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Members
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Haney, Matt
Harabedian, John
Lackey, Tom
Nguyen, Stephanie
Ramos, James C.
Sharp-Collins, LaShae

California State Assembly

PUBLIC SAFETY



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AGENDA

Friday, September 12, 2025
Upon Call of the Chair -- State Capitol, Room 126

FOR CONCURRENCE VOTE PER A.R. 77.2

HEARD IN SIGN-IN ORDER

- | | | | |
|----|---------|-----------|--|
| 1. | AB 486 | Lackey | Crimes: burglary tools. |
| 2. | AB 1152 | Patterson | Controlled substances: human chorionic gonadotropin. |

CONCURRENCE IN SENATE AMENDMENTS

AB 486 (Lackey)

As Amended June 18, 2025

Majority vote

SUMMARY

Original Committee of Reference: Assembly Public Safety

Makes it a misdemeanor to possess a key programming device, key duplicating device, or signal extender with the intent to feloniously break or enter into any building, aircraft, vessel, or vehicle, as specified.

Senate Amendments

Current Committee Recommendation: To Concur in

Delete the prior contents of the bill and replace it with the following:

- 1) Adds key programming devices, key duplicating devices, and signal extenders to the list of tools for which it is a misdemeanor, punishable, by up to six months in county jail or up to a \$1,000 fine, or both, to: 1) possess such tools with intent to feloniously break or enter into any building, railroad car, aircraft, vessel, trailer coach, or vehicle; or 2) knowingly make, alter, or attempt to make or alter such tools so that they will fit or open the lock of such a structure or vehicle without being requested to do so by a person with a right to open the lock of such a structure or vehicle.
- 2) Defines the following terms:
 - a) “Key programming device” or “key duplicating device” means any device with the capability to access a vehicle’s onboard computer to allow additional keys to be made, delete keys, or remotely start the vehicle without the use of any key. A key duplicating device also includes any device with the ability to capture a key code or signal in order to remotely access a vehicle.
 - b) “Signal extender” means a key fob amplifier or other device that extends the signal range of a keyless entry car fob to send a coded signal to a receiver in a vehicle to lock, unlock, access a vehicle, start the engine, or interact with other remote commands associated to the vehicle’s onboard computer.

COMMENTS

As passed by the Assembly, this bill: Clarified that a person who organizes a sideshow may be charged with aiding or abetting a speed contest or exhibition of speed, even if they are not physically present at the scene of the sideshow.

Major Provisions

- 1) Specified that a person who organizes, facilitates, or instigates a side show may be charged with aiding or abetting a motor vehicle speed contest or a motor vehicle exhibition of speed, as specified, even if they are not physically present at the scene of the sideshow.

- 2) Clarified that this bill does not abrogate or otherwise modify the legal elements that must be proven to find an individual guilty of aiding and abetting a crime as established in the California Supreme Court's decision in *People v. Beeman* (1984) 35 Cal.3d 547.

According to the Author

"Criminals are using advanced key programming devices to steal vehicles in seconds - fueling crime and putting the public at risk. AB 486 updates California law to treat these devices as burglary tools when possessed without a lawful purpose, giving law enforcement a critical tool to combat rising auto theft. This bill updates our laws to keep pace with this evolving threat, and takes additional steps to keep Californians safe."

Arguments in Support

According to the *California State Sheriffs' Association*, "Existing law makes the possession of specific instruments or tools with the intent to break into any building, railroad car, vessel, or vehicle a misdemeanor. Unfortunately, current statutes are dated and do not contemplate modern cars with smart entry technologies, which are easy targets for hackers. As automobiles are becoming increasingly remote, thieves have created several techniques to hack the keyless entry system."

"This legislative proposal recognizes the advancement of wireless technologies that have developed drastically over the last few decades, offering the public the convenience of using keyless go systems. AB 486 offers a necessary clarification in existing statute to safeguard properties and ensure criminals who take advantage of these useful tools and use them nefariously are held accountable."

Arguments in Opposition

According to *Initiate Justice*, "AB 486 adds to a problematic portion of the Penal Code. The bill adds to the Penal Code Section 466's list of "burglary tools" which can land someone a misdemeanor conviction for possessing the tool with criminal intent – a list that includes "screwdriver[s]". No law should criminalize possession based solely on what police or prosecutors believe is happening in the owner's mind. Moreover, no person should face criminal liability for their thoughts alone."

"AB 486 is unnecessary to address the threat of carjacking. It is important to note that even if the entirety of PC 466 was removed, police would still have a tool to prevent carjackings. Namely, where an individual had criminal intent and made an act toward the commission of burglary or theft, they could be prosecuted for the crime of attempted burglary or attempted theft. Unlike PC 466, California's attempt laws provide prosecutors with a tool that doesn't rely solely on prosecutors' attempts to read a person's mind."

