

Date of Hearing: March 24, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2584 (Flora) – As Introduced February 20, 2026

Revised

As Proposed to be Amended in Committee

SUMMARY: Provides that there shall not be any civil liability on the part of, and no cause of action shall accrue against, a person who lawfully resists a public offense, as specified, except this does not apply to a person who was the primary aggressor and subsequently suffers injury or to a person who used force that was not proportional to the reasonably perceived threat.

EXISTING LAW:

- 1) Provides that any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest. (Civ. Code, § 50.)
- 2) Permits lawful resistance to the commission of a public offense to be made: 1) by the party about to be injured; and 2) by other parties. (Pen. Code, § 692.)
- 3) Provides that resistance sufficient to prevent the offense may be made by the party about to be injured:
 - a) To prevent an offense against their person, or their family, or some member thereof.
 - b) To prevent an illegal attempt by force to take or injure property in their lawful possession. (Pen. Code, § 693.)
- 4) Authorizes any other person, in aid or defense of the person about to be injured, to make resistance sufficient to prevent the offense. (Pen. Code, § 694.)
- 5) States that homicide is justifiable when committed by any person in any of the following cases:
 - a) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person;
 - b) When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein;

- c) When committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
 - d) When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace. (Pen. Code, § 197)
- 6) Provides that any person using force intended or likely to cause death or great bodily injury within their residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred. (Pen. Code, § 198.5.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “[m]y colleague, Assemblymember Phil Chen, is a former professional fighter and current martial arts practitioner, and his experience in this field has helped highlight the practical uncertainties surrounding California’s self-defense laws. While there is a substantial body of case law addressing self-defense, the reliance on judicial interpretation rather than clear statutory guidance can leave the contours of lawful self-defense unclear to the general public. This bill intends to lower the amount of violence overall by putting potential instigators on notice that they no longer have the legal flexibility to bully innocent bystanders without fear of consequence. This proposal is specifically aimed at unarmed, or hand-to-hand combat. No weapons.”
- 2) **Utilizing Non-Lethal Force in Self Defense:** Penal Code Section 692 authorizes non-lethal lawful resistance (i.e., self-defense) against “the commission of a public offense.” (Pen. Code, § 692.) The lawful resistance statute states that resistance sufficient to prevent the offense may be made by the person about to be injured, as well as other persons, in defense of the person about to be injured. (Pen. Code, §§ 693, 694.) Resistance is authorized to prevent an offense against the person, their family member, or that person’s lawfully possessed property. (Pen. Code, § 693.) Use of deadly force in self-defense is authorized elsewhere in the Penal Code.

This self-defense statute was adopted by the Legislature in 1872 and has not been substantively amended since. As such, the elements of self-defense have been extensively interpreted in case law. The standard to lawfully resist a public defense requires three elements: 1) the defendant reasonably believed that they or someone else was in imminent danger of suffering bodily injury or was in imminent danger of being touched unlawfully; 2) the defendant reasonably believed that the immediate use of force was necessary to defend

against that danger; and 3) the defendant used no more force than was reasonably necessary to defend against that danger. (2 CALCRIM 3470 (2025); *People v. Moody* (1943) 62 Cal.App.2d; *People v. Myers* (1998) 61 Cal.App.4th 328, 335, 336; *People v. Sonier* (1952) 113 Cal.App.2d 277, 278.)

In terms of the reasonable fear requirement, this is an objective and subjective standard – meaning that a person must: 1) actually believe that danger is present; and 2) a reasonable person would similarly believe that force is necessary to prevent harm. (*People v. Fisher* (1948) 86 Cal.App.2d 24, 34; *People v. Cruz-Partida* (2022) 79 Cal.App.5th 197, 212.) Determining whether there are enough facts to show that a reasonable person would fear danger depends on the circumstances of each case and should be left for the jury to determine. (*People v. Leslie* (1935) 9 Cal.App.2d 177, 181.)

Regarding the amount of force that can be used, a person may use all force and that means that the person believes is necessary and which a reasonable person in similar circumstances would believe to be necessary to prevent an injury that appears to be imminent. (*People v. Walker* (1950) 99 Cal.App.2d 238, 243–244.) For example, if an assailant assaults a person with their fist, without the purpose to kill or cause great bodily harm, and the assault is not likely to produce harm, responsive deadly force is not justified. (*Ibid.*) Whether the force used is excessive is generally a question of fact for the jury to decide. (*People v. Harris* (1971) 20 Cal.App.3d 534, 537.)

In terms of deadly force, a person may only use deadly force for the purposes of self-defense when resisting an attempt to commit a violent felony. (Pen. Code, § 197; *People v. Ceballos* (1974) 12 Cal.3d 470, 477–478.) A person is presumed to have a reasonable fear of imminent death or great bodily harm when using deadly force against an intruder who has unlawfully and forcibly entered a residence. (Pen. Code, § 198.5; see also *People v. Brown* (1992) 6 Cal.App.4th 1489, 1494–1499.)

