California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

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AGENDA

Tuesday, April 14, 2026
8:30 a.m. -- State Capitol, Room 126

REGULAR ORDER OF BUSINESS

HEARD IN SIGN-IN ORDER

LIMITED TESTIMONY FOR SUPPORT AND OPPOSITION

TWO WITNESSES - TWO MINUTES EACH

1.	AB 1588	Stefani	Vehicles: Sideshow Accountability and Community Safety Act.
2.	AB 1607	Mark González	Emergency medical services.
3.	AB 1627	Ávila Farías	Public employment: disqualifications.
4.	AB 1688	Carrillo	Child abuse or neglect: reporting.
5.	AB 1739	Ward	Healing arts: sexual exploitation: clergy.
6.	AB 1753	Stefani	Protective orders: firearms and ammunition: notice and procedures.
7.	AB 1810	Berman	Firearms: dealer centralized list.
8.	AB 1814	Alanis	Peace officer training: driving under the influence.
9.	AB 1854	Krell	Legally protected health care activities.
10.	AB 1902	Pellerin	Secure youth treatment facilities.
11.	AB 2018	Ramos	Missing persons: DNA testing.
12.	AB 2040	Macedo	Juveniles: transfer to court of criminal jurisdiction.
13.	AB 2052	Stefani	Criminal procedure: continuances.
14.	AB 2073	Johnson	Child protection: safe surrender.
15.	AB 2108	Sharp-Collins	Diversion: retail theft.
16.	AB 2122	Kalra	Infractions: warrants and penalties.
17.	AB 2164	Bauer-Kahan	Legally protected activities.

18.	AB 2232	Patterson	PULLED BY THE AUTHOR.
19.	AB 2261	Dixon	Protective orders.
20.	AB 2273	Bains	PULLED BY THE COMMITTEE.
21.	AB 2318	Elhawary	Law enforcement: facilitating medical care.
22.	AB 2328	Alanis	Vehicles: leaving the scene of an accident.
23.	AB 2344	Haney	Animal abuse: registry: internet publication.
24.	AB 2384	Lowenthal	Crimes: records: sealing.
25.	AB 2419	Quirk-Silva	Probation officers: body-worn cameras: County of Los Angeles.
26.	AB 2428	Celeste Rodriguez	Criminal fees.
27.	AB 2434	Bonta	Inmates: visitation.
28.	AB 2553	Petrie-Norris	Real estate crimes: probation.
29.	AB 2631	Bauer-Kahan	Criminal procedure: prohibited violations.
30.	AB 2664	Bauer-Kahan	Places of religious worship: unlawful activities.
31.	AB 2669	Gipson	PULLED BY THE AUTHOR.
32.	AB 2683	Ransom	Crimes: child endangerment.
33.	AB 2720	Schiavo	Human trafficking victim support coordinator.
34.	AB 2760	Sharp-Collins	County board of supervisors: inspector general.

Date of Hearing: April 14, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1588 (Stefani) – As Amended March 16, 2026

As Proposed to be Amended in Committee

SUMMARY: Establishes new criminal penalties for engaging in an exhibition of speed, where the violation occurred as part of a sideshow, and expands the definition of a sideshow. Specifically, **this bill**:

1) Provides that if a person is convicted of a violation of engaging in an exhibition of speed on a highway or in an off-street parking facility, as specified, where the violation occurred as part of a sideshow, and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than 1 day nor more than 30 days.

2) Punishes a person convicted of engaging in an exhibition of speed on a highway or in an off-street parking facility, as specified, where the violation occurred as part of a sideshow, as follows:

   a) A conviction is punishable by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than $355 nor more than $1,000, or by both that fine and imprisonment.

   b) If the driver proximately causes bodily injury to a person other than the driver, the conviction is punishable by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than $500 nor more than $1,000, or by both that fine and imprisonment.

   c) If the driver proximately causes specified injuries, including loss of consciousness, a concussion, a bone fracture or a wound requiring extensive suturing to a person other than the driver, the conviction is punishable as an alternate felony-misdemeanor (wobbler) by imprisonment for 16 months or two or three years or by imprisonment in a county jail for not less than 30 days nor more than six months, or by a fine of not less than $500 nor more than $1,000, or by both that fine and imprisonment.

   d) If the conviction is for an offense that occurred within five years of the date of a prior offense that resulted in a conviction for this same offense, that person shall be punished by imprisonment in a county jail for not less than four days nor more than six months and by a fine of not less than $500 nor more than one thousand dollars $1,000.

   e) If the perpetration of the most recent offense within the five-year period proximately causes bodily injury to a person other than the driver, a person convicted of that second

violation shall be imprisoned in a county jail for not less than 30 days nor more than six months and by a fine of not less than $500 nor more than $1,000.

f) If the perpetration of the most recent offense within the five-year period proximately causes serious bodily injury, as defined, to a person other than the driver, a person convicted of that second violation shall be imprisoned in the state prison for sixteen months, or two or three years, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than $500 nor more than $1,000.

3) Expands the definition of a "sideshow," as follows:

a) Specifies that this means an event or gathering in which two or more persons barricade, block, impede, or otherwise obstruct traffic upon or access to a highway or off-street parking facility without the consent of the owner, operator, or agent thereof, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving.

b) Removes the requirement that the event is for the purpose of performing certain vehicle crimes for spectators.

c) States that a sideshow may involve the use or operation of any motor vehicle, including, but not limited to, motorcycles or off-highway motor vehicles, regardless of whether or not those vehicles display license plates or are registered.

EXISTING LAW:

1) Prohibits a person from engaging in a motor vehicle speed contest on a highway or in an off-street parking facility (speed contest), and from aiding or abetting a speed contest. (Veh. Code, § 23109, subds. (a) & (b).)

2) Defines "motor vehicle speed contest" to include a motor vehicle race against another vehicle, a clock, or other timing device. (Veh. Code, § 23109, subd. (a).)

3) Punishes a speed contest as follows:

a) Punishes a person convicted of engaging in a speed contest by imprisonment in a county jail for 24 hours to 90 days or by a fine of $355 to $1,000, or by both, 40 hours of community service, and a 90-day to six-month license suspension at the court's discretion, with the option for a restricted license. (Veh. Code, § 23109, subd. (e)(1).)

b) Punishes a person convicted of engaging in a speed contest that proximately causes bodily injury to another person by 30 days to six months in county jail or by a fine of $500 to $1,000, or by both. (Veh. Code, § 23109, subd. (f)(1).)

c) Punishes a person convicted of engaging in a speed contest that proximately causes specified injuries to another person, including loss of consciousness, a concussion, a bone fracture or a wound requiring extensive suturing as a wobbler, punishable by imprisonment for 16 months or two or three years, or by 30 days to six months in county jail, a fine of $500 to $1,000, or by both. (Veh. Code, § 23109.1.)

d) Punishes a person convicted of engaging in a speed contest where the offense occurred within five years of the date of the same offense that resulted in a conviction, by imprisonment in a county jail for four days to six months, a fine of $500 to $1,000, and a six month license suspension; if the most recent offense causes bodily injury to another person it is punishable by 30 days to six months in county jail; if the most recent offense causes serious bodily injury to another person, as defined, it is punishable as a wobbler by imprisonment in state prison for 16 months or two or three years or 30 days to one year in county jail, and a fine of $500 to $1,000. (Veh. Code, § 23109, subd. (f)(1)-(4).)

4) Prohibits a person from engaging in a motor vehicle exhibition of speed on a highway or in an off-street parking facility (exhibition of speed) and from aiding and abetting a motor vehicle exhibition of speed. (Veh. Code, § 23109, subd. (c).)

5) Defines "exhibition of speed" as accelerating or driving at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else. (*People v. Grier* (1964) 226 Cal.App.2d 360, 364; CALCRIM No. 2202 (2026).)

6) Prohibits a person from, for the purpose of facilitating or aiding or as an incident to a speed contest or exhibition, in any manner obstructing or placing a barricade or obstruction or assisting or participating in placing a barricade or obstruction upon a highway or in an off-street parking facility. (Veh. Code, § 23109, subd. (d).)

7) Punishes a person convicted of aiding and abetting a speed contest, engaging in an exhibition of speed, aiding and abetting an exhibition of speed, or obstructing or placing a barricade upon a highway or parking facility for the purpose of facilitating a speed contest or exhibition of speed, by imprisonment in a county jail for up to 90 days, by a fine of up to $500, or by both. (Veh. Code, § 23109, subd. (i)(1).)

8) Authorizes a court, commencing January 1, 2029, if a person engages in an exhibition of speed or aids or abets an exhibition of speed, to suspend the person's driving privileges for 90 days to six months, only if the violation occurred as part of a side show, with the option for a restricted license at the court's discretion. (Veh. Code, § 23109, subd. (i)(2)(A)-(B).)

9) Defines "sideshow" to mean an event in which two or more persons block or impede traffic on a highway or in an off-street parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. (Veh. Code, § 23109, subd. (i)(2)(A)(2).)

10) Authorizes vehicle impound, including impoundment of a vehicle involved in a speed contest, exhibitions of speed, or reckless driving, subject to the following:

a) States that any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution, and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence. (Veh. Code, § 22650, subd. (b).)

b) Authorizes a peace officer and other specified persons to remove a vehicle, subject to specified notice, storage, and release requirements, in a variety of enumerated

circumstances, including where a vehicle is parked on a highway in a position that obstructs traffic or creates a hazard to other traffic, and if the officer arrests a person driving a vehicle for an alleged offense, and the officer is required, permitted to take, and does take, the person into custody, except as specified. (Veh. Code, §§ 22651 – 22856.)

c) Authorizes a peace officer to remove a vehicle when the vehicle was used by a person who was engaged in a speed contest, and when the person was arrested and taken into custody for that offense by a peace officer. (Veh. Code, § 22651.6.)

d) Provides that if a person is convicted of engaging in a speed contest and the vehicle used in the offense is registered to that person, the vehicle may be impounded at the registered owner's expense for 1 day to 30 days. (Veh. Code, § 23109, subd. (h).)

e) Authorizes a peace officer who determines that a person engaged in a speed contest, exhibition of speed, or reckless driving, but excluding aiding and abetting an exhibition of speed, to immediately arrest and take into custody that person, cause the removal and seizure of the vehicle used in the offense, and the seized motor vehicle may be impounded for up to 30 days. (Veh. Code, § 23109.2, subd. (a).)

f) Provides that if a peace officer arrests a person for obstructing or placing a barricade upon a highway or parking facility for the purpose of facilitating a speed contest, as specified, and causes the seizure of the vehicle pursuant to peace officer authority to remove a vehicle if the officer arrests a person driving a vehicle for an alleged offense where the officer is required or permitted take the person into custody, the peace officer shall not be required to take the person into custody. (Veh. Code, § 23109.3.)

g) Requires a magistrate presented with a peace officer affidavit establishing reasonable cause to believe that a vehicle, as specified, was an instrumentality used in the peace officer's presence in violation of specified crimes, including engaging in a motor vehicle speed contest, engaging in a motor vehicle exhibition of speed or aiding and abetting a motor vehicle exhibition of speed, to issue a warrant authorizing any peace officer to immediately seize and remove the vehicle, to be impounded for up to 30 days. (Veh. Code, § 14602.7, subd. (a)(1).)

11) Punishes reckless driving as follows:

a) Defines reckless driving as driving on a highway or off-street parking facility in willful or wanton disregard for the safety of persons or property, and punishes this offense by five to 90 days in county jail or a fine of $145 to $1,000, or by both. (Veh. Code, § 23103.)

b) Punishes reckless driving proximately causing bodily injury to another by 30 days to six months in jail or a fine of $220 to $1,000, or by both. (Veh. Code, § 23104, subd. (a).)

c) Punishes reckless driving that proximately causes great bodily injury to another person, who has previously been convicted of specified vehicle crimes, as a wobbler punishable by imprisonment for 16 months, or two or three years, or by 30 days to six months in county jail or a fine of $220 to $1,000, or by both. (Veh. Code, § 23104, subd. (a).)

d) Punishes reckless driving that proximately causes specified injuries to another, as a wobbler, punishable by imprisonment for 16 months, or two or three years, or by 30 days to six months in county jail, a fine of $220 to $1,000, or by both. (Veh. Code, § 23105.)

12) Provides, generally, that for a person arrested for reckless driving, offenses related to participating in a speed contest or exhibition of speed, as specified, where the arresting offer is not required to take the person before a magistrate, whether the person will be taken into custody or released and given a notice to appear, is at the discretion of the arresting officer. (Veh. Code, § 40303.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Illegal sideshows in California have grown into highly organized and increasingly dangerous events that threaten the safety of communities across the state. These sideshow events frequently involve blocked intersections, reckless stunts, and the presence of firearms. They endanger not only participants, but also innocent bystanders, other motorists, first responders, and in some cases have resulted in the deaths of spectators. AB 1588 closes important gaps in the law and increases penalties for repeat offenders and those who cause injury to spectators. By equipping law enforcement with stronger tools to identify, apprehend, and hold participants accountable, AB 1588 aims to deter dangerous behavior, curb sideshow activity, and enhance safety for communities, motorists, and first responders alike."

2) **Effect of this Bill:** As proposed to be amended, this bill makes several distinct changes to existing law. First, this bill establishes new penalties for a person convicted of engaging in an exhibition of speed on a highway or in an off-street parking facility, as specified, where the violation occurred as part of a sideshow. A sideshow is an event in which two or more persons block or impede traffic on a highway or in an off-street parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. (Veh. Code, § 23109, subd. (i)(2)(A)(2). Existing crimes that may occur at a sideshow include reckless driving, engaging in a speed contest, aiding or abetting a speed contest, engaging in an exhibition of speed, and aiding or abetting an exhibition of speed. (Veh. Code, §§ 23109, subds. (a)-(c); 23103.)

   These offenses are generally misdemeanors, with very similar penalties. Reckless driving is punishable by five to 90 days in county jail or a fine of $145 to $1,000, or by both. (Veh. Code, § 23103.) A speed contest occurs when a person races against another vehicle, a clock, or other timing device, and is punishable by 24 hours to 90 days in county jail, a fine of $355 to $1,000, or by both (Veh. Code, § 23109, subd. (e)(1).) An exhibition of speed means accelerating or driving at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else. (*People v. Grier* (1964) 226 Cal.App.2d 360, 364; 2 CALCRIM 2202 (2026).) An exhibition of speed, as well as the crimes of aiding and abetting a speed contest, aiding and abetting an exhibition of speed, or obstructing or placing a barricade or assisting or participating in placing a barricade for the purpose of facilitating or aiding or as an incident to a speed contest or exhibition of speed, are similarly misdemeanors punishable by up to 90 days in county jail, by a fine of up to $500, or by both. (Veh. Code, § 23109, subd. (i)(1).)

Existing law establishes heightened penalties for reckless driving and speed contests that result in injury, or where the person is a repeat offender. A speed contest or reckless driving that causes bodily injury is still a misdemeanor, but is punishable with higher fines and jail time of 30 days to six months in county jail and up to a $1,000 fine, or by both. (Veh. Code, §§ 23109, subd. (f)(1); 23104, subd. (a).) If the speed contest or reckless driving proximately causes specified injuries to another person, including loss of consciousness, a concussion, or a bone fracture, the offense becomes a wobbler. (Veh. Code, §§ 23109.1; 23105.) Similarly, reckless driving that proximately causes GBI to another, where the person has a prior conviction for reckless driving, a speed contest, an exhibition of speed, DUI, or DUI causing bodily injury, as specified, is also a wobbler. (Veh. Code, § 23104, subd. (a).) Finally, heightened punishments apply to persons convicted of multiple speed contests within five years. A second speed contest conviction within five years is a misdemeanor punishable as a misdemeanor by four days to six months in county jail. (Veh. Code, § 23109, subd. (f)(1).) However, if the most recent offense causes bodily injury, it is punishable by 30 days to six months in county jail, and if the most recent offense causes serious bodily injury, as defined, it is a wobbler. (Veh. Code, § 23109, subd. (f)(2)-(4).)

This bill similarly creates increased penalties for a person convicted of engaging in an exhibition of speed, where the violation occurred as part of a sideshow. There is precedent for authorizing additional penalties for an exhibition of speed that occurs as part of a sideshow. Specifically, current law authorizes a court, commencing January 1, 2029, if a person engages in an exhibition of speed or aids or abets an exhibition of speed, to suspend the person's driving privileges for 90 days to six months, only if the violation occurred as part of a side show. (Veh. Code, § 23109, subd. (i)(2)(A)-(B).) These penalties this bill creates for engaging in an exhibition of speed as part of a sideshow mimic existing penalties for speed contests that result in injury, or where the person is a repeat offender. This bill makes a conviction for engaging in an exhibition of speed as part of a sideshow punishable by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than $355 nor more than $1,000, or by both that fine and imprisonment. If the driver proximately causes bodily injury, the conviction is punishable by imprisonment in a county jail for 30 days to six months and a fine of $500 to $1,000, or by both. If the driver proximately causes specified injuries, including loss of consciousness, a concussion, a bone fracture, or a wound requiring extensive suturing, the conviction is punishable as a wobbler. A second conviction for engaging in an exhibition of speed as part of a sideshow, within five years, is punishable by four days to six months in county jail, and a fine of $500 to $1,000. If the perpetration of the most recent offense within the five-year period proximately causes bodily injury, the second conviction is punishable by 30 days to six months, and a fine of $500 to $1,000. Finally, if the perpetration of the most recent offense within the five-year period proximately causes serious bodily injury, as defined, the second conviction is punishable as a state prison-eligible wobbler.

Second, this bill provides that if a person is convicted of a violation of engaging in an exhibition of speed on a highway or in an off-street parking facility, as specified, where the violation occurred as part of a sideshow, and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than 1 day nor more than 30 days. This same impoundment authority already exists for a person convicted of engaging in a speed contest. (Veh. Code, § 23109, subd. (h).)

Third, this bill expands the definition of a sideshow. Currently, a sideshow is defined as an event in which two or more persons block or impede traffic on a highway or in an off-street parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators. (Veh. Code, § 23109, subd. (i)(2)(A)(2). This bill further specifies that a sideshow is an event or *gathering* in which two or more persons *barricade*, block, impede, or *otherwise obstruct* traffic upon *or access to* a highway or off-street parking facility *without the consent of the owner, operator, or agent thereof*, for the purpose of performing certain vehicle crimes. It also removes the requirement that the sideshow must be for the purpose of performing certain vehicle crimes for spectators. Given that sideshows often attract significant numbers of spectators and the crime of an exhibition of speed specifically requires that the driving is intended to show off or make an impression on another,[1] the need to remove the requirement that the event be for spectators is somewhat unclear. It additionally specifies that a sideshow may involve the use or operation of motorcycles or off-highway motor vehicles, regardless of whether or not those vehicles display license plates or are registered. California law defines "motor vehicle" to mean a vehicle that is self-propelled. (Veh. Code, § 415.) This includes motorcycles. (Veh. Code, § 415.)

3) **Argument in Support**: According to the *California Narcotics Officers' Association*, AB 1588 will "provide more tools for law enforcement to better respond to organized sideshow events and aims to prevent the harm caused by these illegal activities. This bill strengthens existing penalties for repeat offenders and those who cause serious injury during a sideshow, closes loopholes in the existing sideshow laws and improves public safety.

   "Specifically, AB 1588 provides more tools and improves accountability for repeat offenders by:

   1. Authorizing courts to grant a warrant for the immediate seizure and impoundment of a vehicle committing a sideshow offense;

   2. Adding motorbikes and dirt bikes to the sideshow framework, closing enforcement gaps when unlicensed and unplated dirt bikes are used to perform dangerous stunts or block city streets;

   3. Makes bodily injury during a sideshow and a repeat conviction of a sideshow offense a wobbler;

   4. Declares vehicles found to be used in a sideshow a public nuisance and becomes subject to forfeiture upon conviction of the vehicle operator

   "This bill will help keep our streets and highways safer by ensuring that those who would endanger our communities are appropriately held accountable."

4) **Argument in Opposition**: According to the *San Francisco Public Defender*, "AB 1588 (Stefani) would implement draconian measures to take people's cars away – wildly increasing the fee individuals would face from $1000 to tens or even hundreds of thousands

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[1] *See* 2 CALCRIM 2202 (2026) (defining "exhibition of speed" to mean accelerating or driving at a rate of speed that is dangerous and unsafe in order to show off or make an impression on someone else.)

of dollars. A car, declared a "public nuisance" under the bill, could then be sold to another community member reaping huge profits for local governments at individuals' expense. Entire families rely on the sharing of one car. This means that fines associated with a car and having a car taken away has devastating consequences on an entire family.

"Based on evidence, AB 1588 (Stefani) will be ineffective. Oakland, Alameda County, San Jose, and Fresno increased fines for sideshow participation and it did not lead to meaningful reduction in the number or scale of sideshows. While Oakland increased its fines in 2023, sideshows in Oakland are still prevalent. In 2024, the Oakland Police Department's Special Operations Division stated that violent crimes, such as sideshow incidents had actually increased. This year hundreds of spectators still gathered at sideshows, and the Oakland Police Department reports that in 2025, OPD has seized more than 170 vehicles connected to sideshow activity in Oakland."

"This aligns with well-established research: higher fines do not deter behavior that is social, impulsive, or collective. Instead, financial penalties of this scale fall most heavily on low-income residents, deepening cycles of poverty and punishment rather than improving public safety. Indeed, "fines, fees, and financial penalties can trap low-income residents in a maze of poverty and punishment and prevent people from succeeding."

"Under AB 1588 (Stefani), a police officer can obtain a warrant for the immediate seizure of a car based on "a video stream or recording from a reasonably reliable source." A video stream meeting this standard likely means ALPR cameras and drones and could also mean Facebook videos or TikToks. To seize a vehicle, officers do not even need to be present to seize a vehicle and do not even need to watch the event live. They can go through videos on Monday morning and send out the tow trucks that afternoon.

"Rather than escalating ineffective punishments, California should focus on environmental and community-based prevention. Oakland's Department of Transportation has begun installing bollards, steel plates, and curb extensions to disrupt intersections commonly used for sideshows, and nearby residents have already reported a decrease in activity.6 Roadway design, youth engagement, and investment in community-based programming are evidence-based strategies that promote safety without exacerbating inequality and racial disparities in the criminal legal system."

5) **Related Legislation**: SB 1198 (Menjivar) would extend the license suspension and vehicle impoundment periods for reckless driving, as specified. SB 1198 is pending a hearing in the Senate Appropriations Committee.

6) **Prior Legislation**:

   a) AB 983 (Macedo), of the 2025-2026 Legislative Session, would have authorized vehicle impoundment for any violation of speeding in excess of 100 miles per hour, as specified. The hearing on AB 983 was canceled at the request of the author.

   b) AB 1978 (Sanchez), Chapter 501, Statutes of 2024, authorized a peace officer to impound a vehicle without taking the driver into custody for obstructing or placing a barricade upon a highway, or an offstreet parking facility for the purpose of facilitating or aiding a speed contest or exhibition of speed.

c) AB 2186 (Wallis), Chapter 502, Statutes of 2024, authorized a peace officer to removal and seize a motor vehicle used in an exhibition of speed in an offstreet parking facility for no more than 30 days and provides that a peace officer may not remove and seize a vehicle of a person who aided and abetted a person engaged in an exhibition of speed.

d) AB 3085 (Gipson), Chapter 504, Statutes of 2024, expanded the list of offenses for which a peace officer may impound a vehicle pursuant to a warrant or order issued by a magistrate.

e) AB 74 (Muratsuchi), of the 2023-2024 Legislative Session, would have provided that a vehicle used in a sideshow or street takeover is a public nuisance which may be subject to forfeiture. AB 74 failed passage in Assembly Transportation Committee.

f) AB 822 (Alanis), of the 2023-2024 Legislative Session, would include engaging in a motor vehicle speed contest or an exhibition of speed as offenses for which a peace officer may impound a vehicle pursuant to a court warrant. The hearing on AB 822 was cancelled at the request of the author in this committee.

g) AB 2546 (Nazarian), of the 2022-2023 Legislative Session, would have expanded the definition of a sideshow to include other public places open to vehicle traffic and private property. AB 2546 failed passage in Senate Public Safety Committee.

h) AB 2000 (Gabriel), Chapter 436, Statutes of 2022, made it a crime for a person to engage in a motor vehicle speed contest in an offstreet parking facility or an exhibition of speed in an offstreet parking facility, or to aid or abet therein.

i) AB 1407 (Friedman), of the 2019-2020 Legislative Session, would have required a vehicle that is determined to have been involved in a speed contest to be impounded for 30 days, as specified. AB 1407 was vetoed.

j) AB 410 (Nazarian), of the 2019-2020 Legislative Session, would have allowed a vehicle to be impound based on a declaration submitted by a police officer that a vehicle was involved in a motor vehicle sideshow. AB 410 failed passage in this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

AAA Northern California, Nevada & Utah
American Medical Response West
Arcadia Police Officers' Association
Auto Club of Southern California (AAA)
Beverly Hills; City of
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs

California Coalition of School Safety Professionals
California Contract Cities Association
California Mobility and Parking Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
City and County of San Francisco
City of Pico Rivera
Claremont Police Officers Association
Corona Police Officers Association
County of San Joaquin
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Mayor Daniel Lurie, City and County of San Francisco
Murrieta Police Officers' Association
Newport Beach Police Association
Norwalk; City of
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside Sheriffs' Association

Oppose

ACLU California Action
American Financial Services Association
Anti Police-terror Project
Buen Vecino
California Financial Services Association
California Public Defenders Association
Initiate Justice
Justice2jobs Coalition
LA Defensa
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Local 148 Los Angeles County Public Defender's Union
Oakland Privacy
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact
South Bay People Power

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

Amended Mock-up for 2025-2026 AB-1588 (Stefani (A))

Mock-up based on Version Number 98 - Amended Assembly 3/16/26
Submitted by: Staff Name, Office Name

The people of the State of California do enact as follows:

~~SECTION 1. Section 14602.7 of the Vehicle Code is amended to read:~~

~~14602.7. (a) (1) A magistrate presented with the affidavit of a peace officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number or vehicle identification number, was an instrumentality used in the peace officer's presence or observed by the peace officer on a video stream or recording from a reasonably reliable source, in violation of Section 2800.1, 2800.2, 2800.3, 23103, or subdivision (a) or (c) of Section 23109, shall issue a warrant or court order authorizing any peace officer to immediately seize and cause the removal of the vehicle. The warrant or court order may be entered into a computerized database. The vehicle may be impounded for a period not to exceed 30 days.~~

~~(2) The impounding agency, within two working days of impoundment, excluding weekends and holidays, shall send a notice by certified mail, return receipt requested, or electronic service as provided for under Section 690.5 of the Penal Code, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has been impounded and providing the owner with a copy of the warrant or court order. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days impoundment when a legal owner redeems the impounded vehicle. The law enforcement agency shall be open to issue a release to the registered owner or legal owner, or the agent of either, whenever the agency is open to serve the public for regular, nonemergency business.~~

~~(b) (1) An impounding agency shall release a vehicle to the registered owner or their agent before the end of the impoundment period and without the permission of the magistrate authorizing the vehicle's seizure under any of the following circumstances:~~

~~(A) When the vehicle is a stolen vehicle.~~

~~(B) When the vehicle is subject to bailment and is driven by an unlicensed employee of the business establishment, including a parking service or repair garage.~~

~~(C) When the registered owner of the vehicle causes a peace officer to reasonably believe, based on the totality of the circumstances, that the registered owner was not the driver who violated Section 2800.1, 2800.2, or 2800.3, the agency shall immediately release the vehicle to the registered owner or their agent.~~

~~(2) A vehicle shall not be released pursuant to this subdivision, except upon presentation of the registered owner's or agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of the court.~~

~~(c) (1) Whenever a vehicle is impounded under this section, the magistrate ordering the storage shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage.~~

~~(2) A notice of the storage hearing shall be sent by certified mail, return receipt requested, or by electronic service pursuant to Section 690.5 of the Penal Code, to the registered and legal owner of the vehicle within 48 hours of impoundment, excluding weekends and holidays, by the person or agency executing the warrant or court order, and shall include all of the following information:~~

~~(A) The name, address, and telephone number of the agency providing the notice.~~

~~(B) The location of the place of storage and a description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage of the vehicle.~~

~~(C) A copy of the warrant or court order and the peace officer's affidavit, as described in subdivision (a).~~

~~(D) A statement that, in order to receive their poststorage hearing, the owners, or their agents, are required to request the hearing from the magistrate issuing the warrant or court order within 10 days of the date of the notice, and serve notice of the hearing on the person or agency who executed the warrant or court order.~~

~~(3) The poststorage hearing shall be conducted within two court days after receipt of the request for the hearing.~~

~~(4) At the hearing, the magistrate may order the vehicle released if they find any of the circumstances described in subdivision (b) or (e) that allow release of a vehicle by the impounding agency. The magistrate may also consider releasing the vehicle when the continued impoundment will cause undue hardship to persons dependent upon the vehicle for employment or to a person with a community property interest in the vehicle.~~

~~(5) Failure of either the registered or legal owner, or their agent, to request, or to attend, a scheduled hearing satisfies the poststorage hearing requirement.~~

(6) The agency employing the peace officer who caused the magistrate to issue the warrant or court order shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable cause for the impoundment and storage are not established.

(d) The registered owner or their agent is responsible for all towing and storage charges related to the impoundment, and any administrative charges authorized under Section 22850.5.

(e) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal owner's agent before the end of the impoundment period and without the permission of the magistrate authorizing the seizure of the vehicle if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a financial interest in the vehicle.

(2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. A lien sale processing fees shall not be charged to the legal owner who redeems the vehicle before the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(B) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing, storage, and related fees by a legal or registered owner or the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(C) A person operating or in charge of a storage facility described in subparagraph (B) who violates subparagraph (B) shall be civilly liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing, storage and related fees, but not to exceed five hundred dollars ($500).

(D) A person operating or in charge of a storage facility described in subparagraph (B) shall have sufficient funds on the premises of the primary storage facility during normal business hours to accommodate, and make change in, a reasonable monetary transaction.

(E) Credit charges for towing and storage services shall comply with Section 1748.1 of the Civil Code. Law enforcement agencies may include the costs of

~~providing for payment by credit when making agreements with towing companies on rates.~~

~~(3) (A) The legal owner or the legal owner's agent presents, to the law enforcement agency, impounding agency, person in possession of the vehicle, or any person acting on behalf of those agencies, a copy of the assignment, as defined in subdivision (b) of Section 7500.1 of the Business and Professions Code; a release from the one responsible governmental agency, only if required by the agency; a government-issued photographic identification card; and any one of the following, as determined by the legal owner or the legal owner's agent: a certificate of repossession for the vehicle, a security agreement for the vehicle, or title, whether paper or electronic, showing proof of legal ownership for the vehicle. Any documents presented may be originals, photocopies, or facsimile copies, or may be transmitted electronically. The law enforcement agency, impounding agency, or any other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, may require the agent of the legal owner to produce a photocopy or facsimile copy of its repossession agency license or registration issued pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, or to demonstrate, to the satisfaction of the law enforcement agency, impounding agency, or any person acting on behalf of those agencies that the agent is exempt from licensure pursuant to Section 7500.2 or 7500.3 of the Business and Professions Code.~~

~~(B) Administrative costs authorized under subdivision (a) of Section 22850.5 shall not be charged to the legal owner of the type specified in paragraph (1), who redeems the vehicle unless the legal owner voluntarily requests a poststorage hearing. A city, county, city and county, or state agency shall not require a legal owner or a legal owner's agent to request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents other than those specified in this paragraph. The law enforcement agency, impounding agency, or other governmental agency, or any person acting on behalf of those agencies, shall not require any documents to be notarized. The legal owner or the legal owner's agent shall be given a copy of any documents they are required to sign, except for a vehicle evidentiary hold logbook. The law enforcement agency, impounding agency, or any person acting on behalf of those agencies, or any person in possession of the vehicle, may photocopy and retain the copies of any documents presented by the legal owner or legal owner's agent.~~

~~(4) A failure by a storage facility to comply with any applicable conditions set forth in this subdivision shall not affect the right of the legal owner or the legal~~

~~owner's agent to retrieve the vehicle, provided all conditions required of the legal owner or legal owner's agent under this subdivision are satisfied.~~

~~(f) (1) A legal owner or the legal owner's agent that obtains release of the vehicle pursuant to subdivision (e) shall not release the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded of the vehicle or any agents of the registered owner, unless a registered owner is a rental car agency, until the termination of the impoundment period.~~

~~(2) The legal owner or the legal owner's agent shall not relinquish the vehicle to the registered owner or the person who was listed as the registered owner when the vehicle was impounded until the registered owner or that owner's agent presents their valid driver's license or valid temporary driver's license to the legal owner or the legal owner's agent. The legal owner or the legal owner's agent shall make every reasonable effort to ensure that the license presented is valid and possession of the vehicle will not be given to the driver who was involved in the original impoundment proceeding until the expiration of the impoundment period.~~

~~(3) Before relinquishing the vehicle, the legal owner may require the registered owner to pay all towing and storage charges related to the impoundment and the administrative charges authorized under Section 22850.5 that were incurred by the legal owner in connection with obtaining the custody of the vehicle.~~

~~(4) Any legal owner who knowingly releases or causes the release of a vehicle to a registered owner or the person in possession of the vehicle at the time of the impoundment or any agent of the registered owner in violation of this subdivision shall be guilty of a misdemeanor and subject to a fine in the amount of two thousand dollars ($2,000) in addition to any other penalties established by law.~~

~~(5) The legal owner, registered owner, or person in possession of the vehicle shall not change or attempt to change the name of the legal owner or the registered owner on the records of the department until the vehicle is released from the impoundment.~~

~~(g) (1) A vehicle impounded and seized under subdivision (a) shall be released to a rental car agency before the end of the impoundment period if the agency is either the legal owner or registered owner of the vehicle and the agency pays all towing and storage fees related to the seizure of the vehicle.~~

~~(2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of the vehicle. However, the rental car agency shall not rent another vehicle to the driver who used the vehicle that was seized to evade a police officer until 30 days after the date that the vehicle was seized.~~

~~(3) The rental car agency may require the person to whom the vehicle was rented and who evaded the peace officer to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.~~

~~(h) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain responsible for any towing and storage charges related to the impoundment and the administrative charges authorized under Section 22850.5 and any parking fines, penalties, and administrative fees incurred by the registered owner.~~

~~(i) (1) This section does not apply to vehicles abated under the Abandoned Vehicle Abatement Program pursuant to Sections 22660 to 22668, inclusive, and Section 22710, or to vehicles impounded for investigation pursuant to Section 22655, or to vehicles removed from private property pursuant to Section 22658.~~

~~(2) This section does not apply to abandoned vehicles removed pursuant to Section 22669 that are determined by the public agency to have an estimated value of three hundred dollars ($300) or less.~~

~~(j) The law enforcement agency and the impounding agency, including any storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section. The legal owner shall indemnify and hold harmless a storage facility from any claims arising out of the release of the vehicle to the legal owner or the legal owner's agent and from any damage to the vehicle after its release, including the reasonable costs associated with defending any such claims. A law enforcement agency shall not refuse to issue a release to a legal owner or the agent of a legal owner on the grounds that it previously issued a release.~~

~~(PU Amended by Stats. 2024, Ch. 504, Sec. 1. (AB 3085) Effective January 1, 2025.)~~

SEC. 2. Section 23109 of the Vehicle Code is amended to read:

23109. (a) A person shall not engage in a motor vehicle speed contest on a highway or in an offstreet parking facility. As used in this section, a motor vehicle speed contest includes a motor vehicle race against another vehicle, a clock, or other timing device. For purposes of this section, an event in which the time to cover a prescribed route of more than 20 miles is measured, but in which the vehicle does not exceed the speed limit, is not a speed contest.

(b) A person shall not aid or abet in a motor vehicle speed contest on a highway or in an offstreet parking facility.

(c) A person shall not engage in a motor vehicle exhibition of speed~~ or a sideshow~~ on a highway or in an offstreet parking facility, and a person shall not

aid or abet in a motor vehicle exhibition of speed ~~or a sideshow~~ on a highway or in an offstreet parking facility.

(d) A person shall not, for the purpose of facilitating or aiding or as an incident to a motor vehicle speed contest or exhibition on a highway or in an offstreet parking facility, in any manner obstruct or place a barricade or obstruction or assist or participate in placing a barricade or obstruction upon a highway or in an offstreet parking facility.

(e) (1) A person convicted of a violation of subdivision (a) shall be punished by imprisonment in a county jail for not less than 24 hours nor more than 90 days or by a fine of not less than three hundred fifty-five dollars ($355) nor more than one thousand dollars ($1,000), or by both that fine and imprisonment. That person shall also be required to perform 40 hours of community service. The court may order the privilege to operate a motor vehicle suspended for 90 days to six months, as provided in paragraph (8) of subdivision (a) of Section 13352. The person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(2) If a person is convicted of a violation of subdivision (a) and that violation proximately causes bodily injury to a person other than the driver, the person convicted shall be punished by imprisonment in a county jail for not less than 30 days nor more than six months or by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by both that fine and imprisonment.

(f) (1) If a person is convicted of a violation of subdivision (a) for an offense that occurred within five years of the date of a prior offense that resulted in a conviction of a violation of subdivision (a), that person shall be punished by imprisonment in a county jail for not less than four days nor more than six months and by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(2) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes bodily injury to a person other than the driver, a person convicted of that second violation shall be imprisoned in a county jail for not less than 30 days nor more than six months and by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(3) If the perpetration of the most recent offense within the five-year period described in paragraph (1) proximately causes serious bodily injury, as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, to a person

other than the driver, a person convicted of that second violation shall be imprisoned in the state prison, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(4) The court shall order the privilege to operate a motor vehicle of a person convicted under paragraph (1), (2), or (3) suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352. In lieu of the suspension, the person's privilege to operate a motor vehicle may be restricted for six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.

(5) This subdivision does not interfere with the court's power to grant probation in a suitable case.

(g) If the court grants probation to a person subject to punishment under subdivision (f), in addition to subdivision (f) and any other terms and conditions imposed by the court, which may include a fine, the court shall impose as a condition of probation that the person be confined in a county jail for not less than 48 hours nor more than six months. The court shall order the person's privilege to operate a motor vehicle to be suspended for a period of six months, as provided in paragraph (9) of subdivision (a) of Section 13352 or restricted pursuant to subdivision (f).

(h) If a person is convicted of a violation of subdivision (a)*, or is convicted of a violation of engaging in an exhibition of speed on a highway or in an offstreet parking facility pursuant to subdivision (c), where the violation occurred as part of a sideshow,* and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than 1 day nor more than 30 days.

(i) (1) (A) Except as provided in subparagraph (B), a person who violates subdivision (b), (c), or (d) shall, upon conviction of that violation, be punished by imprisonment in a county jail for not more than 90 days, by a fine of not more than five hundred dollars ($500), or by both that fine and imprisonment.

(B) A conviction *of engaging in an exhibition of speed on a highway or in an offstreet parking facility* pursuant to subdivision ~~(c) of a person driving a performing vehicle in a sideshow~~ *(c), where the violation occurred as part of a sideshow,* shall be punished as follows:

(i) A ~~first~~ conviction is punishable by imprisonment in a county jail for ~~a period not to exceed one year, by a fine of not less than one thousand dollars ($1,000), or by both that fine and imprisonment.~~ *not less than 24 hours nor more than 90 days or by a fine of not less than three hundred fifty-five dollars ($355) nor more than one thousand dollars ($1,000), or by both that fine and imprisonment.*

~~(ii) A second or subsequent conviction is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code or in a county jail for a period not to exceed one year, and by a fine of not less than one thousand dollars ($1,000), or by both that fine and imprisonment.~~

~~(iii)~~

(ii) If the driver proximately causes bodily injury to ~~another person,~~ *a person other than the driver,* the conviction is punishable by imprisonment ~~pursuant to subdivision (h) of Section 1170 of the Penal Code or in a county jail for a period not to exceed one year, and by a fine of not less than one thousand dollars ($1,000), or by both that fine and imprisonment.~~*in a county jail for not less than 30 days nor more than six months or by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by both that fine and imprisonment.*

(iii) If the driver proximately causes one or more of the injuries specified in subdivision (b) of Section 23109.1 to a person other than the driver, the conviction is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail for not less than 30 days nor more than six months, or by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by both that fine and imprisonment.

(iv) If the conviction is for an offense that occurred within five years of the date of a prior offense that resulted in a conviction of a violation of subparagraph (B), that person shall be punished by imprisonment in a county jail for not less than four days nor more than six months and by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(v) If the perpetration of the most recent offense within the five-year period described in clause (iv) proximately causes bodily injury to a person other than the driver, a person convicted of that second violation shall be imprisoned in a county jail for not less than 30 days nor more than six months and by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(vi) If the perpetration of the most recent offense within the five-year period described in clause (iv) proximately causes serious bodily injury, as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, to a person other than the driver, a person convicted of that second violation shall be imprisoned in the state prison, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

~~(C) For purposes of this section, "performing vehicle" is a vehicle present at a sideshow that engages in vehicle stunts, speed contests, exhibitions of speed, or reckless driving.~~

(2) (A) (i) Commencing January 1, 2029, the court may order the privilege to operate a motor vehicle suspended for 90 days to six months for a person who violates subdivision (c), as provided in subparagraph (B) of paragraph (8) of subdivision (a) of Section 13352, only if the violation occurred as part of a sideshow.

(ii) For purposes of this section, "sideshow" is defined as an event or gathering in which two or more persons barricade, block, impede, or otherwise obstruct traffic upon or access to a highway or offstreet parking facility without the consent of the owner, operator, or agent thereof, for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving. A sideshow may involve the use or operation of any motor vehicle, including, but not limited to, motorcycles or off-highway motor vehicles, regardless of whether or not those vehicles display license plates or are registered. A sideshow is also known as a street takeover.

(B) A person's privilege to operate a motor vehicle may be restricted for 90 days to six months to necessary travel to and from that person's place of employment and, if driving a motor vehicle is necessary to perform the duties of the person's employment, restricted to driving in that person's scope of employment.

(C) If the court is considering suspending or restricting the privilege to operate a motor vehicle pursuant to this paragraph, the court shall also consider whether a medical, personal, or family hardship exists that requires a person to have a driver's license for such limited purpose as the court deems necessary to address the hardship. This subdivision does not interfere with the court's power to grant probation in a suitable case.

(j) If a person's privilege to operate a motor vehicle is restricted by a court pursuant to this section, the court shall clearly mark the restriction and the dates of the restriction on that person's driver's license and promptly notify the Department of Motor Vehicles of the terms of the restriction in a manner prescribed by the department. The Department of Motor Vehicles shall place that restriction in the person's records in the Department of Motor Vehicles and enter the restriction on a license subsequently issued by the Department of Motor Vehicles to that person during the period of the restriction.

(k) The court may order that a person convicted under this section, who is to be punished by imprisonment in a county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(l) For purposes of this section, "offstreet parking facility" has the same meaning as in subdivision (c) of Section 12500.

(m) This section shall be known, and may be cited, as the Louis Friend Memorial Act.

(PU Amended by Stats. 2025, Ch. 16, Sec. 9. (SB 128) Effective June 27,

2025.)

~~SEC. 3. Section 23109.6 is added to the Vehicle Code, to read:~~

~~23109.6. (a) (1) Notwithstanding any other law, and except as provided in this section, a performing vehicle, as defined in Section 23109, used in the commission of a sideshow in violation of subdivision (c) of Section 23109 is subject to forfeiture as a public nuisance upon conviction of the operator of the performing vehicle used in the commission of a sideshow in violation of subdivision (c) of Section 23109.~~

~~(2) All right, title, and interest in the performing vehicle shall vest in the state or local government entity upon the court declaring the performing vehicle a public nuisance and forfeiting the performing vehicle to the state or local government entity.~~

~~(3) A performing vehicle that has been reported stolen, prior to a surrender or seizure under this section, shall not be subject to forfeiture unless the identity of the registered owner cannot be reasonably ascertained or the registered owner fails to redeem the performing vehicle within 60 days of the seizure. A registered owner of the performing vehicle, or agent thereof, who has a valid license may redeem the performing vehicle upon payment of tow, storage, and other charges, provided the performing vehicle is not subject to any holds for traffic or parking violations and the vehicle registration is current.~~

~~(4) Seizure of the performing vehicle is not required to petition for the forfeiture of the vehicle under this section.~~

~~(b) (1) Upon the conviction of the underlying offense giving rise to forfeiture, the Attorney General or a district attorney shall serve a notice of intended forfeiture by certified mail, return receipt requested, or by electronic service pursuant to Section 690.5 of the Penal Code, to the legal and registered owner of the performing vehicle, at the address obtained from the department. Notice of intended forfeiture shall also be published on the internet website of the state or local government entity seeking forfeiture at the time the notice is served to the legal and registered owner.~~

~~(2) Proof of service of the certified mailing and return receipt shall be filed with the court.~~

~~(3) The notice of intended forfeiture shall include all of the following:~~

~~(A) The name and contact information of the agency providing notice.~~

~~(B) A description of the performing vehicle, including, if ascertainable, make, model, color, vehicle identification number, and license plate number.~~

~~(C) The criminal case number of the underlying conviction giving rise to forfeiture.~~

~~(D) That the performing vehicle is subject to forfeiture and will be sold or otherwise disposed of pursuant to this section.~~

~~(E) Instructions for filing and serving a claim opposing forfeiture, time limits for filing a claim, and a claim form.~~

~~(F) The legal consequences for failing to respond to the notice of intended forfeiture.~~

~~(4) The Attorney General or district attorney may request the court for an injunction to restrain all interested parties and enjoin them from transferring, encumbering, hypothecating, or otherwise disposing of the performing vehicle.~~

~~(5) Nothing in this section shall preclude a person, other than the defendant, claiming an interest in property actually seized from moving for a return of property if that person can show standing by proving an interest in the property that was not assigned subsequent to the seizure or filing of the forfeiture petition.~~

~~(c) (1) A person claiming an interest in the performing vehicle subject to forfeiture shall, within 10 calendar days from the date of the notice of intended forfeiture, file with the superior court of the county in which the underlying offense giving rise to forfeiture is charged, a claim opposing forfeiture, verified in accordance with Section 446 of the Code of Civil Procedure, stating their interest in the vehicle. A copy of the claim opposing forfeiture shall be served upon the Attorney General or the district attorney seeking forfeiture at the time of filing.~~

~~(2) If a verified claim is timely filed in accordance with this subdivision, the forfeiture proceeding shall be set for hearing within 30 calendar days from the date the claim opposing forfeiture is filed with the court. The Attorney General or the district attorney shall file a petition for forfeiture with the court within 10 calendar days of service of the claim opposing forfeiture. A copy of the petition shall be served upon the claimant opposing forfeiture at the time of filing.~~

~~(d) (1) The forfeiture hearing shall be before the superior court of the county in which the underlying offense giving rise to the forfeiture is charged and the issues shall be limited to matters related to this section.~~

~~(2) A legal or registered owner of the performing vehicle who fails to appear at the forfeiture hearing waives their claim opposing forfeiture and a judgment upon default may be entered against the legal or registered owner.~~

~~(3) At the forfeiture hearing, the Attorney General or district attorney shall have the burden of proving, beyond a reasonable doubt, all of the following:~~

~~(A) The operator of the performing vehicle subject to forfeiture was convicted under subdivision (c) of Section 23109 related to a sideshow.~~

~~(B) The performing vehicle subject to forfeiture was used in the commission of a sideshow in violation of subdivision (c) of Section 23109 that gave rise to the underlying conviction.~~

~~(4) If the Attorney General or the district attorney establishes a prima facie case based on the elements in paragraph (3), the court shall consider whether forfeiture of the performing vehicle will cause undue hardship to a person, other~~

~~than the defendant, who is materially dependent on the vehicle for employment or other good cause, or to a person with a community property or legal interest in the vehicle.~~

~~(5) (A) If the Attorney General or district attorney meets their burden of proof and the court finds there is no undue hardship, the court shall enter judgment in favor of the Attorney General or district attorney and against all registered and legal owners, declaring the performing vehicle a public nuisance and ordering the vehicle be immediately forfeited to the state or local government entity seeking forfeiture and be disposed of as set forth in this section.~~

~~(B) The Attorney General or district attorney shall provide a copy of the court order to the defendant, a person who was sent notice of intended forfeiture, and the department.~~

~~(6) (A) If the court denies the petition for forfeiture, a registered or legal owner of the performing vehicle, or the agent thereof, who has a valid license may redeem the vehicle upon payment of tow, storage, and other charges, provided the vehicle is not subject to any other holds and the vehicle registration is current.~~

~~(B) The law enforcement agency and the impounding agency, including a storage facility acting on behalf of the law enforcement agency or impounding agency, shall comply with this section and shall not be liable to the registered owner for the improper release of the performing vehicle to the legal owner or the legal owner's agent provided that the release complies with the provisions of this section. The legal or registered owner shall indemnify and hold harmless a law enforcement agency, impounding agency, or storage facility, from a claim arising out of the release of the performing vehicle to the legal owner or the legal owner's agent and from damage to the vehicle after its release, including the reasonable costs associated with defending a claim. A law enforcement agency shall not refuse to issue a release to a legal or registered owner, or agent thereof, on the grounds that it previously issued a release.~~

~~(e) (1) If no claims opposing forfeiture are timely filed, the Attorney General or district attorney shall prepare a petition and declaration of forfeiture and file it with the superior court of the county in which the underlying offense giving rise to forfeiture is charged.~~

~~(2) The declaration of forfeiture and other evidence shall establish, beyond a reasonable doubt and under penalty of perjury, all of the following:~~

~~(A) The requirements for notice of intended forfeiture as provided for in subdivision (b) have been met.~~

~~(B) The operator of the performing vehicle subject to forfeiture was convicted under subdivision (c) of Section 23109 related to a sideshow.~~

~~(C) The performing vehicle subject to forfeiture was used in the commission of a sideshow in violation of subdivision (c) of Section 23109 that gave rise to the underlying conviction.~~

~~(3) If the Attorney General or district attorney meet their burden of proof, the court shall enter judgment upon default in favor of the Attorney General or district attorney and against all registered and legal owners, declaring the performing vehicle a public nuisance and ordering that the vehicle be immediately forfeited to the state or local government entity seeking forfeiture and be disposed of as set forth in this section.~~

~~(4) The Attorney General or district attorney shall provide a copy of the court order and declaration of forfeiture to the defendant, a person who was sent notice of intended forfeiture, and the department.~~

~~(f) In carrying out the impoundment, sale, or disposal of a performing vehicle subject to forfeiture under this section, the law enforcement agency or the impounding agency may act as the agent of the state or local public entity, to which the vehicle is forfeited.~~

~~(g) (1) A performing vehicle declared by the court to be a nuisance and ordered forfeited pursuant to this section shall be surrendered or otherwise seized, if not yet seized, and either sold at public auction, conveyed to a licensed dismantler or scrap iron processor for destruction, or donated to a charitable institution.~~

~~(2) Disposition of a forfeited performing vehicle may be in accordance with an adopted local ordinance or as otherwise provided for under this code.~~

~~(3) If the performing vehicle is to be sold, a forfeited performing vehicle shall not be sold to the defendant who operated the vehicle during the commission of the underlying crime.~~

~~(4) If the performing vehicle is to be destroyed, license plates shall be removed from the vehicle conveyed to a licensed dismantler or scrap iron processor.~~

~~(h) (1) If the performing vehicle is to be sold, the person conducting the sale shall disburse the proceeds of the sale as provided for in this subdivision and shall provide a written accounting regarding the disposition to the impounding agency and, on request, to a person entitled to, or claiming a share of, the proceeds. Proceeds of a sale shall not be disbursed to the defendant.~~

~~(2) The proceeds of a sale of a forfeited performing vehicle shall be disposed of in the following priority:~~

~~(A) To satisfy the towing and storage costs of the vehicle impounded under this section.~~

~~(B) To pay the costs associated with the sale of the vehicle under this section.~~

~~(C) To the legal owner in an amount to satisfy the indebtedness owed to the legal owner remaining as of the date of sale, including accrued interest or finance~~

~~charges and delinquency charges, if the principal indebtedness was incurred prior to the commission of the act giving rise to the forfeiture.~~

~~(D) To the holder of a subordinate lien or encumbrance on the performing vehicle, other than a registered or legal owner, to satisfy the indebtedness if written notification of the demand is received before distribution of the proceeds is completed. The holder of a subordinate lien or encumbrance, if requested, shall furnish reasonable proof of its interest and, unless it does so upon request, is not entitled to distribution.~~

~~(E) To a person, other than a registered or legal owner, who can reasonably establish an interest in the performing vehicle, including a community property interest, to the extent of their provable interest, if written notification is received before distribution of the proceeds is completed.~~

~~(F) To pay court costs that are reasonably related to the implementation of this section.~~

~~(G) To the general fund of the state or local government entity to which the performing vehicle was forfeited.~~

~~(i) Nothing in this section shall preclude an owner of a performing vehicle who suffers a monetary loss from the forfeiture of a vehicle under this section from recovering the amount of the actual monetary loss from the person who committed the act giving rise to forfeiture under this section.~~

~~(j) The Judicial Council and the Department of Justice may prescribe standard forms and procedures for implementation of this section to be used by all jurisdictions throughout the state.~~

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIB of the California Constitution.

Date of Hearing: April 14, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1607 (Mark González) – As Amended March 26, 2026

SUMMARY: Extends the sunset date until January 1, 2037, for the Maddy Emergency Medical Services (EMS) Fund, which authorizes each county to levy an additional $2 for every $10, or part of $10, upon criminal fines to support an emergency medical services fund for reimbursement of costs related to patients who do not make payment for emergency medical services.

EXISTING LAW:

1) States that for the purposes of supporting emergency medical services as specified, in addition to other specified criminal penalties, the county board of supervisors may elect to levy an additional penalty in the amount of $2 for every $10, or part of $10, upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses. (Gov. Code, § 76000.5, subd. (a)(1).)

2) Specifies that the additional penalty for emergency medical services does not apply to the restitution fine, parking violations, the state surcharge and specified penalty assessments. (Gov. Code, § 76000.5, subd., (a)(2).)

3) Provides that the emergency medical services funds shall be collected only if the county board of supervisors provides that the increased penalties do not offset or reduce the funding of other programs from other sources, but that these additional revenues result in increased funding to those programs. (Gov. Code, § 76000.5, subd. (b).)

4) States that moneys collected for the emergency medical services fund shall be taken from fines and forfeitures deposited with the county treasurer prior to any division. (Gov. Code, § 76000.5, subd. (c).)

5) Specifies that funds collected pursuant to this section shall be deposited into the Maddy EMS Fund. (Gov. Code, § 76000.5, subd. (d).)

6) States the EMS Fund sunsets on January 1, 2027. (Gov. Code, § 76000.5, subd. (e).)

7) Provides that each county may establish an emergency medical services fund, upon the adoption of a resolution by the board of supervisors. (Health & Saf. Code, § 1797.98a, subd. (b)(1).)

8) Specifies that the costs of administering the fund shall be reimbursed by the fund in an amount that does not exceed the actual administrative costs or 10 percent of the amount of

the fund, whichever amount is lower. (Health & Saf. Code, § 1797.98a, subd. (b)(2).)

9) States that all interest earned on moneys in the fund shall be deposited in the fund for disbursement as specified in this section. (Health & Saf. Code, § 1797.98a, subd. (b)(3).)

10) States that the amount in the fund, reduced by the amount for administration and the reserve, shall be utilized to reimburse physicians and surgeons and hospitals for patients who do not make payment for emergency medical services and for other emergency medical services purposes as determined by each county according to the following schedule:

    a) Fifty-eight percent of the balance of the fund shall be distributed to physicians and surgeons for emergency services provided by all physicians and surgeons, except those physicians and surgeons employed by county hospitals, in general acute care hospitals that provide basic, comprehensive, or standby emergency services, as specified, up to the time the patient is stabilized. (Health & Saf. Code, § 1797.98a, subd. (b)(5)(A).)

    b) Twenty-five percent of the fund shall be distributed only to hospitals providing disproportionate trauma and emergency medical care services. (Health & Saf. Code, § 1797.98a, subd. (b)(5)(B).)

    c) Seventeen percent of the fund shall be distributed for other emergency medical services purposes as determined by each county, including, but not limited to, the funding of regional poison control centers. Funding may be used for purchasing equipment and for capital projects only to the extent that these expenditures support the provision of emergency services and are consistent with the intent of this chapter. (Health & Saf. Code, § 1797.98a, subd. (b)(5)(C).)

11) States that the source of the moneys in the fund shall derive from the penalty assessment made for this purpose. (Health & Saf. Code, § 1797.98a, subd. (c).)

12) Specifies that of the money deposited into the fund as specified, 15 percent shall be utilized to provide funding for all pediatric trauma centers throughout the county, both publicly and privately owned and operated. (Health & Saf. Code, § 1797.98a, subd. (e).)

13) States that counties that do not maintain a pediatric trauma center shall utilize the money deposited into the fund to improve access to, and coordination of, pediatric trauma and emergency services in the county, with preference for funding given to hospitals that specialize in services to children, and physicians and surgeons who provide emergency care for children. (Health & Saf. Code, § 1797.98a, subd. (e).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "California's Emergency Departments are the health care safety net and the front lines of any public health emergency. With numbers on the rise, over 15 million Californians visit an ED across the state each year. The Maddy Fund was designed to support patients and providers, ensuring those who need care can receive it and those who provide care can be reimbursed for it. Without the Maddy Fund, we will see

ED across this state, including at rural hospitals, shutter their doors."

2) **Maddy EMS Fund**: In 1987, the Legislature approved the establishment of the Maddy EMS Fund, and although counties are not required to establish EMS Funds, almost all counties have done so. The Legislature intended the EMS Funds to reimburse physicians, hospitals, and other providers of emergency services, specifically for patients who do not have health insurance coverage for emergency services and care, cannot afford to pay for those services, and for whom payment will not be made through any private coverage or by any program funded in whole or in part by the federal government, as specified.

   SB 1773 (Alarcon), Chapter 841, Statutes of 2006, further authorized county Boards of Supervisors to levy an additional penalty in the amount of $2 for every $10, or part of $10 for criminal offenses, violations relating to the Vehicle Code and alcohol beverages. Under SB 1773, 15% of the funds collected must be utilized to fund pediatric trauma centers in the county, both publicly and privately owned and operated. The expenditure of money is limited to reimbursement to physicians and surgeons, and to hospitals for patients who do not make payment for emergency care services in hospitals up to the point of stabilization, or to hospitals for expanding the services provided to pediatric trauma patients at trauma centers, other hospitals providing care to pediatric trauma patients, or at pediatric trauma centers, including the purchase of equipment. The remaining 75% of these funds are distributed in accordance with the specified formula. SB 1773 was set to originally sunset in 2009, but was extended to January 1, 2014 under SB 1236 (Padilla), Chapter 60, Statutes of 2008. SB 191 (Padilla), Chapter 600, Statutes of 2013, extended the sunset date until January 1, 2017. SB 867 (Roth), Chapter 147, Statutes of 2016, extended the sunset date until January 1, 2027. This bill extends the sunset date for the Maddy EMS Fund until January 1, 2027.

3) **Existing Penalty Assessments**: There are penalty assessments and fees added on the base fine the court imposes on a defendant for a criminal conviction. The penalty for the Maddy EMS Fund is one of several additional fees added to a defendant's base fine. In the past several years, numerous changes to the law have eliminated penalty assessments on convictions as these fees can create a cycle of poverty for historically marginalized communities.[1] Currently, penalty assessments may amount to thousands of dollars and ultimately act as a bar to services, and may even result in a violation of probation, resulting in jail time. Assuming a defendant was fined $1000, the following penalty assessments could be imposed pursuant to the Penal Code and the Government Code:

Penal Code § 1464 state penalty on fines	$1,000 ($10 for every $10).
Penal Code § 1465.7 state surcharge	$200 (20%)
Penal Code §1465.8 court operations assessment	$40 ($40 per criminal offense)
Government Code §70372 court construction penalty	$500 ($5 for every $10).
Government Code §70373 assessment	$30 ($30 for any felony or misdemeanor

[1] *Ending Criminal Administrative Fees in California* (December, 2024) University of California, Berkeley, School of Law, Policy Advocacy Clinic <https://www.law.berkeley.edu/experiential/clinics/policy-advocacy-clinic/adult-fees/> [as of Apr. 6, 2026].

Government Code §76000 penalty	$700 ($7 for every $10)
Government Code §76000.5 EMS penalty	$200 ($2 for every $10)
Government Code §76104.6 DNA fund penalty	$100 ($1 for every $10
Government Code §76104.7 additional DNA fund penalty	$400 ($4 for every $10)
Total Fine with Assessments:	$4,170.

It should be noted that this figure does not include victim restitution, or the restitution fine, and that other fines and fees, such as the jail booking fee, attorney fees, and probation department fees.

4) **Criminal Fines are Not a Reliable Funding Source**: Criminal fines and penalties have climbed steadily in recent decades, while these fines have realized diminishing returns from collection efforts. In a recent Legislative Analyst's Office (LAO) report on criminal fines and fees, they report that, "total amount of fine and fee revenue distributed to state and local governments has steadily declined since 2010-11. This has resulted in the state taking various actions to address a number of state funds (and the programs they support) facing insolvency."[2] The LAO report further finds:

> The 2021-22 budget package eliminated about 17 fees generally related to diversion programs as well as to the collection of restitution and other criminal assessments as of January 2022. It also provided $50 million annually to counties from the General Fund to backfill lost revenue. Additionally, the 2022-23 budget provided $10.3 million annually to the judicial branch from the General Fund to backfill their share of lost revenue. The 2020-21 budget package eliminated about 20 criminal justice administrative fees generally related to arrest and booking, indigent criminal defense, and alternative to incarceration programs (such as work release or electronic monitoring) as of July 2021. It also provided $65 million annually to counties from the General Fund for five years beginning in 2021-22 to backfill lost revenue.[3]

In a recent landmark decision by the California Second District Court of Appeal, the Court held that "[i]mposing unpayable fines on indigent defendants is not only unfair, it serves no rational purpose, fails to further the legislative intent, and may be counterproductive." (*People v. Dueñas* (2019) 30 Cal.App.5th 1157, 1167.)

Further, in another recent decision by the California Supreme Court, the Court recognized that imposing significant fines and fees on indigent defendants raises serious due process concerns and may be inappropriate absent an ability-to-pay determination. (*People v. Kopp* (2019) 38 Cal.App.5th 47, 97.)

Given some of the problems identified by the LAO, and the California courts, the Legislature should consider whether continuing to use criminal fines and fees that individuals often

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[2] *Overview of Criminal Fine and Fee System and Notable Related Actions* (June 23, 2023) California's Legislative Analyst's Office (LAO) < https://lao.ca.gov/handouts/crimjust/2023/Criminal-Fine-and-Fee-Actions-062323.pdf> [as of Apr. 6, 2026].
[3] *Id.* at pg. 8.

struggle to pay is the best way to fund the Maddy EMS Fund and other important programs that generate revenues through assessment of criminal penalties.

5) **Argument in Support**: According to the *California Hospitals Association*, "California's Emergency Departments (EDs) are experiencing unprecedented strain as a symptom of broader, systemwide challenges like limited inpatient capacity, discharge barriers and delays, shortages in post-acute and behavioral health placements, inadequate access to primary and preventive care, and increasing reliance on the 911 system for non-emergent needs. Despite these pressures, EDs remain open and provide care to all patients at all times. With ED visits at an all-time high — and approximately 2.1 million Californians estimated to lose health coverage by 2034 because of the One Big Beautiful Bill Act (OBBBA) — protecting emergency care is more challenging and essential than ever.

   "The Maddy Fund is used to reimburse physicians and hospitals who treat uninsured patients in the ED, while also supporting other EMS-related efforts. In addition, 15% of the funds collected are allocated to the "Richie Fund," which supports pediatric trauma centers. When uninsured patients are unable to pay for emergency services, a hospital or physician may submit a reimbursement request to their respective county's Maddy Fund. While this funding does not cover the full cost of care, it helps EDs remain open and continue providing essential services to their communities. AB 1607 would make the Maddy Fund permanent, preserving a long-standing funding mechanism that supports emergency care delivery across California."

6) **Argument in Opposition**: According to *Debt Free Justice California (DFJC)*, "DFJC is a statewide coalition focused on ending the ways in which the criminal legal system extracts wealth and resources from people and communities. If passed, AB 1607 would authorize county boards of supervisors to assess an additional 20% penalty to all criminal legal system fines and fees to fund emergency medical services until 2037. DFJC wholeheartedly supports the accessibility of emergency medical services, and we oppose AB 1607 because the EMS Fund fee is an ineffective and regressive revenue source for these essential medical services, especially in light of the California Supreme Court's recent holding in *People v. Kopp*.1 *Kopp*—which held that fees assessed to individuals must consider those individuals' ability to pay such fees—will drastically reduce any revenue previously generated from the EMS Fund fee and will necessitate additional funding for emergency medical services if such services are to operate at current capacity.2

   "California's persistent poverty crisis and the *People v. Kopp* decision will make collections for the EMS Fund increasingly unstable. Although the EMS Fund fee is discretionary, virtually all counties throughout California assess this tax.3 Research demonstrates that criminal fees cause lasting financial and emotional harm to system-impacted people and their families, often forcing families to choose between putting food on the table and paying their debt.4 This impossible choice has become the reality for an increasing number of low-income individuals as poverty rates in California have soared past pre-pandemic rates.5 Moreover, because of *Kopp*, the California Supreme Court ruled that courts must consider individuals' ability to pay fees like the EMS Fund fee.6 As approximately 80% of criminal defendants in California are indigent, forcing California courts to consider an individual's ability to pay such fees will necessarily decrease the amount of fees assessed, resulting in significantly less overall revenue available to counties that operate an EMS Fund.7 Given the reality of California's affordability crisis and post-*Kopp* collections, the legislature must

transition emergency medical services to more stable sources of funding that do not severely burden the very low-income Californians who are most in need of such essential services.

"Finally, there have been numerous efforts to reform California's reliance on criminal fines and fees. Since 2018, California has repealed 46 criminal fees and discharged over $6.9 billion.8 We strongly believe that a broader discussion on California's existing criminal fine and fee practices should take place among key legislators and a wide array of stakeholders to possibly identify a more comprehensive and balanced approach to this larger policy issue. We encourage this author and others to help bring us together for this convening." (Citations omitted)

7) **Related Legislation**: AB 2428 (Rodriguez) would allow specified governing bodies to accept personal checks for court-ordered debt relating to a criminal proceeding. The bill also prohibits specified governing bodies from charging a fee for returned checks or insufficient funds, and eliminates returned check fees for payments for court-ordered debt relating to a criminal proceeding by declaring past fees unenforceable and uncollectible beginning January 1, 2027. AB 2428 is pending a hearing in this Committee.

8) **Prior Legislation**:

a) AB 177 (2021) Chapter 257, Statutes of 2021, repealed the authority to collect many criminal penalty assessments, made the unpaid balance of many court-imposed costs unenforceable and uncollectible and required any portion of a judgment imposing those costs to be vacated, and ended the collection of 17 administrative fees charged to people who come into contact with the criminal justice system.

b) SB 144 (Mitchell) of the 2019-2020 Legislative Session, would have eliminated a number of administrative fees imposed on a person related to involvement in the criminal justice system. SB 144 was referred to, but never heard in this Committee.

c) SB 867 (Roth), Chapter 147, Statutes of 2016, extended counties' authority to impose the penalty assessment on criminal fines to fund the EMS Fund, until January 1, 2027.

d) SB 191 (Padilla), Chapter 600, Statutes of 2013, extended the EMS Fund by continuing penalty assessments on criminal fines, until January 1, 2017.

e) SB 1773 (Alarcón), Chapter 841, Statutes of 2006, established the penalty assessment on criminal fines to create and fund the EMS Fund, until January 1, 2014.

REGISTERED SUPPORT / OPPOSITION:

Support

California Chapter of the American College of Emergency Physicians (Sponsor)
American Academy of Pediatrics, California
American College of Surgeons: Southern and San Diego Chapters
American Medical Response West
California Ambulance Association
California Children's Hospital Assn

California Hospital Association
California State Sheriffs' Association
Children's Specialty Care Coalition
County Health Executives Association of California (CHEAC)
County of Yolo
County of Yuba - Office of Emergency Services
Dignity Health Marian Regional Medical Center
Napa County Board of Supervisors
National Association of EMS Physicians
Northern California Ems, INC.
Sharp Healthcare
Sierra - Sacramento Valley EMS Agency

Opposition

Debt Free Justice California

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

Date of Hearing: April 14, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1627 (Ávila Farías) – As Amended April 7, 2026

SUMMARY: Disqualifies a person previously employed by the United States Immigration and Customs Enforcement (ICE) or specified out-of-state corrections departments, during specified time periods, from being employed as a peace officer. Specifically, **this bill**:

1) Provides that any person previously employed by ICE at any time between September 1, 2025, and January 20, 2029, or by the Alabama Department of Corrections or the Georgia Department of Corrections at any time between January 1, 2020, and January 1, 2026, is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county, or other political subdivision, as specified, and is disqualified from any office or employment by any such entity, as specified, which confers upon the holder or employee the powers and duties of a peace officer.

2) Specifies that a person who is disqualified from service as a peace officer, pursuant to the above, may petition the State Personnel Board to restore their eligibility to serve as a peace officer. In deciding whether to restore eligibility, the State Personnel Board shall determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety and dignity of the public.

3) Requires the Department of Corrections and Rehabilitation (CDCR) to complete an investigation of previous employment at ICE, the Alabama Department of Corrections, and the Georgia Department of Corrections for any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer.

4) Prohibits a person employed by ICE at any time between September 1, 2025, and January 20, 2029, or the Alabama Department of Corrections or the Georgia Department of Corrections at any time between January 1, 2020, and January 1, 2026, from being employed as a teacher, principal, superintendent, chancellor, or other administrator by any school district, charter school, county office of education, or community college district, or by the University of California, or by the California State University.

5) Specifies that a person who is disqualified from employment under the immediately preceding paragraph may petition the State Personnel Board to restore their eligibility. In deciding whether to restore eligibility, the State Personnel Board shall determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety, dignity, and moral development of the students served by California's schools.

6) Requires the Department of Education to complete a background investigation, including an investigation of previous employment at ICE, the Alabama Department of Corrections, or the Georgia Department of Corrections, for any applicant for employment as a teacher, principal,

superintendent, chancellor or other administrator before the applicant may be employed as a teacher, principal, superintendent, chancellor, or other administrator by any school district, charter school, county office of education, or community college district, or by the University of California, or by the California State University.

7) Includes a severability clause.