"Expanding the PC 466 list will invite biased policing. Much like the rest of the PC 466 list, key programming devices, key duplicating devices, and signal extenders are often possessed by innocent actors, such as car mechanics and locksmiths. While PC 466's criminal intent standard might preclude some innocent actors from being convicted under AB 486, the intent standard does not prevent police from arresting and searching innocent actors. AB 486 invites police to harass car mechanics and locksmiths. Given general trends in policing, this would likely disproportionately affect people of color and less wealthy Californians."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the crimes created by this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- 2) Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crime created by this bill. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

VOTES**ASM PUBLIC SAFETY: 9-0-0**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 73-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca

Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

ABS, ABST OR NV: Bryan, Caloza, Lee, Ortega, Celeste Rodriguez, Zbur

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

UPDATED

VERSION: June 18, 2025

CONSULTANT: Ilan Zur / PUB. S. / (916) 319-3744

FN:

CONCURRENCE IN SENATE AMENDMENTS

AB 1152 (Patterson)

As Amended September 2, 2025

Majority vote

SUMMARY

Original Committee of Reference: Housing and Community Development

Removes human chorionic gonadotropin (hCG) from the list of Schedule III controlled substances under the California Uniform Controlled Substances Act.

Senate Amendments

Current Committee Recommendation: To Concur in.

Delete the Assembly version of this bill and instead: Remove hCG from the list of Schedule III controlled substances.

COMMENTS

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

The schedule on which a controlled substance is placed determines the level of restriction imposed on its production, distribution, and possession, as well as the penalties applicable to any improper handling of the substance... [W]hen DEA places substances under control by regulation, the agency assigns each controlled substance to a schedule based on its medical utility and its potential for abuse and dependence. (The Controlled Substances ACT (CSA): A Legal Overview for the 118th Congress, Congressional Research Service (Jan. 19, 2023) p. 2

<<https://crsreports.congress.gov/product/pdf/r/r45948>> [last visited Sept. 9, 2025].)

Substances are added to or removed from schedules through agency action or by legislation. (*Id.* at p. 9.)

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

- 2) **Human Chorionic Gonadotropin (hCG):** hCG is a hormone produced by the placenta during pregnancy. The federal Food and Drug Administration (FDA) has approved hCG to treat female infertility and as a hormone treatment for men, including to treat low sperm count. (U.S. FDA, *Questions and Answers on HCG Products for Weight Loss* (May 4, 2016) available at <<https://www.fda.gov/drugs/medication-health-fraud/questions-and-answers-hcg-products-weight-loss>>.) A prescription is required to obtain hCG. (*Ibid.*)

Synthetic hCG is considered a performance-enhancing drug. (U.S. Anti-Doping Agency, *Effects of Performance-Enhancing Drugs* available at <<https://www.usada.org/athletes/substances/effects-of-performance-enhancing-drugs/>>.) Its use is generally prohibited in male athletes by various U.S. and international sports leagues, federations, and governing bodies.¹ hCG is strongly associated with anabolic steroids due to its restoration of natural testosterone production following a cycle of steroid use. (Stenman et al., *Gonadotropins in doping: pharmacological basis and detection of illicit use* (Apr. 2008) available at <<https://pmc.ncbi.nlm.nih.gov/articles/PMC2439513/>>; Lance Williams, *HCG helps steroid users restore testosterone* (May 8, 2009) available at <<https://www.sfgate.com/sports/article/hcg-helps-steroid-users-restore-testosterone-3162496.php>>; Mike Fish, *First Gibbons and Bell, now Manny* (May 7, 2009) available at <<https://www.espn.com/mlb/news/story?id=4150133>>.)

hCG is currently included in Schedule III of the controlled substance schedules along with anabolic steroids and testosterone. Anabolic steroids and hCG were added to Schedule III in 1986. (See AB 4029 (Condit), Ch. 1033, Stats. of 1986; Randy Harvey, *Weightlifter, Lobbyist Join Forces in Fighting Steroids* (Apr. 9, 1986) available at <<https://www.latimes.com/archives/la-xpm-1986-04-09-sp-3668-story.html>>.) This bill removes hCG from the controlled substances schedules. As such, obtaining hCG would still require a prescription but it would be subject to fewer restrictions and regulations. For example, prescribers and dispensers would no longer be mandated to report their prescribing and dispensing activities to the state's prescription drug monitoring program. Criminal liability under Health and Safety Code section 11377—which prohibits the possession of a non-narcotic Schedule III substance without a prescription—would also no longer apply. Removing hCG from Schedule III raises the question of whether there are other similarly situated controlled substances, such as testosterone, that should also be removed from the controlled substance schedules in order to maintain consistency across the controlled substance schedules.

According to the Author

“Human chorionic gonadotropin (HCG) has been shown for years to be a safe and effective infertility treatment for both men and women. FDA regulations, which require a prescription, protect against the misuse of this medicine. However, California is the exception to the vast majority of states: it regulates HCG as a Schedule III controlled substance, in the same category as steroids, which means its possession can land someone in jail.

¹ The International Olympics Committee has banned hCG since 1987. The World Anti-Doping Agency, responsible for the World Anti-Doping Code which has been adopted by more than 650 sports organizations, includes hCG on its banned-substances list.

“The federal government, and most states, do not classify it as a controlled substance because there is no public safety risk and the risk of personal abuse is near non-existent. AB 1152 removes this unnecessary inclusion.”

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

Unknown.

VOTES

ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1

YES: Haney, Patterson, Ávila Farías, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Ta, Wicks, Wilson

ABS, ABST OR NV: Tangipa

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASSEMBLY FLOOR: 68-0-11

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Boerner, Carrillo, Flora, Gallagher, Jeff Gonzalez, Irwin, Jackson, Lee, Celeste Rodriguez, Wallis

SENATE FLOOR: 39-1-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

NO: Menjivar

UPDATED

VERSION: September 2, 2025

CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

FN: