disclose, whether the applicant was the subject of any credible complaints of, substantiated investigations into, or discipline for, egregious misconduct that were required to be reported to the CTC. (Ed. Code, § 44939.5, subd. (c).)

27) Requires the previous employing school district, county office of education, charter school, or state special school to provide the inquiring local educational agency with a copy of all relevant information that was reported to the CTC within its possession. (Ed. Code, § 44939.5, subd. (c)(3).)

28) Permits local education agencies to offer instruction on sexual abuse and sexual assault prevention, including information on available resources for victims and methods of reporting such incidents. (Ed. Code, § 51950.)

29) States that a parent or guardian of a pupil shall have the right to excuse their child from all or part of the abuse, including sexual abuse, and human trafficking prevention education, and assessments related to that education. (Ed. Code, § 51950, subd. (c).)

30) States that a school district is encouraged to collaborate with its county's child welfare probation, mental health, public health, and sheriff's departments, juvenile court, and office of education on intervention programs for pupils and other minors. (Ed. Code, § 51950, subd. (e).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "More than 75% of states have enacted laws to prevent educator sexual misconduct. California has taken significant steps in this area by implementing policy changes to safeguard both students and employees, and enhance transparency. However, several high profile cases continue to highlight systemic failures and underscore the urgent need for stronger preventive measures and mandates to protect children.

   "A series of articles published in 2023 and 2024, an investigative reporter uncovered a 40-year history of sexual misconduct at a single California high school, where dozens of educators engaged in behavior ranging from inappropriate comments to sexual relationships with students. This is not an isolated incident. According to the Fiscal Crisis and Management Assistance Team (FCMAT), a 2023 report found that claims originated in 48 of 58 California's counties with the majority of offences (50%) occurred in classrooms, with 68% taking place during general education, 14% in athletics, and 6% in before- or after-school programs. While severe forms of sexual misconduct account for less than 1%, according to a 2022 survey reflecting national trends, this still translates to hundreds of thousands of cases, exposing systemic deficiencies that contribute to educator sexual misconduct.

   "SB 848 implements stronger preventative measures, as recommended by FCMAT, to fully protect children by establishing professional boundaries, improving work history verification, and creating an electronic database of school employee misconduct. It also mandates comprehensive training, requires abuse awareness education for students, and ensures reporting of egregious misconduct, amongst other mandates."

2) **Fiscal Crisis and Management Assistance Team (FCMAT) Report on Childhood Sexual Assault Claims Post Recent Legislative Changes**: Recent legislative changes have significantly reshaped California's legal landscape around childhood sexual assault claims, profoundly affecting schools and public agencies. Assembly Bill 218 (Gonzalez), Chapter 861, Statutes of 2019, dramatically increased liability exposure for schools by extending and, in many cases, reviving expired statutes of limitation for childhood sexual assault claims against educational agencies. Subsequently, AB 452 (Addis), Chapter 655, Statutes of 2023, permanently eliminated these statutes of limitation for claims arising after January 1, 2024.

   In response to concerns about substantial fiscal impacts on public agencies, the Legislature enacted SB 153 (Committee on Budget and Fiscal Review), Chapter 38, Statutes of 2024, mandating FCMAT to analyze the financial implications and provide recommendations to strengthen prevention, accountability, and fiscal management related to childhood sexual assault in public entities.

   According to FCMAT's report, the fiscal impact of these legislative changes is and will continue to be significant and estimated that the dollar value of claims brought to date because of AB 218 is $2-3 billion for local education agencies alone.[1] The report made several recommendations including, among others, expanding requirements and training regarding mandated reporting of child abuse and neglect and expanding screening of

---

[1] *Childhood Sexual Assault: Fiscal Implications for California Public Agencies*, FCMAT (Jan. 31, 2025), p. 2 [accessed July 9, 2025].

applicants and volunteers to strengthen prevention through expanded work history verification and an developing a new electronic database of school employee work history in California's public and private schools. The report suggested expanding the accessibility of the CTC database for certificated employees or those holding other Commission-issued authorizations.[2]

3) **The Child Abuse and Neglect Reporting Act (CANRA)**: CANRA (Pen. Code §§ 11164 et seq.) provides "a comprehensive reporting scheme aimed toward increasing the likelihood that child abuse victims [will] be identified." (*Ferraro v. Chadwick* (1990) 221 Cal.App.3d 86, 90.) "The Act requires persons in positions where abuse is likely to be detected to report promptly all suspected and known instances of child abuse to authorities for follow-up investigation." (*Ibid.*; *accord*, *James W. v. Superior Court* (1993) 17 Cal.App.4th 246, 253-254.)

   The Act identifies 49 separate categories of mandated reporters which includes teachers, school employees, doctors, athletic coaches, police officers, firefighters, social workers, and persons whose duties require direct contact with and supervision of minors, among many others. (Pen. Code, § 11165.7, (a)(1)-(49).) A mandated reporter must report known or reasonably suspected child abuse or neglect to a designated agency under section 11165.9, specifically "any police or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive such reports, or county welfare department." (Pen. Code, § 11166, subd. (a).) Failure to make the required report is a misdemeanor. (Pen. Code, § 11166, subd. (c).)

   CANRA also expressly permits any person that is not a mandated reporter, who has knowledge of, or reasonably suspects a child has been a victim of child abuse or neglect, to report the known or suspected instance of child abuse or neglect. (Pen. Code, § 11166, subd. (g).)

   Under current law, the following individuals in the field of education are mandated reporters: a teacher, an instructional aide, a teacher's aide, or teacher's assistant employed by a public or private school, a classified employee of a public school, an administrative officer or supervisor of child welfare and attendance, or a certified pupil personnel employee of a public or private school, an employee of a county office of education of the DOE whose duties bring the employee into contact with children on a regular basis, and an employee of a school district police or security personnel. (Pen. Code, § 11165.7, subds. (a)(1)-(5), (a)(9), & (a)(16).)

   This bill revises and expands the list of mandated reporters at schools to include an employee, volunteer, or governing board member of a school district, county office of education, charter school or private school; an employee, volunteer, or board member of a public or private contractor to a school district, county office of education, charter school, or private school whose duties require contact or supervision of pupils; and an employee or volunteer assigned to a state special school or diagnostic center operated by DOE. The bill defines "volunteer" for purposes of the changes to the list of mandated reporters as "a person who is over 18 years of age and who interacts with pupils outside of the immediate supervision and control of the pupil's parent or guardian or a school employee." This bill also

[2] *Id.* at p. 40.

expands the existing mandated reporter training requirements to private schools and school volunteers.

With the bill's revised definition of mandated reporters to cover more employees in the education field, regardless of whether they are credentialed or working in a public versus private school, and the expanded training for mandated reporters in the education field added by this bill including training of volunteers, the hope is that mandated reporters will be better equipped to make critical reporting decisions.

4) **Creation of Statewide Database**: This bill requires CTC, on or before July 1, 2027, and contingent upon appropriation for these purposes in the annual Budget Act or another statute, to develop a statewide data system that includes information relating to investigations of allegations of egregious misconduct of individuals serving in a noncertificated position for a private school employer or local educational agency. "Egregious misconduct" is defined in existing law as immoral conduct that is the basis for sex-related offense described in Education Code section 44010, a controlled substance offense described in Education Code section 44011, or offenses involving child abuse and neglect described in CANRA. (Ed. Code, § 44932, subd. (a)(1).) Local educational agency employers and private school employers would be required to, following both the start of, and completion of, an investigation of egregious misconduct, to submit notice to the statewide data system. The bill would require substantiated reports of egregious misconduct and employee departures from employment during investigations to be recorded in the statewide data system, and would prohibit the recording in the statewide data system of investigations of egregious misconduct that result in an unfounded or inconclusive report.

   This bill specifies that CTC is to serve as the data administrator for the records submitted to the database, but is not responsible for verifying the truthfulness or legal sufficiency of the information submitted by local educational agency employers or private school employers.

   Existing law establishes a statewide database for substantiated allegations of child abuse and neglect called the Child Abuse Central Index (CACI) which is maintained by DOJ. (Pen. Code, § 11170.) Existing law requires specified local agencies to send the DOJ reports of every case of child abuse or severe neglect that they investigate and determine to be substantiated. (Pen. Code, § 11169, subd. (a).) If a previously filed report subsequently proves to be not substantiated, DOJ shall be notified in writing of that fact and shall not retain the report. (*Ibid.*)

   DOJ provides the following summary of CACI on its website:

   > The Attorney General administers the Child Abuse Central Index (CACI), which was created by the Legislature in 1965 as a tool for state and local agencies to help protect the health and safety of California's children. Defined in Penal Code sections 11164 through 11174.31, these statutes are referred to as the "Child Abuse and Neglect Reporting Act" or "CANRA".
   >
   > Investigated reports of child abuse are forwarded to the CACI. These reports contain information related to substantiated cases of physical abuse, sexual abuse, mental/emotional abuse, and/or severe neglect of a child.

> The information in the CACI is available to aid law enforcement investigations, prosecutions, and to provide notification of new child abuse investigation reports involving the same suspects and/or victims. Information also is provided to designated social welfare agencies to help screen applicants for licensing or employment in child care facilities and foster homes, and to aid in background checks for other possible child placements, and adoptions. Dissemination of CACI information is restricted and controlled by statute
>
> Information on file in the Child Abuse Central Index include:
>
> 1) Names and personal descriptors of the suspects and victims listed on reports;
> 2) Reporting agency that investigated the incident;
> 3) The name and/or number assigned to the case by the investigating agency; and
> 4) Type(s) of abuse investigated.
>
> It is important to note that the effectiveness of the index is only as good as the quality of the information reported. Each reporting agency is required by law to forward to the DOJ a report of every child abuse incident it investigates, unless the incident is determined to be unfounded or general neglect. Each reporting agency is responsible for the accuracy, completeness and retention of the original reports. The CACI serves as a "pointer" back to the original submitting agency.[3]

Existing law requires reporting agencies to provide written notification to a person reported to CACI and gives the listed person a right to a hearing before the agency that requested their inclusion on CACI. (Pen. Code, § 11169, subds. (c)-(e).) If the result of the hearing finds that the listing was based on an unsubstantiated report, DOJ is required to remove that person's name from CACI. (Pen. Code, § 11169, subd. (h).) Once a person is listed in CACI, their name is to remain on the index until they reach the age of 100, except for a minor who is listed on CACI is to be removed after 10 years without re-offense. (Pen. Code, § 11169, subds. (f) & (g).)

A recent audit of CACI found that the information in the database contained errors, failed to include substantiated reports of child abuse and inexplicably included persons who did not have any history of child abuse. At the time of the report, CACI contained *references to more than 700,000 reports of child abuse.*[4]

According to the Assembly Education Committee's analysis of this bill, a centralized statewide misconduct database is necessary because currently, fragmented recordkeeping and inconsistent reporting practices allow individuals with substantiated misconduct histories to move between school employers, particularly in noncertificated positions, without

---

[3] https://oag.ca.gov/childabuse (accessed July 7, 2025.)
[4] California State Auditor, *The Child Abuse Central Index: The Unreliability of This Database Puts Children at Risk and May Violate Individuals' Rights* (May 2022) Report Number: *2021-112.*

detection. As discussed above, FCMAT report identified this lack of a coordinated, statewide system as a major vulnerability in pupil protection efforts. Additionally, AB 2534 (Flora), Chapter 570, Statutes of 2024, created a process for CTC to track allegations or investigations of egregious misconduct by certificated employees for employment purposes. This bill would additionally have CTC also keep information on egregious misconduct by noncertificated employees and any employee of a private school for employment purposes.

This bill would also authorize the Committee of Credentials, which is appointed by the CTC to review allegations of acts or omissions for which adverse action may be taken against applicants or holders of teaching or services credentials, to also review the receipt of a record of a substantiated report and a record of a start of an investigation followed by a change in employment status during an investigation that has been entered into the statewide data system. Existing authority for the Committee of Credentials specify procedures for initial review of allegations and formal review. The findings of any investigation and recommendations are then reported to the commission and conduct a hearing at the request of the affected applicant or credential holder.

5) **Double-Referral**: This bill has been double-referred with Assembly Education Committee which heard the bill on July 2. Issues related to Education Committee's jurisdiction are fully analyzed in the committee's analysis.

6) **Argument in Support**: According to *Association of California School Administrators*, "School environments today look very different compared to 30 years ago, with concerted efforts in place related to abuse prevention, as well as training, tracking, and reporting processes. However, gaps remain that warrant further attention, specifically related to mandated reporter designation, employment history, and egregious misconduct investigations. SB 848 reflects key recommendations from the Fiscal Crisis and Management Assistance Team (FCMAT) report on childhood sexual assault in schools to help fill these gaps.

   "We especially appreciate the proposal to establish a statewide database of classified employees' school-based employment and related substantiated investigations of egregious misconduct. Unlike certificated positions, there is no similar database to supporting hiring classified positions such as transportation providers, classroom aides, front office personnel, custodial staff, and nutrition services staff. The database would help school employers make more informed hiring decisions when seeking to fill essential positions with trusted adults."

7) **Related Legislation**:

   a) AB 653 (Lackey) would add an individual employed as a talent agent, talent manager, or talent coach, who provides services to a minor to the list of mandated reporters. AB 653 is pending hearing in the Senate Committee on Appropriations.

   b) AB 970 (McKinnor) would authorize Los Angeles County to establish a two-year pilot program to test and evaluate a new model for mandatory reporting of child abuse or neglect which may include an internet-based decision-support tool to support and guide the duty to report suspected child abuse or neglect. AB 970 was not heard in this Committee.

c) AB 922 (Hoover) would authorize the University of California to require background checks to be completed by DOJ during the final stages of the recruitment process for a prospective staff employee, contractor or volunteer. AB 922 is pending hearing in the Senate Appropriations Committee.

d) AB 1192 (Carillo) would require reports of abuse or neglect of a foster youth alleged to have occurred in facilities or placements licensed by DSS to be sent to the attorney who represents a parent of the dependent child, as well as the attorneys who represent all children in that placement. AB 1192 was held on the suspense file in the Assembly Appropriations Committee.

8) **Prior Legislation**: AB 1913 (Addis), Chapter 814, Statutes of 2024, requires, commencing July 1, 2025, to additionally require school districts, county offices of education, state special schools and diagnostic centers operated by the DOE, and charter schools to, among other things, provide annual training to their employees on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, as provided.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California School Administrators
Enough Abuse
Los Angeles County District Attorney's Office
Office of the Riverside County Superintendent of Schools
Schools Excess Liability Fund (SELF)

Opposition

No longer applicable

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

Date of Hearing: July 15, 2025
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 857 (Committee on Public Safety) – As Amended June 26, 2025

SUMMARY: Makes technical and non-controversial changes to various code sections relating generally to criminal justice laws, as specified. Specifically, **this bill**:

1) Renames the Prison Industry Authority as the California Correctional Training and Rehabilitation Authority, the Prison Industry Board as the California Correctional Training and Rehabilitation Board, and the Prison Industries Revolving Fund as the California Correctional Training and Rehabilitation Fund. Provides that any reference to the Prison Industry Authority is a reference to the California Correctional Training and Rehabilitation Authority.

2) Provides that eight members of the Board of State and Community Corrections (BSCC) constitutes a quorum.

3) Replaces "deescalation" with "de-escalation" throughout various code sections.

4) Authorizes the juvenile court to permit a ward discharged to probation after being confined in a secure youth treatment facility, or after being transferred to a less restrictive program from a secure youth treatment facility, to reside in a county other than their county of legal residence and may be placed under the supervision of the probation officer of the county of actual residence.

5) Makes other nonsubstantive, technical, or conforming changes.

6) States that any section of any act enacted by the Legislature during the 2025 calendar year that takes effect on or before January 1, 2026, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, added, repealed and added, or repealed by this act, shall prevail over this act, whether the act is enacted before, or subsequent to, the enactment of this act.

EXISTING LAW:

1) Establishes the California Department of Corrections and Rehabilitation (CDCR). Provides that CDCR consists of several entities, including the Prison Industry Authority and Prison Industry Board. (Gov. Code, § 12838, subd. (a); Pen. Code, § 2800.)

2) Establishes the Prison Industries Revolving Fund. (Pen. Code, § 2806.)

3) Establishes the BSCC to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile

criminal justice system. The duties of the BSCC, among others, include establishing standards for local correctional facilities and correctional officers. (Pen. Code, § 6024, subds. (a) & (b).)

4) Provides that the BSCC is composed of 15 members, as specified, and 7 members constitutes a quorum. (Pen. Code, § 6025, subds. (c) & (f).)

5) Outlines training and other requirements related to deescalation techniques. (See e.g., Bus. & Prof. Code, § 7583.7; Ed. Code, § 49428.15; Gov. Code, § 7286; Lab. Code, § 6401.8; Pen. Code, § 835a.)

6) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

7) Authorizes the juvenile court to permit a person adjudged to be a ward of the court, or placed on probation by the court, to reside in a county other than their county of legal residence. Provides that such a ward may be placed under the supervision of the probation officer of the county of actual residence. (Welf. & Inst. Code, § 755.)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "This is the annual public safety omnibus bill. In past years, the omnibus bill has been introduced by all members of the Committee on Public Safety. This bill is similar to the ones introduced as Committee bills in the past, in that it has been introduced with the following understanding:

   - The bill's provisions make only technical or minor substantive but non-controversial changes to the law; and,

   - There is no opposition by any member of the Legislature or recognized group to the proposal.

   This procedure has allowed for the introduction of fewer minor bills and has saved the Legislature time and expense over the years."

2) **Renaming of Various Administration Entities**: Existing law establishes the Prison Industry Authority and Prison Industry Board within CDCR. Existing law also establishes the Prison Industries Revolving Fund. These entities were renamed. Specifically, the Prison Industry Authority was renamed as the California Correctional Training and Rehabilitation Authority, the Prison Industry Board was renamed as the California Correctional Training and Rehabilitation Board, and the Prison Industries Revolving Fund was renamed as the California Correctional Training and Rehabilitation Fund.

   This bill renames those entities throughout various codes.

3) **BSCC Quorum**: The BSCC consists of 15 members. Under current law, seven members are required to establish a quorum. That threshold to establish a quorum made sense when the board had 13 members, however, the board was expanded via AB 268 (Weber), Chapter 298, Statutes of 2023. AB 268 did not increase the number of members required to establish a quorum as it should have.

   This bill provides that eight members of the board constitutes a quorum.

4) **Spelling of De-Escalation Throughout Various Codes**: As a result of the Legislature's focus on the use of de-escalation techniques in a variety of settings, the word "deescalation" is included in several code sections throughout seven codes. The Commission on Peace Officer Training Standards (POST) indicated that the spelling of de-escalation without the hyphen (i.e., deescalation) throughout the codes has created issues for it related to its training materials. Specifically, POST states that "deescalation" is not a correct spelling, but POST cannot spell the word as "de-escalation" because the statutes that govern POST's instructional training are not spelled that way.

   This bill replaces "deescalation" with "de-escalation" throughout various code sections.

5) **Wards of the Juvenile Court Authorized to Reside in a County Other Than County of Legal Residence**: Existing law authorizes the juvenile court to permit a person who has been adjudged to be a ward of the court, or placed on probation by the court, to reside in a county other than their county of legal residence. Current law also provides that such a ward may be placed under the supervision of the probation officer of the county of actual residence. (Welf. & Inst. Code, § 755.)

   This bill clarifies that these provisions apply to wards discharged to probation after being confined in a secure youth treatment facility, or after being transferred to a less restrictive program from a secure youth treatment facility.

6) **Other Technical Changes**: This bill makes other technical or corrective changes.

7) **Prior Legislation**:

   a) SB 1518 (Committee on Public Safety), Chapter 495, Statutes of 2024, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

   b) SB 883 (Committee on Public Safety), Chapter 311, Statutes of 2023, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

   c) SB 1493 (Committee on Public safety), Chapter 197, Statutes of 2022, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

   d) SB 827 (Committee on Public Safety) Chapter 434, Statutes of 2021, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

e) SB 781 (Committee on Public Safety) Chapter 256, Statutes of 2019, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

f) SB 1494 (Committee on Public Safety) Chapter 423, Statutes of 2018, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

g) SB 811 (Committee on Public Safety) Chapter 269, Statutes of 2017, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

h) SB 1474 (Committee on Public Safety) Chapter 59, Statutes of 2016, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

i) SB 795 (Committee on Public Safety) Chapter 499, Statutes of 2015, made technical and corrective changes, as well as non-controversial substantive changes, to various code section relating to criminal justice laws.

REGISTERED SUPPORT / OPPOSITION:

Support

None

Opposition

None

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