EXISTING LAW:

1) Disqualifies each of the following persons, except as specified below, from holding office as a peace officer or being employed as a peace officer by any state or local agency, as specified:

   a) Any person who has been convicted of a felony, or of any offense in any other jurisdiction which would be a felony if committed in this state.

   b) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would be a felony if committed in this state.

   c) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony, regardless of whether a court declares the offense a misdemeanor or the offense becomes a misdemeanor by operation of law, as specified.

   d) Any person who has been charged with a felony and adjudged to be mentally incompetent, as specified.

   e) Any person who has been found not guilty by reason of insanity of any felony.

   f) Any person who has been determined to be a mentally disordered sex offender, as specified.

   g) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as specified.

   h) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, as having committed an act that is a violation of a specified forgery offense, alteration of jury-lists, jury tampering, or falsifying jury lists, specified perjury offenses, specified falsifying evidence offenses, specified witness intimidation offenses, and specified offenses against public justice, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

   i) Any person who has been issued a peace officer certification, as specified, and has had that certification revoked by the Commission on Peace Officer Standards and Training (POST), has voluntarily surrendered that certification, as specified, or, having met the minimum requirement for issuance of certification, has been denied issuance of certification.

j) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a) (1)-(11).)

2) Specifies that a plea of guilty to a felony pursuant to a deferred entry of judgment program, as specified, shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered, as specified. (Gov. Code, § 1029, subd. (b)(1).)

3) Specifies that a person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation, as specified, shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).)

4) Specifies that any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of CDCR or the Division of Juvenile Justice (DJJ), or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which they were convicted, although CDCR, DJJ, or the probation department may still refuse to employ that person regardless of their qualifications. (Gov. Code, § 1029, subd. (c).)

5) States that none of the above section limits or curtails the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense. (Gov. Code, § 1029, subd. (d).)

6) States that none of the above prohibits a person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony. (Gov. Code, § 1029, subd. (e).)

7) Requires the Department of Justice (DOJ) to supply POST with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be

current or former peace officers, and permits POST to use the information for decertification purposes. (Gov. Code, § 1029, subd. (f).)

8) Specifies that this data, once received by the POST, shall be made available for public inspection, including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service. (Gov. Code, § 1029, subd. (f).)

9) Requires CDCR and the Department of the Youth Authority to complete a background investigation, using as guidelines standards defined by POST, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer, and specifies, to reduce potential duplication of effort by individual institutions, that investigations shall be accomplished by each department on a centralized or regional basis to the extent administratively feasible. (Gov. Code, § 1029.1.)

10) Requires every law enforcement agency (LEA) to require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).)

11) Requires an LEA to submit to the DOJ fingerprint images and related information for a peace officer or prospective officer who is subject to a state and national criminal history background check, as specified, and requires the DOJ to provide a state- or federal-level response, as specified. (Gov. Code, § 1030, subd. (b).)

12) Establishes minimum standards for peace officers, including that they: 1) are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or have attained other specified educational levels; 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers, and specifies that these provisions shall be interpreted and applied consistent with federal law and regulations (Gov. Code, § 1031, subds. (a)-(h).)

13) Requires, for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required in the above paragraph, or in the case of an applicant for a position other than a sworn peace officer within an LEA, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if all of the following conditions are met:

    a) The request is made in writing.

    b) The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.

    c) The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency. (Gov. Code, § 1031.1, subd. (a).)

14) Defines employment information, as described above, to include written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other law enforcement agency applicant, except information prohibited from disclosure by any other state or federal law or regulation. (Gov. Code, § 1031.1, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Beginning in 2025, Immigration and Customs Enforcement (ICE) officers have terrorized California residents, United States citizens and noncitizens alike, through untargeted arrests and brutality based on nothing more than a person's racial appearance, language spoken, their employment, or First Amendment-protected speech.

"The United States Department of Homeland Security has recruited peace officers to ICE with the promise of being unrestrained in the manner in which officers engage with civilians or by the laws of the State of California.

"In the past thirty-five years, state and local law enforcement agencies in California have made great strides in community relations, professionalism and accountability, but that trust is fragile. The public must be assured that California's law enforcement agencies are staffed by trained, professional and moral officers, and not infected by the culture of racism and brutality that currently defines ICE. Californians deserve public servants who respect the Constitution and the rule of law and our kids also deserve to be educated by role models, not individuals tied to fear and intimidation.

"AB 1627, the Misconduct Ends Law-enforcement Trust Act of 2026, would disqualify any person who has been employed by ICE from being employed as a peace officer or public-school teacher in California. AB 1627 makes it clear: masked agents who are willing to break the law, are unfit for positions of authority in California."

2) **Background: Increased Federal Immigration Enforcement Efforts.** President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously 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

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[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/

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 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] ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump's second term; however, beginning in the summer, removals significantly ramped up.[5] Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.[6] From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.[7] In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.[8] In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.[9] Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.[10] Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.[11] Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.[12] The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.[13]

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[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] Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: https://www.sacbee.com/news/california/article314213552.html
[6] *Ibid.*
[7] 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
[8] 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.)
[9] Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, Cal Matters (Jan. 29, 2026), available at: https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/
[10] David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez
[11] Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody
[12] *Ibid.*
[13] *Ibid.*

The increase in federal immigration enforcement under the Trump Administration has also been associated with aggressive federal recruitment efforts, including efforts to recruit California peace officers to join federal immigration agencies.[14] ICE has taken steps to significantly expand hiring, such as giving out $50,000 signing bonuses, offering student loan forgiveness, lowering the age limit for recruits from 21 to 18, and waiving the 37-year-old hiring cap, among others.[15] This has raised concerns that this may lead some California peace officers to leave their roles to pursue employment in federal immigration enforcement.

3) **Peace Officer Qualifications:** To become a peace officer, a person must meet certain minimum standards: 1) they are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or other specified educational achievements; and 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect he exercise of peace officer powers. (Gov. Code, § 1031, subds. (a)-(f).) For purposes of conducting thorough background investigations for peace officer applicants, employers are required to disclose employment information about an employee, upon request of an LEA, if the request is made in writing, is accompanied by a notarized authorization by an applicant releasing the employer of liability, and the request and authorization are presented to the employer by an authorized representative of the employing LEA. (Gov. Code, § 1031.1, subd. (a).) Employment information that must be disclosed includes written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other law enforcement agency applicant, except as specified. (Gov. Code, § 1031.1, subd. (c).)

   In addition to these minimum standards, certain factors, such as a felony conviction and certain misconduct, disqualify a person from becoming a peace officer. More specifically, any of the following disqualifies a person from holding office or being employed as a peace officer: 1) a felony conviction or an offense in another jurisdiction which would be a felony if committed in this state; 2) military discharge for committing an offense which would be a felony if committed in this state; 3) conviction for a felony even if the court reduces the offense to a misdemeanor or the offense becomes a misdemeanor by operation of law; 4) a person charged with a felony who is adjudged to be mentally incompetent; 5) being found not guilty by reason of insanity for any felony; 7) adjudication as a mentally ordered sex offender; 8) adjudication as being addicted to narcotics and commitment to a state institution; 9) conviction of, or adjudication through an administrative, military, or civil judicial process requiring at least clean and convincing evidence that a person committed specified forgery, tampering, witness intimidation, and other offenses against public justice, as specified; 10) POST revocation of peace officer certification, as specified; 11) revocation of certification and being listed in the National Decertification Index for any person previously employed in law enforcement in any state or by the federal government or committing serious misconduct

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[14] Sharp, et.al., *ICE offers big bucks – but California police officers prove tough to poach*, Los Angeles Times (Sept. 22, 2025), available at: https://www.latimes.com/california/story/2025-09-22/ice-poaching-cops

[15] Ray and Sanchez, *ICE expansion has outpaced accountability. What are the remedies?* Brookings (Jan. 26, 2026), available at: https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/

that would have resulted in decertification by POST if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a) (1)-(11).)

There are certain exemptions to the above disqualification requirements. A guilty plea to a felony pursuant to a deferred entry of judgement program is insufficient, in and of itself, to disqualify a person from becoming a peace officer, unless a guilty plea is entered. (Gov. Code, § 1029, subd. (b)(1).) Further, a person who is found guilty of an alternate-felony misdemeanor or drug possession offense, and who completes a specified probation program, is not disqualified from becoming a peace officer if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).) Further, a person convicted of a specified felony who receives a full and unconditional pardon and demonstrates the ability to assist in programs of rehabilitation may be employed as a parole officer. (Gov. Code, § 1029, subd. (c).) A chief of police, sheriff, or mayor, among others, may also employ or deputize any person as a peace officer in specified times of disaster. (Gov. Code, § 1029, subd. (d).)

4) **Effect of this Bill:** This bill disqualifies any person previously employed by ICE at any time between September 1, 2025, and January 20, 2029, or by the Alabama Department of Corrections or the Georgia Department of Corrections at any time between January 1, 2020, and January 1, 2026, from holding office as a peace officer or being employed as a peace officer in California. This bill would create a new disqualifying category that is strictly tied to a person's employment history with certain entities during specified periods of time.

This disqualification requirement applies to "any person previously employed" by these entities, including an employee who did not engage in any misconduct or who did not serve in a law enforcement capacity. For example, this bill applies equally to an ICE agent who repeatedly utilizes excessive force during immigration arrests as to an ICE or Alabama, or Georgia correctional employee whose responsibilities are purely administrative and do not involve any law enforcement field work. The need to disqualify non-law enforcement employees solely because of their employer is unclear. The employer-dependent nature of this disqualification, irrespective of whether the person engaged in criminal behavior or misconduct, is largely inconsistent with the existing basis for peace officer disqualification, which generally requires a felony conviction, felony conduct, a disqualifying mental state, or specified misconduct. (Gov. Code, § 1029, subd. (a) (1)-(11).) To avoid application to individuals who have engaged in no wrongdoing, the author may wish to narrow the bill to law enforcement officers who engage in misconduct.

In terms of the scope of this bill, this bill identifies three agencies – ICE, Alabama Department of Corrections, and the Georgia Department of Corrections – as disqualifying employers. Setting aside the bill's application to specified correctional facilities, singling out ICE as a disqualifying employer raises constitutional concerns, as discussed more below. More practically, it may not encompass other types of federal agencies that engage in the type of immigration enforcement the author is concerned with. If the purpose of the bill is to disqualify individuals employed by federal agencies that engage in misconduct during certain periods of immigration enforcement, there are other component agencies within the Department of Homeland Security (DHS), such as U.S. Customs and Border Protection (CBP), that engage in immigration enforcement. For example, it was CBP officers who killed

Alex Pretti on January 24, 2026.[16] This narrow application to ICE would disqualify any non-law enforcement ICE employee, but would not apply to CBP immigration enforcement officers.

The author may wish to remove this bill's application to the Alabama and Georgia correction departments. In support of including these out-of-state correctional departments, the author points to evidence of misconduct and abuse at these prisons, including overcrowding, violence, sexual abuse, and use of excessive force.[17] In 2025, there was a documentary film titled "The Alabama Solution," which highlighted prison conditions and the reported cover-up of the 2019 death of an incarcerated person.[18]

Disqualifying a person based on their employment with an out-of-state corrections agency during a period of reported misconduct raises several issues. First, this is an overinclusive disqualification. As previously noted, just because a person was employed at one of these agencies does not mean they themselves engaged in misconduct. This could apply to a correctional employee actively looking to change jobs or who is leading efforts to improve the conditions of the correctional facilities. This bill would disqualify a person employed by an Alabama or Georgia correctional facility as a healthcare worker, mental health provider, or in an administrative capacity, who performed their duties as required and committed no misconduct, in the same way as a correctional officer who utilized excessive force or engaged in sexual abuse. Second, legislating in this manner is a slippery slope and is significantly underinclusive, given comparable prison conditions that have occurred in our own state and many other correctional facilities at various points in time. For example, in the early 2000s Californias prisons experienced an extensive overcrowding crisis characterized by inadequate housing, inadequate medical and mental health care, which led the U.S. Supreme Court to find that the conditions in California prisons violated the Eighth Amendment's prohibition against cruel and unusual punishment.[19] More recently, an Office of Inspector General audit highlighted a "'wave' of lawsuits from incarcerated and formerly incarcerated women who allege that they were sexually abused by prison staff."[20] An argument could be made that if being employed at a prison providing inadequate care and engaging in misconduct is disqualifying, the list of disqualifying agencies should be far lengthier than just Alabama and Georgia. To avoid disqualifying individuals who committed no misconduct at these agencies, and to avoid arbitrarily singling out certain out-of-state agencies for misconduct that is not unique to just those agencies, the author may wish to remove this bill's application to the Georgia and Alabama corrections departments.

The disqualifying time periods also raise concerns. This bill would only apply to a person employed by ICE between September 1, 2025, and January 20, 2029, and to a person

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[16] David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez
[17] Equal Justice Initiative, *Investigative Reporting Reveals Huge Costs of Alabama Prison Violence* (May 23, 2025), available at: https://eji.org/news/investigative-reporting-reveals-huge-costs-of-alabama-prison-violence/; *See also* U.S. Department of Justice Civil Rights Division, *Investigation of Georgia Prisons* (Oct. 1, 2024), available at: https://www.justice.gov/crt/media/1371406/dl
[18] Yale Law School, *Documentary Shows Alabama Prison's Alleged Abuses from the Inside* (March 10, 2026), available at: https://law.yale.edu/yls-today/news/documentary-shows-alabama-prisons-alleged-abuses-inside
[19] Legislative Analyst's Office, *Overview and Updated on the Prison Receivership* (Nov. 8, 2023), available at: https://lao.ca.gov/Publications/Report/4813
[20] Nigel Duara, *As California prisons face 'wave' of sex assault lawsuits, new audit highlights slow discipline* (Dec. 9, 2025), available at: https://calmatters.org/justice/2025/12/prisons-sex-assault-inspector-general/

employed by Alabama or Georgia correctional departments between January 1, 2020, and January 1, 2026. The need to establish such a specific and narrow disqualifying time period is unclear and may undermine the legality of this bill, as discussed more below. The intent of the September 1, 2026, to January 20, 2029, constraint for ICE appears to be specifically tailored to apply to ICE employees who were employed during President Trump's second term, although this disqualification period only commences approximately eight months into his second term. The disqualification period for Alabama and Georgia corrections departments - January 1, 2020, and January 1, 2026 - appears tailored to the time period during which many of the reported abuses occurred. Notably, both of these disqualifying time periods include time periods before the potential January 1, 2027, effective day of this bill.

Establishing a narrow disqualifying time constraint, irrespective of a given employee's conduct, may contribute to arbitrary and unjustified discrepancies in who may be disqualified under this bill. For example, this bill would not apply to an ICE officer who utilized excessive force, or engaged in racial profiling during President Trump's first term, or during the immigration raids in Los Angeles last June, but would disqualify an ICE employee hired in an administrative capacity three months later. This bill would disqualify a person employed with the Alabama or Georgia Corrections departments from January 1, 2020, to January 1, 2026, even if that employee engaged in no misconduct, but it would not disqualify a correctional officer who engaged in sexual abuse in April of 2026. The author may wish to remove these narrowly defined time periods and apply the bill prospectively.

If a person is disqualified based on the above prohibition, they may petition the State Personnel Board to restore their eligibility to serve as a peace officer. In deciding whether to restore the person's eligibility, the State Personnel Board must determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety and dignity of the public. The meaning of "sufficient rehabilitation of moral character" is somewhat unclear. Determining rehabilitation of moral character may be difficult if the person was not engaged in any law enforcement capacity at ICE or the correctional facilities specified by this bill, and there is no record of that person engaging in any misconduct. It is similarly unclear what level of rehabilitation is sufficient to "ensure the safety and dignity of the public." The author may wish to clarify and expand upon the meaning of these terms.

This bill additionally requires the CDCR to complete an investigation of previous employment at ICE, the Alabama Department of Corrections, or the Georgia Department of Corrections for any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer. For background, every LEA must require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).) To become a peace officer, a person must be fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record and be of good moral character, as determined by a thorough background investigation. (Gov. Code, § 1031, subds. (a)-(f).) For purposes of performing a thorough background investigation for peace officer applicants, employers must disclose employment information relating to a current or former employee, upon request of an LEA, under certain conditions, which include disciplinary actions and performance evaluations. (Gov. Code, § 1031.1.) Further, CDCR is already required to complete a background investigation of any peace officer application. (Gov. Code, § 1029.1.) This bill expands upon these existing requirements to require the CDCR, as part of its background

investigation into a peace officer applicant, to also investigate previous employment at any of the prohibited entities established by this bill.

This bill contains similar provisions that disqualify a person based on such prior employment from becoming a teacher, principal, superintendent, chancellor, or other administrator of a school district, community college, or higher education institution, as specified. Given that this bill is triple-referred to the Committee on Public Employment and Retirement and the Education Committee, this analysis will only discuss the provisions of the bill pertaining to public safety.

5) **Disqualification of Federal and Out-of-State Law Enforcement Officers.** Currently, a federal law enforcement officer or law enforcement officer of another state can already be disqualified from becoming a peace officer in California based on misconduct committed in their prior law enforcement positions. Specifically, existing law disqualifies "[a]ny person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state." (Gov. Code, § 1029, subd. (a) (11.) Serious misconduct includes, among other things, dishonesty related to the reporting, investigation or prosecution of a crime, abuse of power, physical abuse, including excessive or unreasonable force, sexual assault, and demonstrating bias on the basis of race, national origin, gender identity or expression, housing status, sexual orientation, mental or physical disability, or any other protected status. (Pen. Code, § 13510.8, subd. (b).) Accordingly, a person previously employed in law enforcement by the federal government or another state, who engages in serious misconduct such as racial bias, can already be disqualified from becoming a peace officer in California. This provision applies far more broadly than this bill, in that it is not limited to any particular federal agency or a state correctional department, and is not limited to a particular period of time.

   Given that there is already a pathway to disqualify persons previously employed in law enforcement in any state or by the federal government, the need for this bill is somewhat unclear.

6) **Constitutional Concerns:** This bill raises numerous legal issues. Most notably, this bill explicitly disqualifies a person from being employed as a peace officer in California based on prior employment with a specific federal agency; therefore, it may be subject to a legal challenge under the Supremacy Clause.

   State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (U.S. Const., art. VI, Cl. 2.)

   The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that "the activities of the Federal

Government are free from regulation by any state." (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted.) This 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); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from "interfering with or controlling the operations of the Federal Government." (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, "'[a] state or local law discriminates against the federal government if it treats someone else better than it treats the government.'" (*Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original). However, generally applicable state laws can apply to federal entities. (See *Johnson v. Maryland*, 254 U.S. 51, 56 (1920); *N.D*, *supra,* 495 U.S. at pp. 435-438; *United States v. Washington*, *supra,* 596 U.S. at p. 839.)

A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California*, *supra*, F.3d at pp. 878-879.) "This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*Arizona v. United States*, 567 U.S. 387, 399 (2012).) For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had "no doubt that SB 54 makes the jobs of federal immigration authorities more difficult." (*Id.* at p. 886.) But the court concluded that "this frustration does not constitute obstacle preemption," because federal law "does not require any particular action on the part of California or its political subdivisions." (*Id.* at p. 889.) "Even if SB 54 obstructs federal immigration enforcement," the court stated, "the United States' position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule." (*Id.* at p. 888.) "California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts." (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States' intergovernmental immunity for similar reasons. (*Ibid.*)

Here, this bill disqualifies a person from being employed as a peace officer in California based on their prior employment with a single federal agency and two state corrections departments, which could lead to a lawsuit alleging that it discriminates against the federal government in violation of intergovernmental immunity. The targeted approach of this bill, and its creation of disqualification based on employment with a single federal agency, regardless of conduct, suggests this is intended to target the federal government. Confining the scope of the disqualification to the term of a particular U.S. President may additionally undermine the argument that this law is non-discriminatory and generally applicable. While this bill only pertains to eligibility to become a California peace officer and may not control or interfere with federal operations, under intergovernmental immunity, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original). A claim that this restriction on the future employment prospects of ICE agents rises to the level of directly regulating the federal government or constitutes obstacle preemption is possible, albeit less likely, given that this bill is unlikely to directly impact current ICE operations.

This bill may additionally raise constitutional concerns relating to procedural due process. The disqualifying time periods by this bill apply to periods of employment before this bill may become effective. Specifically, it disqualifies a person from becoming a peace officer based upon prior employment with ICE between September 1, 2025, and January 20, 2029, or employment with the Alabama Department of Corrections or the Georgia Department of Corrections between January 1, 2020, and January 1, 2026. This may disqualify individuals currently serving as peace officers, without sufficient procedural due process.

For example, a correctional officer who was previously employed by the Alabama Corrections Department in January of 2021 but has since moved to California and secured employment as a peace officer could be subject to disqualification and possible termination of their employment contract. Procedural due process generally requires state actors to provide specific procedural protections before they deprive a person of any protected life, liberty, or property interest. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481.) The Due Process Clause of the Fourteenth Amendment protects a public employee's right to a property interest in employment. (*Bd. of Regents v. Roth* (1972) 408 U.S. 564, 576-577.) A statutory framework that gives individuals the status of permanent employee gives that employee a property interest in the continuation of their employment, which is protected by due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, pp. 206-208).) In California, public employees generally have a property interest in continued employment, a property interest that cannot be deprived without due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215–216; *Linney v. Turpen* (1996) 42 Cal.App.4th 763, 770; *Townsel v. San Diego Metropolitan Transit Development Bd.* (1998) 65 Cal.App.4th 940, 947; *Titus v. Civil Service Com.* (1982) 130 Cal.App.3d 357, 362.) Termination of employment is an action that can trigger due process requirements. (*Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194.) To the extent this bill disqualifies and terminates the employment of currently employed California peace officers, based on their prior employment at a disqualifying entity, this bill may be vulnerable to a procedural due process claim.

Finally, singling out ICE and two state corrections departments as disqualifying employers, during a narrow time frame and regardless of the conduct of those employees, could make this bill vulnerable to an Equal Protection claim. The Equal Protection Clause of the Fourteenth Amendment provides that "[n]o state shall… deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const., 14th Amend., § 1.) The California Constitution contains a substantially similar provision. (Cal. Const., art. I, § 7.) This establishes the general requirement that similarly situated people should be treated similarly. "[a] classification neither involving fundamental rights nor proceeding along suspect lines . . . cannot run afoul of the Equal Protection Clause if there is a rational relationship between the disparity of treatment and some legitimate governmental purpose." (*Armour v. City of Indianapolis* (2012) 566 U.S. 673, 680.) This is known as the rational basis test, which is the lowest level of scrutiny that a law, subject to an equal protection challenge, must meet. Under rational basis, "[a] classification is constitutionally infirm only if 'so unrelated to the achievement of any combination of legitimate purposes that we can only conclude that the legislature's actions were irrational.'" (*Conservatorship of Edde* (2009) 173 Cal.App.4th 883, 891.) The rationality of singling out three agencies as disqualifying employers during a narrow period of time, regardless of whether those employees were engaged as law enforcement officers or committed any wrongdoing, could be questioned in an equal protection claim by a disqualified peace officer applicant.

7) **Argument in Support**: According to the *California School Employees Association,* AB 1637 "would disqualify an individual from becoming a peace officer if they were employed by Immigration and Customs Enforcement (ICE) from 2025-2029.

"Since January 2025, ICE and border patrol activity has become increasingly aggressive, emboldened by President Trump and the Department of Homeland Security. They have been ordered to carry out military-style raids in cities across the U.S., at times using deadly force. ICE agents are now present in airports, at hospitals, schools, and other protected spaces.

"In an effort to quickly recruit thousands of agents and fulfill Trump's mass deportation agenda, ICE agents are now required to complete just 47 days of training, significantly less than the required 3-6 months to become a police officer. Many agents are reportedly failing physical and academic tests. Their lack of comprehensive training, incomplete oversight, and wanton use of force should disqualify ICE agents from serving as peace officers in the future, especially on school campuses.

"The public should be able to rely on their peace officers to keep them safe, regardless of the language they speak or their immigration status. To preserve the public's trust in police and school resource officers, the Legislature should prohibit ICE officers from serving as peace officers."

8) **Argument in Opposition**: According to *the California Association of Highway Patrolmen*, AB 1627 "would disqualify individuals from being peace officers that were previously employed by U.S. Immigration and Customs Enforcement (ICE) during the Trump Administration, the Alabama Department of Corrections or the Georgia Department of Corrections between January 1, 2020, and January 1, 2026.