Notably, under California law, a person who reasonably believes someone is about to inflict bodily injury upon them has no duty to retreat. (*People v. Hughes* (1951) 107 Cal.App.2d 487, 493; *People v. Dawson* (1948) 88 Cal.App.2d 85, 95). Further, they may defend themselves, even if they could have gained access to safety by fleeing. (*Ibid.*)

- 3) **Effect of this Bill:** This bill provides that if a person lawfully uses force to resist a public offense, there shall not be any civil liability on the part of, and no cause of action against, that person, unless that person was the primary aggressor and subsequently suffers injury or to a person who used disproportionate force. If a defendant was charged with battery of another person, but ultimately was not convicted because they were found to have lawfully acted in self-defense, this bill would prohibit the injured party from seeking civil damages. Notably, the standard to convict a person under criminal law is higher than the standard to find a person liable in civil court. In a criminal case against a person who claims self-defense, the prosecutor bears the burden of proving beyond a reasonable doubt that the defendant did not act in lawful self-defense, or lawful defense of another. (2 CALCRIM 3470 (2025)). In contrast, civil causes of action typically utilize a preponderance of the evidence standard. The need for this bill is unclear. Just because the prosecution cannot prove beyond a reasonable doubt that the defendant’s use of force was unlawful does not mean that other civil remedies should be precluded.

- 4) **Argument in Support:** According to the *California Rifle & Pistol Association*, “[u]nder current law, self-defense claims are evaluated based on the reasonableness of the force used under the circumstances. AB 2584 prevents courts and juries from improperly penalizing trained or skilled individuals by treating their preparedness as evidence of aggression or excessiveness. This protects the fundamental right to self-preservation without encouraging vigilantism or undermining accountability. It aligns with longstanding principles that self-defense is a natural right, reinforced by the Second Amendment, and ensures that California law does not discourage responsible citizens from acquiring lawful skills and tools for personal protection.

“This common-sense clarification promotes public safety by encouraging preparedness among law-abiding people while maintaining existing standards that prohibit unjustified or disproportionate force. It imposes no new burdens on law enforcement, adds no criminal penalties, and simply safeguards the rights of those who act in genuine self-defense.”

- 5) **Argument in Opposition:** According to *Initiate Justice*, “AB 2584 lowers standards further by expanding civil immunity protections for self-defense in almost all circumstances. It allows preemptive acts of self-defense when the other party indicates an “imminent threat of bodily harm” through actions including a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack.

“The bill does not allow for the background, training, and professional fighting skills of those who exercise lethal force to be taken into consideration when determining whether a party has taken reasonable defensive action. This could include law enforcement personnel who are supposed to be trained to deescalate situations rather than using lethal force.

“Expanding laws to use deadly force threatens public health and safety by encouraging the use of violence and vigilante justice and leads to racially disparate criminal justice outcomes. “Stand Your Ground” laws dramatically escalate violence, leading to increased homicides and violent crime overall. In states with Stand Your Ground laws, the odds that a white-on-Black homicide is ruled to have been justified is more than 11 times the odds a Black-on-white shooting is ruled justified.”

6) **Prior Legislation:**

- a) AB 1488 (Flora) of the 2025-2026 Legislative Session was substantially similar to this bill. The hearing on AB 1488 was canceled at the request of the author.
- b) AB 1333 (Zbur), of the 2025-2026 Legislative Session, would have specified that homicide is not justifiable when a person was outside their habitation or property and did not retreat when they could have safely done so, when a person used more force than a reasonable person would to defend against a danger, and when the person was the initial aggressor. AB 1333 did not receive a hearing in this Committee.
- c) SB 1005 (Jackson), Chapter 50, Statutes of 2016, made technical, non-substantive changes to this section.

REGISTERED SUPPORT / OPPOSITION:

Support

California Rifle and Pistol Association, INC.

Opposition

Initiate Justice
Justice2jobs Coalition
LA Defensa

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

Amended Mock-up for 2025-2026 AB-2584 (Flora (A))

**Mock-up based on Version Number 99 - Introduced 2/20/26
Submitted by: Staff Name, Office Name**

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

SECTION 1. This act shall be known, and may be cited, as the Preemptive Self Defense Act of 2026.

SEC. 2. Section 50 of the Civil Code is amended to read:

50. (a) Any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest.

(b) (1) There shall not be any civil liability on the part of, and no cause of action shall accrue against, a person who lawfully resists a public offense, as described in Chapter 1 (commencing with Section 692) of Title 1 of Part 2 of the Penal Code.

(2) This subdivision does not apply to a person who was the primary aggressor and subsequently suffers injury or to a person who used force that was not proportional to the reasonably perceived threat.

~~**SEC. 3. Section 692 of the Penal Code is amended to read:**~~

~~**692. Lawful resistance to the commission of a public offense may be made:**~~

~~**(a) (1) By the party about to be injured, including by a party who reasonably perceives an imminent threat of bodily harm.**~~

~~**(2) For the purposes of this subdivision, "imminent threat of bodily harm" means an action that reasonably indicates a physical attack is about to occur, including, but not limited to, a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack.**~~

~~**(b) By other parties.**~~

~~SEC. 4. Section 693 of the Penal Code is amended to read:~~

~~693. (a) Resistance sufficient to prevent the offense may be made by the party about to be injured:~~

~~(1) To prevent an offense against their person, their family, or a member of their family.~~

~~(2) To prevent an illegal attempt by force to take or injure property in their lawful possession.~~

~~(b) The resistance authorized by this section shall be proportional to the reasonably perceived threat and shall cease when the threat is no longer present.~~

~~(c) A party resisting an imminent threat of bodily harm, as defined in Section 692, shall not be required to wait until a physical attack has begun before taking reasonable defensive action. In determining whether a party has taken reasonable defensive action, the party's background, training, and professional fighting skills shall not be taken into account.~~