"AB 1627 creates a broad new disqualification standard that restricts who can serve as a peace officer based on prior employment, rather than individual conduct or qualifications. The bill undermines merit-based hiring and excludes otherwise qualified candidates with valuable federal law enforcement or investigative experience, at a time when recruitment and retention are already significant challenges for public safety agencies.

"Additionally, the bill politicizes law enforcement hiring and sets a concerning precedent by disqualifying individuals based on prior lawful employment with federal agencies. It also raises concerns about workforce shortages, interagency cooperation, and the erosion of a unified law enforcement framework, as it penalizes individuals for carrying out federally authorized duties.

"From CAHP's perspective, maintaining a highly trained, diverse, and experienced applicant pool is critical to public safety. AB 1627 unnecessarily limits that pool while introducing legal and operational uncertainties for departments across the state."

9) **Related Legislation**:

a) AB 1896 (González and Rivas) would disqualify a person from being a peace officer, and from public employment more generally, if they were previously employed by an entity that engages in immigration enforcement, as defined, during the period beginning

January 20, 2025, and ending January 20, 2029, except as specified. AB 1896 is pending a hearing in this Committee.

b) SB 938 (Menjivar) would disqualify a person from being a peace officer if they were previously employed by an entity that assists in immigration enforcement, as defined, after January 20, 2025, except as specified. SB 938 is pending a hearing in Senate Public Safety.

10) **Prior Legislation**:

a) AB 17 (Cooper), of the 2021-2022 Legislative Session, would have disqualified a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by the Commission on Peace Officer Standards and Training. AB 17 did not receive a hearing in this Committee.

b) AB 60 (Salas), of the 2021-2022 Legislative Session, would have required a peace officer's certificate to be suspended, revoked, or canceled when the person is ineligible to be a peace officer or when the person has been subject to a sustained termination for serious misconduct, as defined, on or after January 1, 2022. AB 60 did not receive a hearing in this Committee.

c) SB 2 (Bradford), Chapter 409, Statutes of 2021, granted new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct" and made changes to the Bane Civil Rights Act to limit immunity as specified.

d) AB 1022 (Holden), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person from being a peace officer for, as a peace officer, using excessive force that results in great bodily injury or death, or for a peace officer's failure to intercede in another officer's excessive use of force, as specified. AB 1022 was held in the Senate Appropriations Committee.

e) SB 731 (Bradford), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person who has been convicted of certain crimes against public justice, including falsification of records, bribery, or perjury, from obtaining employment as a peace officer. AB 731 was never heard on the Assembly Floor.

f) SB 221 (Romero), Chapter 297, Statutes of 2003, among other things, expands the grounds for disqualification of a person from being a peace officer for the conviction of a felony to include any person who, after January 1, 2004, who has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.

g) AB 882 (Cedillo), of the 2001-2002 Legislative Session, would have required the disqualification of a peace officer after the commission of specified crimes. AB 882 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
California School Employees Association
United Domestic Workers/afscme Local 3930

Opposition

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Newport Beach; City of
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Upland; City of

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

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1688 (Carrillo) – As Amended March 12, 2026

SUMMARY: Specifies that the notification requirement for mandated reports be sent to the attorneys representing the child in dependency court and shall not disclose any information concerning the substance of the report. Specifically, **this bill**:

1) States that when an agency receives a report, the agency shall, within 36 hours, provide notice of the report to the attorney who represents a parent or legal guardian of the child in dependency court.

2) Establishes that the notification requirement for mandated reports shall consist of notice that a report has been made and shall not disclose any information concerning the substance of the report, including the identity of any person named or referenced in the report.

3) Provides that the notification requirement shall not apply to a parent whose parental rights have been terminated.

4) States that if suspected abuse or neglect occurred in a placement, all attorneys who represent children with an open dependency case in that placement shall receive the notice. For purposes of this paragraph, a placement includes, but is not limited to, placement in foster care or congregate care, placement in a short-term residential therapeutic program facility, or a relative placement.

EXISTING LAW:

1) Establishes that any employee of a specified agency who has knowledge of a child in protective custody whom the employee knows, or reasonably suspects, has been the victim of abuse or neglect shall, within 36 hours, send or have sent to the attorney who represents the child in dependency court, a copy of the report. All information requested by the attorney for the child or the child's guardian ad litem shall be provided by the agency within 30 days of the request. (Pen. Code, § 1116.1, subd. (b).)

2) States that when a specified agency receives a report alleging abuse or neglect of the child of a minor parent or a nonminor dependent parent, the agency shall, within 36 hours, provide notice of the report to the attorney who represents the minor parent or nonminor dependent in dependency court. (Pen. Code, § 1116.1, subd. (c)(1).)

3) States that a mandated reporter shall make a mandated report to a specified agency whenever the mandated reporter has knowledge of a child whom the mandated reporter knows, or reasonably suspects, has been the victim of abuse or neglect. (Pen. Code, § 11166, subd. (a).)

4) Provides that if, after reasonable efforts, a mandated reporter is unable to submit an initial report, the mandated reporter shall immediately or as soon as is practicably possible, make a one-time automated written report on the form prescribed by the Department of Justice (DOJ). (Pen. Code, § 11166, subd. (b).)

5) Establishes that a 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 that imprisonment and fine. (Pen. Code, § 11166, subd. (c).)

6) States that any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect shall bring the condition to the attention to specified agencies at the same time as submitting the mandated report. (Pen. Code, § 11166, subd. (f).)

7) States that when a specified agency receives a mandated report that contains either of the following, it shall, within 24 hours, notify the licensing office with jurisdiction over the facility:

   a) A report of abuse alleged to have occurred in facilities licensed to care for children by the State Department of Social Services (DSS).

   b) A report of the death of a child who was, at the time of death, living at, enrolled in, or regularly attending a facility licensed to care for children by the DSS unless the circumstances of the child's death are clearly unrelated to the child's care at the facility. (Pen. Code, § 1116.1, subd. (a)(1).)

8) Defines "reasonable suspicion" as 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. (Pen. Code, § 11166, subd. (a)(1).)

9) Defines "minor parent" as a dependent child who is also a parent. (Pen. Code, § 1116.1, subd. (c)(2).)

10) Defines "nonminor dependent parent" as a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, as defined, who is also a parent. (Pen. Code, § 1116.1, subd. (c)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Each year, 60,000 children move in and out of the foster care system in California, with more than half residing in Southern California. These youth have often experienced abuse, neglect, and trauma, which can have lasting effects on their well-being. However, gaps in reporting requirements leave them vulnerable

to further harm. AB 1688 reinforces California's commitment to protecting foster youth by strengthening notice requirements to ensure that all relevant parties are informed. Greater transparency in reporting cases of abuse or neglect is essential to safeguarding foster youth, and this bill reflects our shared responsibility to protect the most vulnerable children in our state."

2) **Effect of the Bill**: AB 1688 would update part of California's child welfare reporting laws. California's child welfare services system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, Child Protective Services (CPS) are tasked with investigating the allegations reported to them by mandated reporters and others.

   Current law requires an agency to notify the DSS licensing office within 24 hours of receiving a report of abuse that is alleged to have occurred in a facility licensed by DSS, or when there is a report of the death of a child who was, at the time of death, living in a facility licensed by DSS. (Pen. Code, § 11166.1, subd. (a).) Additionally, all employees of DSS who have knowledge of, or observe in their professional capacity or within the scope of their employment, a child in protective custody whom the employee knows or reasonably suspects has been the victim of child abuse or neglect, are required, within 36 hours, to send or have sent to the attorney who represents the child in dependency court a copy of the report alleging the abuse. (Pen. Code, § 11166.1, subd. (b).) There is no current requirement to provide notice to a child's parents or the attorneys of other children placed in the same home to receive notice of reasonable suspicion of allegations of abuse or neglect.

   This gap in reporting requirements could harm foster youth who may be vulnerable to abuse or neglect in a foster care placement that is meant to protect children from such maltreatment. Without this notice, the attorneys for those other foster youth, who may not be subject to abuse and neglect, cannot take action to ensure the child's safety and protection simply because they were not made aware of the conditions in that placement. Under existing law, counsel appointed for foster youth are tasked with doing their own investigation to represent their client's general interests and to make recommendations to the court concerning the child's welfare. Absent basic information about child abuse occurring in the home, however, attorneys cannot render informed recommendations to the court and fully protect their clients.

   AB 1688 would expand that notification requirement to include the attorney representing the foster youth as well as the attorneys for any other child in the same placement where the abuse or neglect allegedly took place. This notification requirement would not apply to parents whose parental rights have been terminated.

3) **The Child Abuse and Neglect Reporting Act (CANRA)**: This bill would add to our child abuse and neglect reporting laws by clarifying that notification of mandated reports regarding a child be sent to the attorneys representing that child in dependency court.

   The mandatory reporting statute was named the Child Abuse and Neglect Reporting Act (CANRA) in 1987. (*Matthews v. Becerra* (2019) 8 Cal.5th 756, 763.) CANRA was enacted to address the problem where many instances of child abuse were going unreported. (*B.H. v. County of San Bernardino* (2015) 62 Cal.4th 168, 190.) Oftentimes, reporting by third parties is the only way the authorities become aware of an incident of child abuse. (*Ibid.*) The law

imposes duties on mandated reporters to report known or suspected instances of child abuse within defined periods and specifies further details of an individual's reporting obligations. (*B.H., supra*, at p. 193.) CANRA categorizes reports of child abuse and neglect into three areas: unfounded, inconclusive, and substantiated. (*In re D.P.* (2023) 14 Cal.5th 266, 279.) Mandated reporters' reporting duties are governed by an objective standard. (*B.H., supra*, at p. 193.) In other words, "the duty to report arises not on the basis of the mandated reporter's personal assessment of the facts known, but on the basis of what a reasonable person would suspect based on those facts." (*Ibid.*) The existence of sufficiently suspicious circumstances produces the mandatory duty to report the circumstances to a designated agency. (*Ibid.*) The agency receiving the report is required to investigate suspected abuse and determine whether abuse occurred. (*Ibid.*)

AB 1688 would provide attorneys representing children in dependency court notification that any reports filed about the children being represented.

4) **The Impact of Reporting**: Current law provides a comprehensive reporting scheme to identify victims of child abuse. CANRA includes 50 different reporter types that specify designated as mandated reporters. (Pen. Code, § 11165.7, subd. (a).) Mandated reporters are required to make a report to a designated agency, specifically any police or sheriff's department, county welfare department, or designated county probation departments. (Pen. Code, § 11165.9.) Any of those agencies are required to accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person. (*Ibid.*)

According to data from the California Child Welfare Indicators Project (CCWIP), a collaboration between California Department of Social Services (CDSS) and the University of California, Berkeley, allegations of child maltreatment have hovered between 400,000-500,000 per year over the last decade.[1] The most recent data from 2024 shows there was a total of 417,513 allegations of maltreatment and the most frequent allegation type reported was for general neglect with 186,129 instances being reported.[2]

Data from CCWIP show that in 2024 only 46,457 (11.1%) reports of abuse were substantiated.[3] Another 108,722 were inconclusive, 100,859 were unfounded, 145,464 had an assessment only/were evaluated out, and 16,011 were categorized as not yet determined.[4] Since nearly 90% of allegations are unsubstantiated, overreporting unnecessarily exposes hundreds of thousands of families to the scrutiny of CPS, which can be a traumatic experience for families. The Legislative Analyst's Office (LAO) found that California's child welfare system-involved families are disproportionately Black, Native American, and come from families with low incomes, which is a demographic trend that has persisted for years.[5]

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[1] *California Child Population (0-17) and Children with Child Maltreatment Allegations,* California Child Welfare Indicators Project (CCWIP) <https://ccwip.berkeley.edu/childwelfare/reports/AllegationRates/MTSG/r/rts/l > [as of Feb. 23, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *California's Child Welfare System: Addressing Disproportionalities and Disparities* (Apr. 2024) Legislative Analyst's Office <https://lao.ca.gov/Publications/Report/4897> [as of Feb. 23, 2026].

AB 1688 clarifies that notification of a mandated report be sent to an attorney for children they represent in a dependency proceeding, which could help reduce further harm to already vulnerable children.

5) **Argument in Support**: According to *Public Counsel*, "Currently, California law under Penal Code Section 11166.1 requires social service agencies to notify a minor's attorney when there is a reasonable suspicion that the minor has been abused or neglected. However, this requirement does not extend to the attorneys of other foster children residing in the same placement or to the attorneys of the abused child's parents. As a result, children may continue to be placed at risk, and parents are left unaware of crucial information affecting their children's well-being.

"AB 1688 will address these deficiencies by implementing two key reforms:

- Notifying a Minor's Attorney When Another Child in the Same Placement is Suspected to Have Been Abused
    - If abuse is suspected in a foster home, all attorneys representing foster children residing in that placement must be notified.
    - This allows attorneys to take appropriate action, such as filing for removal, requesting court intervention, or conducting their own investigation, to ensure their client's safety.
- Notifying a Parent's Attorney When There is a Reasonable Suspicion That Their Child Has Been Abused in Out-of-Home Care
    - Parents have a fundamental right to protect and advocate for their children's safety.
    - Without proper notification, parents and their legal counsel are left unaware of potential harm occurring in foster care, limiting their ability to intervene or seek appropriate legal remedies.

"Foster care is intended to be a refuge for children who have experienced abuse or neglect. Yet, data reveals that some foster placements fail in their fundamental duty to protect these children:

- In 2022, the Children's Bureau reported that 169 California children were victims of abuse or maltreatment by their foster parents.
- Nationally, six children lost their lives due to abuse by foster parents that same year.

"These statistics underscore the need for robust oversight and accountability. Attorneys for foster children and their parents play a critical role in safeguarding children's welfare, but they cannot fulfill this role without access to essential information.

"AB 1688 aligns with Welfare and Institutions Code Section 317(e), which tasks children's attorneys with making recommendations concerning their client's welfare. It is impossible

for attorneys to fulfill this duty if they are unaware of abuse occurring in their client's placement.

"By expanding the current notification framework, AB 1688 ensures that attorneys have the information they need to:

- Advocate for a child's removal from an unsafe placement
- Seek court intervention to address systemic failures
- Provide parents with the opportunity to protect their children

"AB 1688 is a critical step toward reinforcing protections for California's most vulnerable children. By ensuring that attorneys representing foster children and parents receive timely notification of suspected abuse, this bill empowers legal advocates to act swiftly in the best interests of their clients. For these reasons, Public Counsel strongly urges the Assembly Human Services Committee to support AB 1688."

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

7) **Related Legislation**: AB 1566 (Jackson) would change the definition of "severe neglect" to mean if any person, having the care or custody of a child, willfully causes or permits serious illness or serious injury to the child, willfully causes or permits the death of the child, or causes the child to be placed at imminent risk of serious illness, serious injury, or death, including, but not limited to, the willful failure to provide adequate food, clothing, shelter, or medical care. AB 1566 is pending a vote on the Assembly floor.

8) **Prior Legislation**:

   a) SB 848 (Perez), Chapter 460, Statutes of 2025, requires a comprehensive school plan to include child abuse or neglect reporting procedures and would additionally require a comprehensive school safety plan, when it is next reviewed and updated to include procedures specifically designed to address the supervision and protection of children from child abuse or neglect and sex offenses.

   b) AB 653 (Lackey), Chapter 379, Statutes of 2025, added an individual employed as a talent agent, talent manager, or talent coach, who provides services to a minor, to the list of individuals who are mandated reporters.

   c) AB 601 (Jackson), of the 2025-26 Legislative Session, would have required the State Department of Social Services to develop a standardized curriculum for mandated reporters, and to make that training available on its internet website. AB 601 was held in the Senate Appropriations Committee.

   d) AB 970 (McKinnor), of the 2025-26 Legislative Session, would have authorized a two-year pilot project in Los Angeles County to deploy an online decision-support tool for aiding mandated reporters in their reporting responsibilities. AB 970 was held in the Assembly Public Safety Committee.

e) AB 1192 (Carrillo), of the 2025-26 Legislative Session, would have required an employee of specified agencies to send a copy of a mandated report to the attorney who represents a parent or legal guardian of the child, as specified. AB 1192 was held in the Assembly Appropriations Committee.

f) SB 47 (Roth), of the 2023-24 Legislative Session, would have required a county child welfare services department that receives a report of a child being endangered by abuse, neglect, or exploitation in which the alleged perpetrator is a person responsible for the child, as specified, to evaluate the report immediately and if the report contains sufficient information to warrant an investigation, require the department to make its best effort to commence an investigation of an allegation of imminent risk of physical harm to the child within 2 hours, but no later than 72 hours after receiving any report. SB 47 was held in the Senate Public Safety Committee.

g) AB 391 (Jones Sawyer), Chapter 434, Statutes of 2023, would require an agency receiving a report from a nonmandated reporter to ask the reporter to provide specified information, including their name, telephone number, and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect.

h) AB 1544 (Lackey), of the 2023-24 Legislative Session, would authorize a police or sheriff's department to which a report of suspected child abuse or severe neglect is made on or after January 1, 2024, to forward to the Department of Justice a report in writing of its investigation of known or suspected child abuse or severe neglect that is determined to be substantiated. AB 1544 was held in the Senate Public Safety Committee.

i) AB 1799 (Jackson), of the 2023-24 Legislative Session, would have authorized a mandated reporter who knows or reasonably suspects that a child has been the victim of general neglect to make a report to one or more community-based agencies or service providers that will provide the parent, guardian, or Indian custodian of the child with services and supports the reporter reasonably believes will ameliorate the conditions impacting that individual's ability to provide adequate food, shelter, medical care, or supervision to the child. AB 1799's Senate amendments were voted down in the Assembly Public Safety Committee.

j) AB 2085 (Holden), Chapter 770, Statutes of 2022, redefines general neglect for purposes of CANRA by excluding a person's economic disadvantage.

REGISTERED SUPPORT / OPPOSITION:

Support
Children's Law Center of California (Sponsor)
Dependency Legal Services (Co-Sponsor)
11:11 Media Impact
Alliance for Children's Rights
California Lawyers Association, Family Law Section
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Los Angeles Dependency Lawyers, INC.

Public Counsel
1 Private Individual

Opposition
None submitted.

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

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1739 (Ward) – As Amended March 9, 2026

As Proposed to be Amended in Committee

SUMMARY: Makes it a crime for a member of the clergy providing therapeutic services to engage in sexual activity with a current or former patient or client who received therapeutic services within two years from the end of the services being provided, except as specified. Specifically, **this bill**:

1) States that, unless the member of the clergy who provided therapeutic services has referred the member of the congregation to an independent and objective member of the clergy recommended by a third-party member, a member of the clergy who provided therapeutic services within two years of the therapeutic services having terminated, who also engages in sexual intercourse, sodomy, oral copulation, or sexual contact with a current or former patient or client is guilty of sexual exploitation.

2) Provides that sexual exploitation by a member of the clergy who provided therapeutic services is a public offense punishable as follows:

   a) For a single act of sexual exploitation, up to six months in county jail, or a fine of up to $1,000, or both.

   b) For multiple acts of sexual exploitation with a single victim, when the member of the clergy has no prior convictions, up to six months in county jail, or a fine of up to $1,000, or both.

   c) For an act or acts of sexual exploitation with two or more victims, imprisonment for 16 months, 2 years, or 3 years, and a fine of up to $10,000; or up to one year in county jail, or by a fine of up to $1,000, or by both.

   d) For two or more acts of sexual exploitation with a single victim, when the member of the clergy has at least one prior conviction, imprisonment for 16 months, 2 years, or 3 years, and a fine of up to $10,000; or up to one year in county jail, or by a fine of up to $1,000, or by both.

   e) For an act or acts of sexual exploitation with two or more victims, and the member of the clergy has a least one prior conviction, imprisonment for 16 months, two years, or three years, and a fine of up to $10,000.

3) Provides that consent of the patient or client is not a defense against conviction for sexual exploitation by a member of the clergy who provided therapeutic services.

4) Provides that no person, during a specified investigation or prosecution, shall seek to obtain disclosure of any confidential files of other current or former members of the congregation of the clergy member who provided therapeutic services.

5) States that if a member of the clergy who provided therapeutic services, who is in a professional partnership or similar group has specified sexual contact with a patient or client, then another member of the clergy in the partnership or practitioner group shall not be subject to the above penalties solely because of the occurrence of that sexual contact.

6) Establisbes that consistent with other defined laws, specified laws shall not be construed to apply to duly ordained members of the recognized clergy, or duly ordained religious practitioners doing work of a psychological nature consistent with the laws governing their respective professions, provided they do not state or imply that they are licensed to practice psychology.

7) Clarifies that inclusion of members of the clergy who provided therapeutic services into this law is intended only to convey the intent of the Legislature that members of the clergy perform their functions pursuant to a code of conduct that prohibits sexual contact with members, parishioners, worshipers, adherents, or others and is at least as stringent as the prohibitions described in this section applicable to physicians and surgeons, psychotherapists, research psychoanalysts, student research psychoanalysts, and alcohol and drug abuse counselors, and to impose similar penalties for violations of that code of conduct.

8) Defines "member of the clergy" as a priest, minister, rabbi, ordained religious practitioner, or similar functionary of a recognized religious organization. This term shall apply under this section only when the clergy member is providing "therapeutic services."

9) Defines "therapeutic services" as counseling, mental health guidance, spiritual counseling involving the treatment of emotional, psychological, or behavioral conditions, or other services that are substantially similar in nature to psychotherapy, whether or not the provider is licensed by the state.

10) Defines "former patient or client" includes any individual who received therapeutic services from the provider. A patient or client shall be considered a former patient or client only after termination of the therapeutic relationship.

11) Expands the definition of "sexual contact" to include sexual intercourse or the touching of an intimate part of a client for the purpose of sexual arousal, gratification, or abuse.

EXISTING LAW:

1) States that the commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed or under any initiative act, as defined. (Bus. & Prof. Code, § 726, subd. (a).)

2) Provides that the prohibition against sexual exploitation shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic

relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship. (Bus. & Prof. Code, § 726, subd. (b).)

3) Provides that any psychotherapist or employer of a psychotherapist who becomes aware through a client that the client had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the client a specified brochure that delineates the rights of, and remedies for, clients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss the brochure with the client. (Bus. & Prof. Code, § 728, subd. (a).)

4) States that failure to comply with the requirement that any psychotherapist or employer of a psychotherapist who becomes aware through a client that the client had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the client a brochure constitutes unprofessional conduct. (Bus. & Prof. Code, § 728, subd. (b).)

5) Establishes that any physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor, or any person holding themselves out to be a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor. (Bus. & Prof. Code, § 729, subd. (a).)

6) States that sexual exploitation by a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor is a public offense with the following penalties:

   a) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

   b) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

c) An act or acts in violation of subdivision (a) with two or more victims shall be punishable as a wobbler, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

d) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable as a wobbler, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

e) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars. ($10,000). (Bus. & Prof. Code, § 729, subd. (b)(1)-(5).)

7) Provides that in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification. (Bus. & Prof. Code, § 729, subd. (b).)

8) Prohibits a person, in an investigation and prosecution of sexual exploitation, as defined, from seeking to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor. (Bus. & Prof. Code, § 729, subd. (d).)

9) States that the penalties for sexual exploitation outlined above do not apply to sexual contact between a physician and surgeon and their spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to their spouse or person in an equivalent domestic relationship. (Bus. & Prof. Code, § 729, subd. (e).)

10) Provides that if a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor in a professional partnership or similar group has unlawful sexual contact with a patient, another physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, or alcohol and drug abuse counselor in the partnership or group shall not be subject to defined action solely because of the occurrence of that sexual contact. (Bus. & Prof. Code, § 729, subd. (f).)

11) States that any person licensed, certified, registered, or otherwise subject to defined regulations who engages in, or who aids or abets in specified violations occurring in the work premises of, or work area under the direct professional supervision or control of, that person shall be guilty of unprofessional conduct. (Bus. & Prof. Code, § 731, subd. (a).)

12) The license, certification, or registration of that person shall be subject to denial, suspension, or revocation by the appropriate regulatory entity. (Bus. & Prof. Code, § 731, subd. (a).)

13) Defines "alcohol and drug abuse counselor" means an individual who holds themselves out to be an alcohol or drug abuse professional or paraprofessional. (Bus. & Prof. Code, § 729, subd. (c)(2).)

14) Defines "sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse. (Bus. & Prof. Code, § 729, subd. (c)(3).)

15) Defines "touching" as physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense. (Pen. Code, § 243.4, subd. (f).)

16) Defines "intimate part" as the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. (Pen. Code, § 243.4, subd. (g)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1739 addresses a gap in California law by extending existing sexual exploitation protections to members of the clergy who provide spiritual counseling or pastoral guidance. While current law prohibits physicians, psychotherapists, and substance use counselors from engaging in sexual contact with patients due to the inherent power imbalance in those relationships, clergy who occupy similarly trusted positions are not explicitly included in the statute.

   "AB 1739 closes this gap by holding clergy to the same standards that apply to other counseling professions when they exploit a position of trust with a congregant. By ensuring consistent protections across these relationships, the bill strengthens accountability and helps safeguard individuals seeking spiritual guidance."

2) **Effect of the Bill**: AB 1739 seeks to address potential sexual exploitation by providing for punishment for certain clergy-congregant relationships, where the relationship involved rendering therapeutic services within two years of the services having terminated.

   Existing law prohibits individuals in various positions of apparent authority or influence from engaging in sexual relations with their clients. (Bus. & Prof. code, § 729, subd. (a).) The inherent power imbalance in these relationships is cited as a core reason supporting both existing prohibitions and the need for this bill applying to clergy and congregants. Violators under this bill could face potential fines and imprisonment of up to three years. (Bus. & Prof. Code, § 729, subd. (b).) Exploitation based on authority can exist in a variety of situations and relationships. For example, a supervisor and their employee, or a professor and their adult student, or a coach and adult athlete. These relationships may have employment or other professional implications, however, when occurring between consenting adults, they are not criminalized. While consent is presumed not to be able to be given by a client in the congregation who received therapeutic services, this provision applies to the relationships captured in existing law.

AB 1739 could sweep into consensual adult relationships that occur within two years of a member of the clergy who provided therapeutic services to a former client in the congregation who received those services. Unlike a doctor providing medical care to a patient, a clergy member, even one who provided therapeutic services, and an adult client-congregant likely are a part of the same community. A loss of that community may mean a loss of the ability to express and practice one's faith in a communal setting. This is especially true in small, sparsely populated, or rural areas where establishing a relationship with a person of the same faith can be difficult, if not impossible, absent a relationship with a client-congregant.

Importantly, AB 1739 appears narrowly tailored to capture only those relationships where some kind of power imbalance exists between a person who may be considered an authority figure, who is also providing therapeutic services of a nature substantially similar to psychological treatment, and a client or congregant who received those services. Some of the concerns that could have attached to more broadly prohibited consensual relationships may be reduced by applying the law only to relationships where deeply personal confidences were shared possibly with personalized behavioral advice provided. There is arguably more risk for exploitation between a spiritual leader and a person in a vulnerable state leading them to seek this guidance and direction. By limiting the application of the bill to a member of the clergy who provided therapeutic services largely similar to psychological counseling, there should be less risk of arbitrary and capricious prosecution.

3) **The First Amendment**: By regulating conduct of religious institutions and their adherents, AB 1739 may invite First Amendment scrutiny. The First Amendment to the United States Constitution, in relevant part, generally prohibits government from establishing a religion (Establishment Clause) and preventing the free exercise of religion (Free Exercise Clause). (U.S. Const., Amend. I.) Furthermore, the First Amendment protects an individual's right to free association. (*Ibid.*)

    a) *Establishment Clause*

The Establishment Clause of the First Amendment applies to the States via the Fourteenth Amendment's Due Process Clause. (*Murdock* v. *Pennsylvania* (1943) 319 U.S. 105.) To survive Establishment Clause scrutiny, the law in question must reflect a clearly secular legislative purpose, must have a primary effect that neither advances nor inhibits religion, and must avoid excessive government entanglement with religion. (*Lemon* v. *Kurtzman* (1971) 403 U.S. 602) [hereinafter "Lemon test"].

Courts will generally uphold nonsectarian laws aimed at remedying important public policy concerns. (*Comm. for Public Educ. & Religious Liberty v. Nyquist* (1973) 413 U.S. 756, 773.) But legislative purposes may not immunize from further scrutiny a law that runs afoul of the Lemon test. (*Ibid.*) AB 1739 purports to combat sexual exploitation by clergy over clients, where therapeutic services were involved. AB 1739 appears to have a secular purpose since the law being modified applies to various nonsecular provider-patient type relationships. The legislature has an understandable interest in preventing sexual exploitation by those in positions of apparent authority or influence. AB 1739's primary purpose appears not to be advancing religion because it is not promoting religion and its prohibitions would be generally applicable. Whether the bill excessively entangles government and religion in a continuing and intimate relationship is less clear. Arguably, a law that provides for criminal

prosecutions of clergy, even where those relationships involve a therapeutic relationship, may establish a continuous and intimate relationship between church and state. But that adversarial type of relationship does not appear to be the type of relationship courts have found offensive to the First Amendment. AB 1739 therefore does not appear to create a risk of excessive entanglement.

First Amendment scrutiny of AB 1793 may be most contested in whether it inhibits religion. Certain religions permit sexual relationships between clergy and congregants. Consensual relationships, including marriage, are not uncommon between church leaders and congregants in some religions. Conjugal relations between couples are often shared expectations, if not commitments, within certain religious traditions. Like other provider-patient relationships where sexual exploitation is punishable under the law, the client-congregant under this law would be presumed unable to consent. So, this law could produce a case where a criminal law is applied to an individual who is adhering to a documented tradition of an established religion. This could create a First Amendment concern, though it is ultimately unclear whether AB 1739 creates an Establishment Clause concern.

b) *Free Exercise Clause*

Another First Amendment concern for AB 1739 could come from the First Amendment's Free Exercise Clause. The US Supreme Court held the First Amendment's provision prohibiting laws interfering with the free exercise of religion protect unorthodox as well as orthodox religious beliefs and practices, religious organizations as well as individuals. (*Murdock*, supra.) While the Court has permitted limited regulation of certain religious practices, it has generally provided robust protection for religious organizations in exercising the tenants of their faiths. (*Ibid* ["The Free Exercise Clause requires a complete withdrawal from government of any power to proscribe, regulate, either directly or indirectly, any particular religious beliefs or doctrines . . . ."].)

AB 1739 provides for the possibility that a member of the clergy who provided therapeutic services within two years of entering into a consensual partnership with the congregant could be criminally prosecuted for engaging in a sexual relationship with someone who ultimately became their partner. Should the couple have gotten married within those two years, the bill's prohibitions could apply as well. The bill does generally follow existing precedent with provider-patient relationships though by limiting the law's reach to a spiritual leader who provided therapeutic services to a client in the past two years. While the limitations included in the bill and its adherence to similar precedent likely helps support the bill's constitutionality, certain possible application of the bill leave it subject to First Amendment challenges.

c) *Free Association*

The right to freely associate is a fundamental right, which includes the right to freedom to engage with others for the advancement of beliefs and ideas. (*NACCP v. Alabama ex rel. Patterson* (1958) 357 U.S. 449, 460.) An individual's right to freely speak and worship is unprotected without a correlative right to engage in group efforts for the continued security of those rights. (*Roberts v. United States Jaycees* (1984) 408 U.S. 609, 622.) The freedom of association is most directly infringed when government attempts to punish membership in a group. (*Scales v. U.S.* (1961) 367 U.S. 203.) Whether a law undermines a group's ability to

engage in its expressive activities is key to evaluating the law's constitutionality. (*Roberts*, *supra*, at 624.) One effect of this bill could be punishing group membership. The possibility that AB 1739's prohibitions could extend to certain couples may force a painful choice between maintaining one's faith, spiritual leader, or place of worship, and risking criminal conviction. Thus, AB 1739 may impact First Amendment associational rights.

Beyond the potential First Amendment concerns, the fact that AB 1739 could force a couple to choose between partnership and faith, absent a criminal penalty, creates a potential fundamental rights problem. The United States Supreme Court has held that marriage is a fundamental right protected by the Due Process Clause of the U.S. Constitution and "one of the vital personal rights essential to the orderly pursuit of happiness . . . ." (*Obergefell v. Hodges* (2015) 576 U.S. 644, 664.) AB 1739 aims to address sexual exploitation by criminalizing certain relationships between clergy providing therapeutic services and a congregant who received those services.

4) **Argument in Support**: According to *Safe to Speak Initiative*, "I am writing to express our strong support for Assembly Bill 1739, authored by Assembly Member Ward, which would amend the Business and Professions Code to explicitly include members of the clergy in California's prohibitions against sexual exploitation of vulnerable individuals.

"This bill is an important and overdue step toward ensuring that all Californians—especially those who enter into trusting relationships with spiritual leaders—are aLorded the same legal protections against abuse that currently exist for patients, clients, and others in professional therapeutic settings. When clergy engage in sexual abuse and misconduct, they often weaponize the faith of their congregants—compounding the trauma that is common to all abuse survivors.

"The Safe to Speak Initiative champions policies that protect Californians from abuse, harassment, and exploitation in every setting—professional, spiritual, and personal. AB 1739 aligns with our mission by addressing a critical gap that aLects the well-being and safety of our communities.

"We respectfully urge the Legislature to pass AB 1739 and send a strong message that all forms of sexual exploitation will not be tolerated under California law."

5) **Argument in Opposition**: According to the *American Civil Liberties Union* (ACLU), "The American Civil Liberties Union California Action must regretfully oppose AB 1739, which would make it a crime for a member of the clergy, if in a position of trust or authority over an adult parishioner, to engage in any sexual contact with that adult parishioner, even if the sexual contact is consensual. The first consensual sexual contact with an adult parishioner would be punished as a misdemeanor, while sexual contact with a second adult parishioner would be a felony.

"While consensual sexual activity between a clergy person and an adult parishioner may be unadvisable, it would be a radical departure from existing law to make it a crime. To do so would be massive government overreach into one of the most private and intimate areas in any person's life. The idea of incarcerating everyone who has violated a social norm has already led to mass incarceration. Many situations exist in which one adult is in a position of trust or authority over another adult: for example, the attorney/client relationship, the

financial advisor/client relationship, and the supervisor/employee relationship. However, the law does not criminalize consensual sexual contact between adults in these relationships.

"Unlike several states that have aimed to protect parishioners who have sought mental, emotional, or spiritual counseling from their clergy, AB 1739 merely states that a member of the clergy cannot engage in sexual activity with a member of that congregation if they offer "treatment," which is not defined.

"Several other jurisdictions in the nation define the nature of the trust relationship by including pastors in the same category as other counselors. Connecticut, Delaware, Minnesota, New Mexico, North Dakota, South Dakota, Tennessee, and the District of Columbia specifically require that there is an actual counseling relationship between pastors and their parishioners akin to that between therapists and their clients before sexual conduct is illegal. Some of these states require more, such as fraud or deceit, than others for the conduct to be illegal.

"While it is clear what "treatment" captures for a psychotherapist or alcohol and drug abuse counselor, applying this term to a member of a clergy and their congregants is much more ambiguous. For instance, does this apply to a religious practitioner who officiates a wedding and offers words of spiritual teachings about love — would this be considered a form of spiritual guidance that can be construed as "treatment" to any congregants who attend that wedding? Does a priest, minister, or rabbi espousing religious teachings in a place of worship constitute as a form of "treatment" if a member of the congregation interprets those words to be particularly healing to them?

"Without a proper definition for "treatment," AB 1739 is so overbroad that it could potentially criminalize a relationship between certain members of the clergy of a 4,000 person congregation who has never even met their parishioner before they connect at a social event and they embark on a sexual relationship, specifically if the parishioner believed they received any sort of guidance from the clergy member. Even more absurd, an individual could watch a remote service via the internet or television, consider themselves a congregant that received spiritual guidance from the clergy member, and the two individuals who have never met in person at a service before could start what would be an illegal sexual relationship under this legislation if they met someplace in their local community.
"AB 1739 is not necessary to prevent non-consensual sexual contact between a member of the clergy and an adult parishioner because existing law already criminalizes non-consensual sexual contact between two people, regardless of their relationship."

6) **Related Legislation**: AB 2140 (Johnson) would increase the minimum fine for a violation of the unauthorized rendering of professional services statute, as defined, to $100. AB 2140 is pending hearing in the Assembly Business and Professions Committee.

7) **Prior Legislation**:

   a) SB 894 (Min), of the 2023-2024 Legislative Session, would have made a member of the clergy, as defined, who engages in specified consensual sexual acts or contact with an adult congregant, as specified, guilty of sexual exploitation by a member of the clergy. SB 894 was held in the Senate Judiciary Committee.

b) SB 1012 (Weiner), of the 2023-2024 Legislative Session, would have would establish the Board of Regulated Psychedelic Facilitators in the Department of Consumer Affairs to license and regulate psychedelic facilitators, as defined. SB 1012 was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Consumer Attorneys of California
Epiphany-me Counselling
Safe to Speak Initiative
SNAP Survivors Network of Those Abused by Priests
Stand With Survivors
19 Private Individuals

Opposition

ACLU California Action
California Public Defenders Association
Californians United for a Responsible Budget
Initiate Justice
Smart Justice California, a Project of Beyond Impact

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

Amended Mock-up for 2025-2026 AB-1739 (Ward (A))

Mock-up based on Version Number 98 - Amended Assembly 3/9/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 729 of the Business and Professions Code is amended to read:

729. (a) Any physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy **providing therapeutic services, as defined in subdivision (c)**, or any person holding themselves out to be a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy **providing therapeutic services,** who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a current **patient or client** or former patient **or client within two years following termination of therapeutic services**, ~~client, or member of the congregation~~ when the relationship was terminated primarily for the purpose of engaging in those acts, unless the ~~physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy~~ **provider** has referred the patient~~,~~ **or** client~~, or member of the congregation~~ to an independent and objective ~~physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy~~ **licensed professional or qualified provider of therapeutic services** recommended by a third-party ~~physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy~~ for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy **providing therapeutic services**.

(b) Sexual exploitation by a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy **providing therapeutic services** is a public offense:

(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a

period of not more than six months, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(3) An act or acts in violation of subdivision (a) with two or more victims shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars ($10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars ($10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars ($10,000).

For purposes of subdivision (a), in no instance shall consent of the patient~~,~~ **or** client **receiving therapeutic services**~~, or member of the congregation~~ be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

(1) "Alcohol and drug abuse counselor" means an individual who holds themselves out to be an alcohol or drug abuse professional or paraprofessional.

(2) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

(3) "Member of the clergy" means a priest, minister, rabbi, ordained religious practitioner, or similar functionary of a recognized religious organization. This term shall apply under this section only when the clergy member is providing "therapeutic services."

(4) "Therapeutic services" means counseling, mental health guidance, spiritual counseling involving the treatment of emotional, psychological, or behavioral conditions, or other services that are substantially similar in nature to psychotherapy, whether or not the provider is licensed by the state.

(5) "Former patient or client" includes any individual who received therapeutic services from the provider. A patient or client shall be considered a former patient or client only after termination of the therapeutic relationship.

~~(3) "Member of the clergy" means a priest, minister, ordained religious practitioner, or similar functionary of a church, or of a recognized religious denomination or religious organization, or a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization. "Member of the congregation" means any member, parishioner, worshiper, adherent, or other person who is within the clergy member's congregation.~~

~~(4)~~ **(6)** "Psychotherapist" has the same meaning as defined in Section 728.

~~(5)~~ **(7)** "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient **or client**, ~~client, or member of the congregation~~ for the purpose of sexual arousal, gratification, or abuse.

(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other current or former patients~~,~~ **or** clients **receiving therapeutic services**~~, or members of the congregation of the physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy.~~

(e) This section does not apply to sexual contact between a physician and surgeon and their spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to their spouse or person in an equivalent domestic relationship.

(f) If a physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy **providing therapeutic services** in a professional partnership or similar group has sexual contact with a ~~patient, client, or member of the congregation~~ **patient or client receiving therapeutic services** in violation of this section, another physician and surgeon, psychotherapist, research psychoanalyst, student research psychoanalyst, alcohol and drug abuse counselor, or member of the clergy in the partnership or practitioner group shall not be subject to action under this section solely because of the occurrence of that sexual contact.

(g) (1) Consistent with Section 2908, nothing in the act that added this subdivision shall be construed to apply Chapter 6.6 (commencing with Section 2900) to duly ordained members of the recognized clergy, or duly ordained religious practitioners doing work of a psychological nature consistent with the laws governing their respective professions, provided they do not state or imply that they are licensed to practice psychology.

(2) Inclusion of members of the clergy **providing therapeutic services** into the scope of this section is intended only to convey the intent of the Legislature that members of the clergy **providing therapeutic services** perform their functions pursuant to a code of conduct that

prohibits sexual contact with members, parishioners, worshipers, adherents, or others and is at least as stringent as the prohibitions described in this section applicable to physicians and surgeons, psychotherapists, research psychoanalysts, student research psychoanalysts, and alcohol and drug abuse counselors, and to impose similar penalties for violations of that code of conduct.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1753 (Stefani) – As Amended March 24, 2026

As Proposed to be Amended in Committee

SUMMARY: Establishes, among other things, that courts shall issue an ex parte restraining order (EPRO) or temporary restraining order (TRO) even if the respondent was not provided notice, and that courts cannot require petitioners to establish exceptional circumstances in order to grant the petitioner a temporary or ex parte restraining order. Specifically, **this bill**:

1) Authorizes a person asking for a restraining order, in combination with provisions of existing law, to certify with the court under oath that notice could not be provided because providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other person's safety.

2) States the court shall not require exceptional circumstances, nor adopt rules inconsistent with statute, for issuance of unnoticed TROs.

3) Requires a person subject to a TRO to relinquish ammunition under specified orders.

4) Authorizes remote appearances at no cost for a party, support person, or witness at workplace violence and postsecondary educational institution protective order hearings.

5) Provides that a peace officer required to serve specified orders shall comply with defined requirements and may submit a billing to the court for payment for service of the order.

6) Clarifies that a court adjudicating a protective order may order a search of AFS and other databases and may develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any protective order.

7) States that the court may conduct an AFS search when receiving a petition for any protective order, before a hearing on the issuance, renewal, or termination of any protective order, before a hearing concerning compliance with, or violation of, any protective order.

8) Provides that after issuing its ruling on a protective order, the court shall advise the parties that information obtained from a search shall remain confidential.

9) States that a petitioner for a DVRO shall not be uniformly required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order in all cases and shall not be required to establish exceptional circumstances.

10) States that a petitioner for a DVRO shall only be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order if the court determines that requiring prior notice would not likely endanger the petitioner, proposed protected parties, or other persons.

11) States that for DVROs courts shall evaluate on a case-by-case bases whether it is in the interests of justice to provide notice to proposed respondents.

12) Includes valid extreme risk protection orders, including, but not limited to, orders related to domestic or family violence, in the existing requirement that certain orders shall be transmitted to DOJ.

13) States that all data with respect to criminal court protective orders issued, modified, extended, or terminated, and all data filed with the court shall be transmitted by the court or its designee within one business day to law enforcement personnel.

14) Requires all protective orders issued on forms adopted by the Judicial Council of California, and that have been approved by the DOJ, to be transmitted to the DOJ, except as specified.

15) Includes as protection orders certain orders issued under the federal Violence Against Women Act (VAWA).

16) Establishes that a law enforcement agency (LEA) may seek enforcement in this state of a valid extreme risk protection order (ERPO) issued by a tribunal under the laws of another state or jurisdiction.

17) States that an ERPO is valid if the order meets all of the following criteria:

    a) The order identifies the respondent.

    b) The order is currently in effect.

    c) The order was issued by a tribunal under the laws of another state or jurisdiction, as defined.

    d) The order was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued.

18) Requires our courts to enforce the terms of a valid ERPO. Registration or filing of an order in this state is not required for enforcement of a valid ERPO.

19) States that a valid ERPO shall be registered with a court of this state under the same process for registration of foreign protection orders in order to be entered in the California Restraining and Protective Order System (CRPOS).

20) Provides that an ERPO valid on its face is prima facie evidence of its validity and that absence of any of the criteria for validity of an ERPO is an affirmative defense in an action seeking enforcement of the order.

21) Provides that defined immunities, liabilities, and precedents shall apply to ERPOs.

22) States that a law enforcement officer of this state, upon determining that there is probable cause to believe that a valid ERPO exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. If the ERPO is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid ERPO exists.

23) States that if a law enforcement officer of this state determines that an otherwise valid ERPO cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the order is sufficient notice.

24) Requires the Judicial Council to create statewide forms, as defined, for use by litigants in civil proceedings to request service of process or notice by a marshal or sheriff, or by a peace officer required to serve a protective order. A peace officer shall accept an electronic signature. A wet signature on the form or forms shall not be required.

25) Specifies that Judicial Council forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.

26) States that when a court issues a criminal protective order, the prosecuting agency shall ensure the people protected by the order are promptly notified about the terms of the order.

27) Requires every identified prosecuting agency to, on or before January 1, 2028, develop, adopt, and implement written policies and standards for the agency governing notice to protected parties, receiving and responding to violations of a protective order, and violations of firearm relinquishment orders.

28) Includes AFS in the existing requirement that any charge of domestic violence requires the prosecuting agency to perform a search of specified databases that shall be presented to the court for consideration during certain steps in the trial process.

29) Specifies that in developing and updating the standards and policies, prosecuting agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, local law enforcement and court administration representatives, and any guidance, technical assistance, or recommendations issued by the DOJ.

30) States that a person who is committed to a state hospital or other treatment facility, and subject to a protective order, shall relinquish their firearms, not seek to secure a firearm, and makes violations punishable by specified firearms prohibitions.

31) Requires the court in which a criminal proceeding stemming from a hate crime is filed, upon request by a prosecutor or victim or on the court's own motion, to consider issuing a criminal protective order against the defendant.

32) States that if the court does not issue any protective order against the defendant to protect any identified person, the court shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to a firearms prohibition.

33) Establishes that a person convicted of defined violations who owns or possesses a firearm or ammunition, with knowledge that they are prohibited from doing so by a TRO or gun violence restraining order (GVRO), shall be prohibited from having custody or control of firearm or ammunition for 10 years.

34) States that any person who is convicted of specified misdemeanor violations, or any other offense that is defined as a hate crime, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $1,000, or by both that fine and imprisonment.

35) Requires LEA's and defined prosecuting agencies to designate a responsible person to access and receive notifications of a restrained person's violation of firearms relinquishment requirements and ensure the clerk of the superior court has updated contact information.

36) States that LEA's operating in the same jurisdiction may designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications from the court, and for coordinating follow up actions and information sharing.

37) Defines "extreme risk protection order" as an injunction, restraining order, or other civil or criminal court order issued by a tribunal under the laws of the issuing state or jurisdiction, that does not name a protected individual, but prohibits the respondent from possessing, owning, controlling, purchasing, or receiving, firearms for the duration of the order based on evidence that the respondent poses a danger to themselves or others. Extreme risk protection orders are similar or equivalent to civil orders known as GVRO's.

38) Makes legislative declarations and findings.

39) Makes conforming changes.

EXISTING LAW:

1) Sets procedures for temporary civil restraining orders. (Civ. Proc. Code, § 527, et seq.)

2) Establishes procedures for domestic violence restraining orders. (Fam. Code, § 6300, et seq.)

3) Specifies procedures for elder abuse and dependent adult restraining orders. (Welf. & Inst. Code, § 15657.03, et seq.)

4) States procedures for gun violence restraining orders. (Pen. Code, § 18100, et seq.)

5) Establishes procedures for a juvenile court restraining order. (Welf. & Inst. Code, § 213.5, et seq.)

6) States procedures for postsecondary school violence restraining orders. (Civ. Proc. Code, § 527.85, et seq.)

7) Provides procedures for workplace violence restraining orders. (Civ. Proc. Code, § 527.8, et seq.)

8) Authorizes a party or witness to a civil restraining order petition to appear remotely at the hearing on a petition beginning January 1, 2027. (Civ. Proc. Code, § 527.6, subd. (i)(2).)

9) States that a preliminary injunction may be granted at any time before judgment upon a verified complaint showing the existence of satisfactory and sufficient grounds. No preliminary injunction shall be granted without notice to the opposing party. (Civ. Proc. Code, § 527, subd. (a).)

10) Establishes that no TRO shall be granted without notice to the opposing party, unless both of the following requirements are satisfied:

    a) It appears from facts shown by affidavit or by verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.

    b) The applicant or the applicant's attorney certifies one of the following to the court under oath:

        i) That within a reasonable time prior to the application the applicant informed the opposing party or the opposing party's attorney at what time and where the application would be made.

        ii) That the applicant in good faith attempted but was unable to inform the opposing party and the opposing party's attorney, specifying the efforts made to contact them.

        iii) That for reasons specified the applicant should not be required to so inform the opposing party or the opposing party's attorney. (Civ. Proc. Code, § 527, subd. (c).)

11) States that in cases where a TRO is granted without notice, the matter shall be returnable on an order not later than 15 days or, if good cause appears to the court, 22 days from the date the TRO is issued. (Civ. Proc. Code, § 527, subd. (d)(1).)

12) Establishes that the party who obtained the TRO shall, within five days from the date the TRO is issued or two days prior to the hearing, whichever is earlier, serve the opposing party a copy of the complaint. (Civ. Proc. Code, § 527, subd. (d)(2).)

13) Provides that a person subject to a defined TRO or injunction shall relinquish firearms and ammunition. (Civ. Proc. Code, § 527.9, subd. (a).)

14) Specifies that when relevant information is presented to the court at any noticed hearing that a restrained person has a firearm, the court shall, by a preponderance of evidence, consider

that information to determine whether the person has a firearm in violation of the order. (Civ. Proc. Code, § 527.11, subd. (a).)

15) Requires a peace officer to, upon the request of a petitioner, serve any TRO, order after hearing, or protective order on the respondent. (Civ. Proc. Code, § 527.12, subd. (a).)

16) States that counties, with the approval of the DOJ, shall develop a procedure, using existing systems, for the electronic transmission of protective order data, as described. (Fam. Code, § 6380, subd. (a).)

17) Specifies that DOJ may establish an Armed Prohibited Persons System (APPS) to provide a protected person with automated access to information in CRPOS, as specified. (Fam. Code, § 6380.5, subd. (b).)

18) Authorizes a person of this state to seek enforcement of a protection order issued by another tribunal. (Fam. Code, § 6402, subd. (a).)

19) States that the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff. (Gov. Code, § 26666.10, subd. (a).)

20) Provides that on any charge involving acts of domestic violence, the district attorney or prosecuting city attorney shall perform a thorough investigation of the defendant's history. (Pen. Code, § 273.75, subd. (a).)

21) Establishes that in the case of a person who is convicted of any defined offenses, including hate crimes, the court shall make an order protecting the victim or known immediate family of the victim. (Pen. Code, § 422.85, subd. (a).)

22) States that a person who is committed to a state hospital or other treatment facility because of any defined offenses, including hate crimes, may be ordered by the court to complete training in the area of civil rights as a condition of outpatient status or conditional release. (Pen. Code, § 422.865, subd. (a).)

23) Specifies that courts shall take all actions reasonably required to safeguard the health, safety, or privacy of the alleged victim, or of a person who is a victim of a hate crime, during a criminal proceeding involving a hate crime. (Pen. Code, § 422.88, subd. (a).)

24) Requires the court to notify DOJ when a GVRO is issued, renewed, dissolved, or terminated. (Pen. Code, § 18115.)

25) Prohibits a person that is subject to a GVRO from having in their custody any firearms or ammunition while the order is in effect. (Pen. Code, § 18120, subd. (a).)

26) Requires relinquishment of firearms pursuant to a TRO within 24 hours of being served with the order, as specified. (Pen. Code, § 18120, subd. (b)(3).)

27) Punishes with a misdemeanor every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a restraining order. (Pen. Code, § 18205, subd. (a).)

28) States a temporary GVRO and an *ex parte* GVRO expire after 21 days. (Pen. Code, §§ 18125, subd. (b), 18155, subd. (c).)

29) States that a person who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding $1,000, or by both that imprisonment and fine. (Pen. Code, § 29085, subd. (a)(1).)

30) Defines "foreign protection order" as a protection order issued by a tribunal of another state. state or jurisdiction. (Fam. Code, § 6401, subd. (1).)

31) Defines "protection order" as an injunction or other order, issued by a tribunal under the domestic violence, family violence, or other laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, an individual. (Fam. Code, § 6401, subd. (5).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1753 takes on one of the most critical gaps in survivor protection by making sure California's protective order laws actually work. The bill tackles the problem from multiple angles. It strengthens firearm surrender requirements, improves coordination between courts and law enforcement when someone is illegally armed in violation of a protective order, registers more protective orders in law enforcement and background check databases, and ensures that people convicted of dangerous misdemeanors fail background checks. Too often, survivors get a protective order and assume they're safe, only to find that the system meant to back it up is broken. This bill closes the gap between what the law promises and what survivors actually experience."

2) **Effect of the Bill**: AB 1753 attempts to address various issues, particularly as those issues relate to protective orders.

   Among other things, this bill would: 1) increase misdemeanor convictions that trigger 10-year firearm or ammunition prohibition, 2) authorize courts to obtain an AFS and CLETS check at any stage of a protective order case involving firearm prohibitions, 3) make LEA's eligible to receive reimbursement for serving protective orders, 4) require LEA's and prosecuting agencies to designate a position responsible for accessing and receiving notices regarding firearm relinquishment orders, 5) provide enforcement of foreign protective orders under the VAWA, 6) require prosecuting agencies to attempt notification of victims and witnesses when a court issues a protective order on their behalf, and 7) amend the law so that TROs can be issued without notice to the proposed respondent under additional, specific circumstances.

California law currently provides for numerous protective orders, including: 1) civil harassment restraining orders, 2) domestic violence restraining orders, 3) elder or dependent adult abuse restraining orders, 4) gun violence restraining orders, 5) juvenile court restraining orders, 6) postsecondary school violence restraining orders, and 7) workplace violence restraining order. TRO's and EPRO's are commonly available for these protective orders. TRO's and EPRO's can be issued without notice and an opportunity to be heard in limited circumstances. (See, e.g., Fam. Code, § 6300.) These orders are generally issued in emergency situations where a person is at risk of imminent physical danger. A TRO allows a person petitioning for the order to restrict the person subject to the order from getting in close physical proximity and forcing the respondent to relinquish their firearms to LEAs. (Civ. Proc. Code, § 527.9, subd. (a).) Due to concerns around fairness and constitutional due process obligations, TROs are limited in duration (fewer than 30 days) and subject to the petitioner generally having to establish a need for the order.[1]

DVRO's, for example, can take the form of emergency protective orders, which are sought by law enforcement, or TROs, which are sought by the victim. Temporary DVRO's can be based *only* upon the affidavit or testimony of the party seeking relief. (Fam. Code, § 6300.) A permanent restraining order, on the other hand, may be issued only after a hearing before an impartial tribunal where the respondent has been notified of the hearing ahead of time. (Civ. Proc. Code, § 527.) Because of the time-sensitive nature of many TRO's, requests for TRO's are often immediately reviewed and issued.[2]

It is easily understood how potentially difficult or dangerous it may be for a victim of domestic violence to provide advance notice to an abuser before filing an application for a TRO. AB 1753 therefore requires courts to evaluate issuing unnoticed TROs on a case-by-case basis in the interests of justice. This bill further restricts certain courts' local rules by explicitly stating petitioners for TROs shall not be required to establish exceptional circumstances. Courts also are not permitted to adopt rules on requirements for unnoticed TROs that are inconsistent with statute. While many of the provisions of AB 1753 do not present significant legal or constitutional concerns, the proposed changes in this bill that partly abrogate existing notice requirements could create procedural due process problems.

3) **Procedural Due Process:** Procedural due process generally requires state actors to provide specific procedural protections before they deprive a person of any protected life, liberty, or property interest. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481.) The Fourteenth Amendment's Due Process Clause imposes the same procedural due process limitations on the states as the Fifth Amendment does on the federal government. (*Ibid.*) While the particular procedures required by the constitution vary depending on the circumstances, a key consideration is evaluating whether sufficient procedures are present that do not subject individuals to the arbitrary exercise of government power before depriving a person of a life, liberty, or property right. (*Marchant v. Pennsylvania R.R.* (1894) 153 U.S. 380, 386.)

A fundamental, classic liberty interest is the right to be free from bodily restraint. (*Board of Regents v. Roth* (1972) 408 U.S. 564, 572.) A liberty interest additionally exists in the ability

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[1] *Temporary restraining orders*. Cornell Law School Legal Information Institute <https://www.law.cornell.edu/wex/temporary_restraining_order> [as of Apr. 3, 2026].
[2] *Ibid.*

to exercise constitutional rights. (*Ibid.*) AB 1753, in combination with existing law, could work to deprive a person of their liberty interests because protective orders act as bodily restraints and the right to possess a firearm for self-defense is a constitutionally protected right. Being forced to surrender property, like firearms, to the government following issuance of a protective order implicates due process property rights, too. This is particularly true where, as is the case with this bill, an absence of notice that a person could be subject to a TRO and the proceeding relinquishment requirements may become far more common.

The appropriate framework for due process analyses of criminal procedure concerns involves a narrow inquiry into whether the law is offensive to fundamental concepts of fairness. (*Medina v. California* (1992) 505 U.S. 437, 443.) In the civil context, however, the Court applies a three-part balancing test that evaluates the procedures against 1) the private interest affected, 2) the risk of erroneous deprivation of that interest under the chosen procedure, and 3) the government interest at stake. (*Mathews v. Eldridge* (1974) 424 U.S. 319, 335.) Both tests could be relevant in the context of the protective orders impacted by this bill. It is unclear, however, whether AB 1753's erosion of existing procedural requirements would survive judicial scrutiny either under the three-part civil test or narrow inquiry criminal test.

Additional United States Supreme Court precedent suggests at least some concern is possible with the constitutionality of the bill's notice language. The Court found that the procedures required by due process are constitutional questions to be answered by the judiciary, not statutory questions for the legislature. (*Cleveland Bd. of Educ. V. Loudermill* (1984) 470 U.S. 532.) In another case, the Court held prejudgment seizure of property provisions were a deprivation of property without due process "insofar as they deny the right to a prior opportunity to be heard before chattels are taken from their possessor." (*Fuentes v. Shevin* (1972) 407 U.S. 67.) Interestingly, in *Loudermill*, the Chief Justice advanced criticism of the *Mathews* balancing test saying, "[the test is] simply an ad hoc weighing which depends to a great extent upon how the Court subjectively views the underlying interests at stake." (*Loudermill, supra,* at p. 562 [Rehnquist, C.J., dissenting].) A person's ownership and possession of firearms is a common example that could be impacted some of the bill's provisions. Firearms are chattels. A person subject to a TRO in California is required to relinquish their firearms or face criminal punishment. TROs are issuable without prior notice or an opportunity to be heard, and such notice could become less common should AB 1753 become law. Thus, certain notice provisions in the bill could create procedural due process problems.

The author cites a 2008 Judicial Council report[3] in support of AB 1753, which in part circumscribes existing notice requirements. This report is nearly 20 years old, so the data is a bit stale. Moreover, the report appears to focus on domestic violence orders, not all protective orders. Support for this focus can be found in the online description of the report. The description states, "Created by the Judicial Council of California in January of 2008, this document details recommended guidelines and practices for improving the administration of justice *in domestic violence cases*."[4] The DVRO statute already provides for greater opportunity to dispense with notice. (Fam. Code, § 6300, subd. (a) ("An ex parte [domestic

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[3] *Final Report of the Domestic Violence Practice and Procedure Task Force* (Jan. 2008) Judicial Council of California <https://www.allianceforhope.org/family-justice-center-alliance/resources/final-report-domestic-violence-practice-procedure-task-force> [as of Apr. 3, 2026].
[4] *Ibid* [italics added].

violence] restraining order shall not be denied solely because the other party was not provided with notice.").) AB 1753 would authorize even further opportunity than existing law provides to not provide notice. Inclusion of this extra language arguably further corrodes constitutional notice requirements.

Given the age of the report, and the state of existing law, it is not clear whether specific notice provisions in the bill would fall within existing constitutional boundaries.

4) **The *Bruen* Analysis:** AB 2310 would allow issuance of TROs in many cases without procedural due process. Existing law provides for mandatory surrender of firearms within 24 hours of a person being subject to a TRO. The combination of AB 2310's notice provisions and existing law provisions regarding firearms relinquishment produces relatively restrictive regulation of plain text Second Amendment conduct.

   To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen,* (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is "consistent with the nation's historical tradition of firearms regulation." (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is "relevantly similar" to historical laws, regulations, and traditions. (*Id.* at p. 29.)

   The United States Supreme Court has already ruled in a case where one critical issue involved firearms prohibitions and restraining orders. In 2023, the Court held that when an individual has been found by a court to pose a credible threat to the physical safety of another, that individual may be temporarily disarmed consistent with the Second Amendment. (*United States v. Rahimi* (2024) 602 U.S. 680, 685.) Key to this holding, however, was the fact that the person who was temporarily disarmed received procedural due process. (*Rahimi, supra,* at p. 711 [finding going armed laws relevantly similar to the federal statute at issue in the case thereby constitutionally permitting a court to disarm a dangerous person only . . . after notice and [a] hearing."].) While it is ultimately unclear whether the Court would have reached a different conclusion in *Rahimi* absent the defendant receiving procedural due process, mandatory relinquishment of a person's firearms upon issuance of a protective order where no notice was provided may also exceed the constitutional bounds of the Second Amendment.

5) **Committee Amendments**: As proposed to be amended, AB 1753 updates subdivision (c)(2) of the Civil Code with new language that would authorize a person asking for a restraining order, in combination with provisions in existing law, to certify with the court under oath that notice could not be provided because "providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other person's safety."

   Additionally, AB 1753 states the court shall not require exceptional circumstances from a petitioner to issue an unnoticed TRO. Courts may not establish local rules in conflict with the statute, either. An amendment is made to section 6300 of the Family Code to permit issuance of an unnoticed TRO if the court finds, on a case-by-case basis, that no notice is in the interests of justice. Conforming language to the findings and declarations is also included in the bill.

6) **Argument in Support**: According to the *American College of Emergency Physicians*, "Our state has made significant advances in some public health and safety arenas. Mortality from motor vehicle accidents has been significantly reduced from laws related to seat belts, child safety seats, motorcycle helmets, and drunk driving. Meanwhile, despite advances in trauma care, deaths from firearms have remained relatively steady and fatalities from gun violence recently surpassed those from automobiles, according to the CDC.

"It is well documented that abuser access to firearms is a risk factor for lethality. AB 1753 expands existing firearm relinquishment procedures to include civil harassment restraining orders, workplace violence restraining orders, postsecondary school restraining orders, and elder or dependent adult abuse restraining orders.

"As emergency physicians, we are often the first—and only—physicians to treat victims of gun violence. To reduce firearm-related deaths and injuries, we must prevent people from getting shot in the first place.

"For these reasons, California ACEP is pleased to support AB 1753."

7) **Argument in Opposition**: According to the *California Rifle and Pistol Association*, "This legislation expands California's already expansive regime of firearm and ammunition restrictions through civil protective orders, further eroding due process and property rights for law-abiding citizens.

"AB 1753 amends multiple sections of the Code of Civil Procedure, Family Code, Penal Code, and Welfare and Institutions Code to explicitly require that individuals subject to various protective or restraining orders—such as civil harassment (CCP §527.6), workplace violence (§527.8), private postsecondary (§527.85), elder/dependent adult (§15657.03), domestic violence (Family Code §6383), and gun violence restraining orders (Penal Code §§18120 et seq.)—relinquish not only firearms but also any ammunition in their immediate possession or control. It makes conforming changes to definitions (e.g., Penal Code §16520), relinquishment procedures, and enforcement mechanisms.

"While the bill is framed as 'clarifying,' it substantively broadens the scope of ammunition bans in civil proceedings that frequently:

"Are issued ex parte (without the accused present or able to respond initially).

"Rely on allegations rather than proven facts or criminal convictions.

"Apply to broad categories of disputes (harassment, workplace conflicts, campus issues) where no violence or threat of violence has been adjudicated.

"Result in immediate disarmament and potential criminal penalties for non-compliance, even in cases of mistaken or abusive filings.

"Key concerns include:

"Due Process Deficiencies: Civil restraining orders often impose lifetime or long-term ammunition prohibitions with minimal evidentiary standards. Expanding to ammunition—essential for lawful use of firearms (hunting, sport shooting, self-defense)—effectively nullifies Second Amendment rights without the robust protections required for criminal proceedings. This conflicts with U.S. Supreme Court precedents emphasizing historical tradition and individualized assessments (e.g., Bruen).

"Risk of Abuse and Overreach: Protective orders are sometimes used strategically in family, employment, or neighbor disputes. Automatically triggering ammunition surrender increases the potential for harassment or false claims, leaving respondents defenseless and facing felony-level consequences for technical violations.

"No Demonstrated Public Safety Benefit: Existing laws already mandate firearm relinquishment in these orders, with prohibitions on possession. Extending to ammunition does little to prevent misuse (prohibited persons cannot lawfully acquire it anyway) but burdens compliant owners who store firearms safely and unloaded.

"Disproportionate Impact: Law-abiding hunters, competitive shooters, collectors, and self-defense practitioners face unnecessary confiscation or restrictions on property they lawfully own, often without prompt hearings or easy return mechanisms.

"CRPA urges the Committee to reject AB 1753. California's firearm laws are among the strictest in the nation; further expansions through low-threshold civil processes undermine constitutional rights without enhancing safety. Focus instead on enforcing criminal laws against actual threats and abusers."

8) **Related Legislation**:

a) AB 1657 (Rogers) would prohibit a court from requiring that notice be provided to the party to be restrained in advance of filing an application for an ex parte restraining order. AB 1657 would also prohibit a court from requiring an explanation or declaration to substantiate a party's decision not to provide notice in advance of filing. AB 1657 is pending a vote on the Assembly floor.

b) AB 1974 (Stefani) would authorize LEA's to implement a voluntary firearm safe storage program. AB 1974 is pending hearing in the Assembly Public Safety Committee.

c) AB 2179 (Patel) would allow any party or witness to a petition for a restraining order to appear remotely at a hearing and would prohibit any fee for appearing remotely. AB 2179 is pending hearing in the Assembly Appropriations Committee.

d) SB 1374 (Niello) would authorize a chief administrative officer of the postsecondary educational institution or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility to seek a temporary restraining order and an injunction on behalf of the postsecondary educational institution, upon a showing of unlawful violence or a credible threat of violence directed at it. SB 1374 is pending hearing in the Senate Education Committee.

9) **Prior Legislation**:

a) AB 383 (Davies), Chapter 362, Statutes of 2025, applied relinquishment procedures to firearms or ammunition in custody or control of a juvenile who is prohibited from owning, possessing, or having under their custody or control a firearm until they are 30 years of age.

b) AB 451 (Quirk-Silva), Chapter 693, Statutes of 2025, required local LEAs to adopt standard policies and procedures to implement requirements governing service, implementation, and enforcement of protective orders.

c) AB 561 (Quirk-Silva), Chapter 267, Statutes of 2025, expanded e-filing for elder abuse restraining orders.

d) AB 1078 (Berman), Chapter 570, Statutes of 2025, among other things, required the review of the California Restraining and Protective Order System to include information concerning whether the applicant is reasonably likely to be a danger to self, others, or the community at large.

e) AB 1344 (Irwin), Chapter 573, Statutes of 2025, authorized certain counties to establish a pilot program to additionally authorize a district attorney to request that the court issue a temporary emergency gun violence restraining order, as specified.

f) AB 824 (Stefani), of the 2025-26 Legislative Session, would have made clarifying changes to the procedures relating to the protective or restraining orders by explicitly requiring the restrained person to relinquish, in addition to any firearm, any ammunition in that person's immediate possession or control. AB 824 was held in the Assembly Appropriations Committee.

g) SB 1002 (Blakespear), Chapter 526, Statutes of 2024, required a person subject to the prohibition, because they are a danger to themselves or others as a result of a mental health disorder, to relinquish a firearm, other deadly weapon, or ammunition they own, possess, or control within 72 hours of discharge from a facility.

h) SB 899 (Skinner), Chapter 544, Statutes of 2024, requires the court, when issuing protective orders, to provide the person how any firearms or ammunition still in their possession to be relinquished. Requires the court to review the file to determine whether the receipt was filed and inquire whether the person complied with the requirement.

i) AB 2621 (Gabriel), Chapter 532, Statutes of 2024, expanded the requirement for law enforcement agencies to have written policies and standards for gun violence to also maintain them in accordance with changes to statute, and also expands to scope of the policies to other firearm prohibiting emergency protective orders.

j) AB 301 (Bauer-Kahan), Chapter 234, Statutes of 2023, authorizes courts to consider evidence of acquisition of body armor when determining whether grounds for a GVRO exist.

k) AB 303 (Davies), Chapter 161, Statutes of 2023, required the Attorney General to provide specific information to local law enforcement agencies involving prohibited

persons, including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person.

l) AB 732 (Fong), Chapter 240, Statutes of 2023, required local LEA's to designate a person to access or receive Armed Prohibited Persons System (APPS) database information from DOJ and report to DOJ quarterly regarding steps taken to remove individuals from the APPS.

m) AB 818 (Petrie-Norris), Chapter 242, Statutes of 2023, required all peace officers, not just sheriffs and marshals, to serve all types of protective orders for free upon the petitioner's request.

n) AB 36 (Gabriel), of the 2023-2024 Legislative Session, would have provided that any person subject to a civil or criminal protective order issued on or after July 1, 2024, shall not own, possess, purchase, or receive a firearm or ammunition within three years after expiration of the order. AB 36 was held in the Assembly Appropriations Committee.

o) AB 667 (Maienschein), of the 2023-2024 Legislative Session, would have required a court to issue a GVRO for a duration of five years if the subject of the petition displayed an extreme risk of violence, as specified, within the prior 12 months. AB 667 was held in the Senate Public Safety Committee.

p) AB 2870 (Santiago), Chapter 974, Statutes of 2022, allowed a petition for a GVRO to be made by an individual who has a child in common with the subject, an individual who has a dating relationship.

q) SB 320 (Eggman), Chapter 685, Statutes of 2021, codified rules related to the relinquishment of a firearm by a person subject to a civil domestic violence restraining order and requires the courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order.

r) SB 538 (Rubio), Chapter 686, Statutes of 2021, authorized remote appearances for GVRO and DVRO petitioners.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Justice (Co-Sponsor)
Brady California
Brady United Against Gun Violence
California Chapter of the American College of Emergency Physicians
California Partnership to End Domestic Violence
California Police Chiefs Association
City and County of San Francisco
Everytown for Gun Safety Action Fund
Giffords

Opposition

California Rifle and Pistol Association, INC.
National Rifle Association - Institute for Legislative Action

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

Amended Mock-up for 2025-2026 AB-1753 (Stefani (A))

Mock-up based on Version Number 98 - Amended Assembly 3/24/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 527.1 is added to the Code of Civil Procedure, immediately following Section 527, to read:

527.1. (a) (1) The Legislature finds and declares that requiring petitioners to provide prior notice of a petition for a temporary or ex parte protective or restraining order against an individual who has engaged in violent, abusive, or other dangerous conduct may result in all of the following:

(A) Create significant risk of harm to the petitioner and other individuals, especially given the heightened potential for retaliation and violence during separation from an abusive partner or relationship.

(B) Deter survivors of violence and abuse from requesting temporary or ex parte protective or restraining orders.

(C) Increase the likelihood that respondents will seek to evade service of a temporary or ex parte protective or restraining order.

(2) Accordingly, the Legislature finds that it is necessary to establish that petitioners shall only be required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order based on a case-by-case determination that takes the interests of justice and safety into account.

(b) ~~**Accordingly, e**~~ **E**xcept as provided by Sections 6300 and 6326 of the Family Code:

(1) The court shall not require petitioners to provide prior notice to the proposed respondent in advance of filing an application for a temporary or ex parte protective or restraining order, if requiring pre-filing notice would likely endanger the applicant or other persons' safety.

(2) A petitioner shall not be required to establish exceptional circumstances to file an application for a temporary or ex parte protective or restraining order without providing pre-filing notice to the proposed respondent.

(3) A court shall not adopt or maintain any rule, form, or practice that is inconsistent with this subdivision.

~~(b) Notwithstanding subdivision (c) of Section 527 or any other law, all of the following shall apply when a petitioner requests any of the temporary or ex parte protective or restraining orders described in subdivision (c):~~

~~(1) The court shall not deny a temporary or ex parte restraining order solely because the proposed respondent was not provided with notice.~~

~~(2) A petitioner shall not be uniformly required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order in all cases, and shall not be required to establish exceptional circumstances to obtain a temporary or ex parte protective or restraining order without providing prior notice.~~

~~(3) A petitioner shall only be required to provide prior notice to the proposed respondent of a petition for a temporary or ex parte protective or restraining order if the court determines, on a case-by-case basis, that requiring prior notice would be in the interests of justice and would not likely endanger the petitioner, proposed protected parties, or other persons.~~

~~(c) This section applies to all of the following protective and restraining orders:~~

~~(1) A civil harassment restraining order issued under Section 527.6.~~

~~(2) A domestic violence restraining order issued under Part 4 (commencing with Section 6300) of Division 10 of the Family Code.~~

~~(3) An elder or dependent adult abuse restraining order issued under Section 15657.03 of the Welfare and Institutions Code.~~

~~(4) A gun violence restraining order issued under Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code.~~

~~(5) A juvenile court restraining order issued under Section 6380 of the Family Code or Section 213.5, 304, or 362.4 of the Welfare and Institutions Code.~~

~~(6) A postsecondary school violence restraining order issued under Section 527.85.~~

~~(7) A workplace violence restraining order issued under Section 527.8.~~

SECTION 2. Section 527 of the Code of Civil Procedure is amended to read:

(a) A preliminary injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show

satisfactorily that sufficient grounds exist therefor. No preliminary injunction shall be granted without notice to the opposing party.

(b) A temporary restraining order or a preliminary injunction, or both, may be granted in a class action, in which one or more of the parties sues or defends for the benefit of numerous parties upon the same grounds as in other actions, whether or not the class has been certified.

(c) No temporary restraining order shall be granted without notice to the opposing party, unless both of the following requirements are satisfied:

(1) It appears from facts shown by affidavit or by the verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.

(2) The applicant or the applicant's attorney certifies one of the following to the court under oath:

(A) That within a reasonable time prior to the application the applicant informed the opposing party or the opposing party's attorney at what time and where the application would be made.

(B) That the applicant in good faith attempted but was unable to inform the opposing party and the opposing party's attorney, specifying the efforts made to contact them.

(C) That providing notice to the party to be restrained in advance of filing an application for a temporary restraining order would likely endanger the applicant or other persons' safety.

~~(C)~~ **(D)** That for reasons specified the applicant should not be required to so inform the opposing party or the opposing party's attorney.

(d) In case a temporary restraining order is granted without notice in the contingency specified in subdivision (c):
(1) The matter shall be made returnable on an order requiring cause to be shown why a preliminary injunction should not be granted, on the earliest day that the business of the court will admit of, but not later than 15 days or, if good cause appears to the court, 22 days from the date the temporary restraining order is issued.

(2) The party who obtained the temporary restraining order shall, within five days from the date the temporary restraining order is issued or two days prior to the hearing, whichever is earlier, serve on the opposing party a copy of the complaint if not previously served, the order to show cause stating the date, time, and place of the hearing, any affidavits to be used in the application, and a copy of the points and authorities in support of the application. The court may for good cause, on motion of the applicant or on its own motion, shorten the time required by this paragraph for service on the opposing party.

(3) When the matter first comes up for hearing, if the party who obtained the temporary restraining order is not ready to proceed, or if the party has failed to effect service as required by paragraph (2), the court shall dissolve the temporary restraining order.

(4) The opposing party is entitled to one continuance for a reasonable period of not less than 15 days or any shorter period requested by the opposing party, to enable the opposing party to meet the application for a preliminary injunction. If the opposing party obtains a continuance under this paragraph, the temporary restraining order shall remain in effect until the date of the continued hearing.

(5) Upon the filing of an affidavit by the applicant that the opposing party could not be served within the time required by paragraph (2), the court may reissue any temporary restraining order previously issued. The reissued order shall be made returnable as provided by paragraph (1), with the time for hearing measured from the date of reissuance. No fee shall be charged for reissuing the order.

(e) The opposing party may, in response to an order to show cause, present affidavits relating to the granting of the preliminary injunction, and if the affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day the order is made returnable, the hearing shall take precedence over all other matters on the calendar of the day, except older matters of the same character, and matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence over all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

(f) Notwithstanding failure to satisfy the time requirements of this section, the court may nonetheless hear the order to show cause why a preliminary injunction should not be granted if the moving and supporting papers are served within the time required by Section 1005 and one of the following conditions is satisfied:

(1) The order to show cause is issued without a temporary restraining order.

(2) The order to show cause is issued with a temporary restraining order, but is either not set for hearing within the time required by paragraph (1) of subdivision (d), or the party who obtained the temporary restraining order fails to effect service within the time required by paragraph (2) of subdivision (d).

(g) This section does not apply to an order issued under the Family Code.

(h) As used in this section:

(1) "Complaint" means a complaint or a cross-complaint.

(2) "Court" means the court in which the action is pending.

SEC. ~~2~~ 3. Section 527.75 is added to the Code of Civil Procedure, immediately following Section 527.7, to read:

527.75. (a) The Legislature encourages court self-help centers and other stakeholders that provide information and safety planning support to survivors of violent, abusive, or other dangerous conduct to inform individuals considering protective or restraining orders that they may appear remotely at hearings on petitions for these orders through the use of remote technology, and that such appearances are at no charge to the petitioner.

(b) This section shall become operative on July 1, 2027.

SEC. ~~3~~ 4. Section 527.8 of the Code of Civil Procedure is amended to read:

527.8. (a) Any employer or collective bargaining representative of an employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

(b) For purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(3) "Employer" and "employee" mean persons defined in Section 350 of the Labor Code. "Employer" also includes a federal agency, the state, a state agency, a city, county, or district, a joint powers authority, or a public transit operator, whether operated directly by a public entity or through a contract or subcontract, and a private, public, or quasi-public corporation, or any public agency thereof or therein. "Employee" also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers. For purposes of this section only, "employee" also includes a volunteer or independent contractor who performs services for the employer at the employer's worksite. The changes made to this paragraph during the 2025–26 Regular Session are declaratory of existing law.

(4) "Harassment" is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress.

(5) "Petitioner" means the employer or collective bargaining representative that petitions under subdivision (a) for a temporary restraining order and order after hearing.

(6) "Respondent" means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

(7) "Temporary restraining order" and "order after hearing" mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the employee.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(8) "Unlawful violence" is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, or any violation of Section 243.3 of the Penal Code, but shall not include lawful acts of self-defense or defense of others. The changes made to this paragraph during the 2025–26 Regular Session are declaratory of existing law.

(c) This section does not permit a court to issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, protected by the National Labor Relations Act (29 U.S.C. Sec. 151 et seq.), protected by Chapter 11.5 (commencing with Section 3555) of Division 4 of Title 1 of the Government Code, or otherwise protected by Section 527.3 or any other provision of law.

(d) In the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued under this section may include other named family or household members, or other persons employed at the employee's workplace or workplaces.

(e) Before filing a petition under this section, an employer or collective bargaining representative of an employee shall provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the temporary restraining order. An employee's request to not be named in the temporary restraining order shall not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

(f) (1) Upon filing a petition under this section, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the petitioner also files a declaration that, to the satisfaction of the court, shows one of the following:

(A) Reasonable proof that an employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to an employee.

(B) Clear and convincing evidence of all of the following:

(i) That an employee has suffered harassment by the respondent.

(ii) That great or irreparable harm would result to an employee.

(iii) That the course of conduct at issue served no legitimate purpose.

(iv) That the issuance of the order is not prohibited by subdivision (c).

(2) The temporary restraining order may include any of the protective orders described in paragraph (7) of subdivision (b).

(g) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(h) A temporary restraining order granted under this section shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or if the court extends the time for hearing under subdivision (i), not to exceed 25 days, unless otherwise modified or terminated by the court.

(i) Within 21 days, or if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(j) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment, unlawful violence, or credible threats of violence.

(k) At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. Moreover, if the respondent is currently employed by the employer of the employee, as described in subdivision (a), the judge shall receive evidence concerning the employer's decision to retain, terminate, or otherwise discipline the respondent. If the judge finds by clear and convincing evidence that the respondent engaged in harassment, engaged in unlawful

violence, or made a credible threat of violence, an order shall issue prohibiting further harassment, unlawful violence, or threats of violence.

(l) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further harassment, unlawful violence, or credible threats of violence since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive their right to notice if they are physically present in court and does not challenge the sufficiency of the notice.

(m) This section does not preclude any party from representation by private counsel or from appearing on the party's own behalf.

(n) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(o) A notice of hearing under this section shall notify the respondent that, if they do not attend the hearing, the court may make orders against them that could last up to three years.

(p) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(q) (1) Any party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(r) (1) If a respondent, named in a restraining order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the person does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the person by first-class mail sent to that person at the most current address for the person available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

"If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address: ____.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court."

(s) (1) Information on a temporary restraining order or order after hearing relating to workplace violence issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to each law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court's discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment, unlawful violence, or a credible threat of violence.

(5) At the request of the petitioner, an order issued under this section shall be served on the respondent, regardless of whether the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment, unlawful violence, or a credible threat of violence involving the parties to the proceedings. The petitioner shall provide the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of harassment, unlawful violence, or a credible threat of violence that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the petitioner or the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and obtain the respondent's address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the respondent into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section and for the purposes of Section 29825 of the Penal Code. The petitioner shall mail an endorsed copy of the order to the respondent's mailing address provided to the law enforcement officer within one business day of the reported incident of harassment, unlawful violence, or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

(t) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms they own or possess pursuant to Section 527.9.

(3) Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(u) Any intentional disobedience of any temporary restraining order or order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(v) This section shall not be construed as expanding, diminishing, altering, or modifying the duty, if any, of an employer to provide a safe workplace for employees and other persons.

(w) (1) The Judicial Council shall develop forms, instructions, and rules for relating to matters governed by this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or order after hearing relating to harassment, unlawful violence, or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(x) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against an employee employed or represented by the petitioner, or stalked the employee, or acted or spoken in any other manner that has placed the employee in reasonable fear of violence, and that seeks a protective or restraining order restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. A fee shall not be paid for a subpoena filed in connection with a petition alleging these acts. A fee shall not be paid for filing a response to a petition alleging these acts.

(y) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a temporary restraining order or order after hearing to be issued pursuant to this section if either of the following conditions applies:

(A) The temporary restraining order or order after hearing issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The temporary restraining order or order after hearing issued pursuant to this section is based on unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

(z) A party, support person, or witness may appear remotely at a hearing on a petition for an order under this section. No fee may be charged for any of these persons to appear remotely. The superior court of each county shall develop local rules and instructions for remote appearances and shall post them on its internet website.

(aa) This section shall become operative on January 1, 2025.

SEC.-4 5. Section 527.85 of the Code of Civil Procedure is amended to read:

527.85. (a) A chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, a student of which has suffered unlawful violence or a credible threat of violence may, with the written consent of the student, seek a temporary restraining order and an order after hearing on behalf of the student and, at the discretion of the court, any number of other students at the campus or facility who are similarly situated.

(b) For purposes of this section, the following definitions apply:

(1) "Chief administrative officer" means the principal, president, or highest ranking official of the postsecondary educational institution.

(2) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including any of the following:

(A) Following or stalking a student to or from school.

(B) Entering the school campus or facility.

(C) Following a student during school hours.

(D) Making telephone calls to a student.

(E) Sending correspondence to a student by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(3) "Credible threat of violence" means a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(4) "Petitioner" means the chief administrative officer, or their designee, who petitions under subdivision (a) for a temporary restraining order and order after hearing.

(5) "Postsecondary educational institution" means an institution of vocational, professional, or postsecondary education.

(6) "Respondent" means the person against whom the temporary restraining order and order after hearing are sought and, if the petition is granted, the restrained person.

(7) "Student" means an adult currently enrolled in or applying for admission to a postsecondary educational institution.

(8) "Temporary restraining order" and "order after hearing" mean orders that include any of the following restraining orders, whether issued ex parte, or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the student.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(9) "Unlawful violence" means any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c) This section does not permit a court to issue a temporary restraining order or order after hearing prohibiting speech or other activities that are constitutionally protected, or otherwise protected by Section 527.3 or any other law.

(d) In the discretion of the court, on a showing of good cause, a temporary restraining order or order after hearing issued under this section may include other named family or household members of the student, or other students at the campus or facility.

(e) Upon filing a petition under this section, the petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the petitioner also files a declaration that, to the satisfaction of the court, shows reasonable proof that a student has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm would result to the student. The temporary restraining order may include any of the protective orders described in paragraph (8) of subdivision (b).

(f) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be

granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(g) A temporary restraining order granted under this section shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or if the court extends the time for hearing under subdivision (h), not to exceed 25 days, unless otherwise modified or terminated by the court.

(h) Within 21 days, or if good cause appears to the court, within 25 days, from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or if good cause appears to the court, 25 days, from the date the petition is filed.

(i) The respondent may file a response that explains, excuses, justifies, or denies the alleged unlawful violence or credible threats of violence.

(j) At the hearing, the judge shall receive any testimony that is relevant and may make an independent inquiry. Moreover, if the respondent is a current student of the entity requesting the order, the judge shall receive evidence concerning the decision of the postsecondary educational institution decision to retain, terminate, or otherwise discipline the respondent. If the judge finds by clear and convincing evidence that the respondent engaged in unlawful violence or made a credible threat of violence, an order shall be issued prohibiting further unlawful violence or threats of violence.

(k) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further violence or threats of violence since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The

protected party may waive their right to notice if they are physically present in court and does not challenge the sufficiency of the notice.

(l) This section does not preclude either party from representation by private counsel or from appearing on their own behalf.

(m) Upon filing of a petition under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(n) A notice of hearing under this section shall notify the respondent that if the respondent does not attend the hearing, the court may make orders against the respondent that could last up to three years.

(o) The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.

(p) (1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

(q) (1) If a respondent, named in an order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to that person at the most current address for the respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

"If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address:____.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court."

(r) (1) Information on a temporary restraining order or order after hearing issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, or termination of the order, and any proof of service, was made, to each law enforcement agency having jurisdiction over the residence of the petition and to any additional law enforcement agencies within the court's discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order of proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported unlawful violence or a credible threat of violence.

(5) At the request of the petitioner, an order issued under this section shall be served on the respondent, regardless of whether the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported unlawful violence or a credible threat of violence involving the parties to the proceedings. The petitioner shall provide the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of unlawful violence or a credible threat of violence that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the petitioner or the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and obtain the respondent's address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the respondent into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section, and Section 29825 of the Penal Code. The petitioner shall mail an endorsed copy of the order to the respondent's mailing address provided to the law enforcement officer within one business day of the reported incident of unlawful violence or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

(s) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms the person owns or possesses pursuant to Section 527.9.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive, a firearm or ammunition while the protective order is in effect is punishable pursuant to Section 29825 of the Penal Code.

(t) Any intentional disobedience of any temporary restraining order or order after hearing granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(u) This section shall not be construed as expanding, diminishing, altering, or modifying the duty, if any, of a postsecondary educational institution to provide a safe environment for students and other persons.

(v) (1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or order after hearing relating to unlawful violence or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant

to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(w) There is no filing fee for a petition that alleges that a person has inflicted unlawful violence, including stalking, or made a credible threat against a student of the petitioner, and that seeks a protective or restraining order restraining stalking or other future unlawful violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

(x) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a temporary restraining order or order after hearing to be issued pursuant to this section if either of the following conditions applies:

(A) The temporary restraining order or order after hearing issued pursuant to this section is based upon unlawful violence, including stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The temporary restraining order or order after hearing issued pursuant to this section is based upon a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

(y) A party, support person, or witness may appear remotely at a hearing on a petition for an order under this section. No fee may be charged for any of these persons to appear remotely. The superior court of each county shall develop local rules and instructions for remote appearances and shall post them on its internet website.

(z) This section shall become operative on January 1, 2026.

SEC. 5 6. Section 527.9 of the Code of Civil Procedure is amended to read:

527.9. (a) A person subject to a temporary restraining order or injunction issued pursuant to Section 527.6, 527.8, or 527.85 or subject to a restraining order issued pursuant to Section 136.2 of the Penal Code, or Section 15657.03 of the Welfare and Institutions Code, shall relinquish the firearm and ammunition pursuant to this section.

(b) Upon the issuance of a protective order against a person pursuant to subdivision (a), the court shall order that person to relinquish any firearm and ammunition in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, either by surrendering the firearm and ammunition to the control of local law enforcement officials, or by selling the firearm and ammunition to a licensed gun dealer, as specified in Article 1 (commencing with Section 26700) and Article 2 (commencing with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part 6 of the Penal Code. The court

shall provide the person with information on how any firearms or ammunition still in the restrained party's possession are to be relinquished, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment. A person ordered to relinquish any firearm and ammunition pursuant to this subdivision shall file with the court a receipt showing the firearm and ammunition were surrendered to the local law enforcement agency or sold to a licensed gun dealer within 48 hours after receiving the order. A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms or ammunition prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court. If the person does not file a receipt with the court within 48 hours after receiving the order for a firearm or ammunition in their possession, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm or ammunition, and of any other information the court deems appropriate. In the event that it is necessary to continue the date of any hearing due to a request for a relinquishment order pursuant to this section, the court shall ensure that all applicable protective orders described in Section 6218 of the Family Code remain in effect or bifurcate the issues and grant the permanent restraining order pending the date of the hearing.

(c) A local law enforcement agency may charge the person subject to the order or injunction a fee for the storage of any firearm or ammunition relinquished pursuant to this section. The fee shall not exceed the actual cost incurred by the local law enforcement agency for the storage of the firearm or ammunition. For purposes of this subdivision, "actual cost" means expenses directly related to taking possession of a firearm and ammunition, storing the firearm and ammunition, and surrendering possession of the firearm and ammunition to a licensed dealer as defined in Section 26700 of the Penal Code or to the person relinquishing the firearm.

(d) The restraining order requiring a person to relinquish a firearm and ammunition pursuant to subdivision (b) shall state on its face that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm or ammunition while the protective order is in effect and that the firearm or ammunition shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order. The order shall also state on its face the expiration date for relinquishment. Nothing in this section shall limit a respondent's right under existing law to petition the court at a later date for modification of the order.

(e) The restraining order requiring a person to relinquish a firearm or ammunition pursuant to subdivision (b) shall prohibit the person from possessing or controlling any firearm or ammunition for the duration of the order. At the expiration of the order, the local law enforcement agency shall return possession of any surrendered firearm and ammunition to the respondent, within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that (1) the firearm has been stolen, (2) the respondent is prohibited from possessing a firearm because the respondent is in any prohibited class for the possession of firearms, as defined

in Chapter 2 (commencing with Section 29800) and Chapter 3 (commencing with Section 29900) of Division 9 of Title 4 of Part 6 of the Penal Code and Sections 8100 and 8103 of the Welfare and Institutions Code, or (3) another successive restraining order is issued against the respondent under this section. If the local law enforcement agency determines that the respondent is the legal owner of any firearm or ammunition deposited with the local law enforcement agency and is prohibited from possessing any firearm, the respondent shall be entitled to sell or transfer the firearm or ammunition to a licensed dealer as defined in Section 26700 of the Penal Code. If the firearm has been stolen, the firearm shall be restored to the lawful owner upon their identification of the firearm and proof of ownership.

(f) The court may, as part of the relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm or ammunition if the respondent is not otherwise prohibited from owning, possessing, controlling, or purchasing a firearm and ammunition under state or federal law and one of the following applies:

(1) (A) The respondent is currently employed as a sworn peace officer who is required, as a condition of continued employment, to carry a firearm, ammunition, or firearm and ammunition and the current employer is unable to reassign the peace officer to another position where use of a specified firearm or ammunition is unnecessary. In such a case, a court may allow the peace officer to continue to carry a specified firearm, ammunition, or firearm and ammunition, either on duty or off duty, if the court finds by a preponderance of the evidence, in writing or on the record, both of the following:

(i) The peace officer's personal safety depends on the ability to carry that specific firearm, ammunition, or firearm and ammunition outside of scheduled work hours.

(ii) The peace officer does not pose an additional threat of harm to a protected party or the public by having access to that specific firearm, ammunition, or firearm and ammunition, including whether the peace officer might use the firearm for a purpose other than as permitted under this paragraph.

(B) Prior to making the finding in subparagraph (A), the court shall require a mandatory psychological evaluation of the peace officer by a licensed mental health professional with domestic violence expertise. The court shall consider the results of an evaluation and may require the peace officer to enter into counseling or another remedial treatment program to deal with a propensity for domestic violence.

(2) (A) The respondent is not a peace officer but is required to carry a specific firearm, ammunition, or firearm and ammunition during scheduled work hours as a condition of continued employment, and the current employer is unable to reassign the respondent to another position where the firearm, ammunition, or firearm and ammunition is unnecessary. In this case, a court may grant an exemption to allow the respondent to possess a specific firearm, ammunition, or firearm and ammunition only during scheduled work hours if the court finds by a preponderance of the evidence, in writing or on the record, that the respondent does not pose an additional threat of harm to a protected party or the public by having access to the specific firearm, ammunition, or

firearm and ammunition only during scheduled work hours, including whether the respondent might utilize the firearm, ammunition, or firearm and ammunition for a purpose other than as permitted under this paragraph.

(B) To assist the court in making the determination pursuant to subparagraph (A), the court may order a psychological evaluation of the respondent by a licensed mental health professional with domestic violence expertise.

(C) If the court grants an exemption pursuant to this paragraph, the order shall provide that the specific firearm, ammunition, or firearm and ammunition shall be in the physical possession of the respondent only during scheduled work hours and that the exemption does not authorize the respondent to possess any other firearm or ammunition, or to possess the specific firearm, ammunition, or firearm and ammunition outside of scheduled work hours.

(g) (1) If an exemption is granted pursuant to subdivision (f) during the pendency of a temporary restraining order and the court subsequently issues a restraining order after hearing on the same application, the court shall review and make a finding, in writing or on the record, as to whether the exemption remains appropriate, based upon the criteria set forth in paragraph (1) or (2) of subdivision (f), as applicable, in light of the issuance of the order after hearing. This review and finding shall occur at the time the restraining order after hearing is issued.

(2) If an exemption is granted and the court subsequently renews the restraining order pursuant to Section 6345 of the Family Code at the request of a party, the court shall review and make a finding, in writing or on the record, as to whether the exemption remains appropriate, based upon the criteria set forth in paragraph (1) or (2) of subdivision (f), as applicable, in light of the renewal. This finding shall be made at the time the restraining order after hearing is renewed.

(3) The court may terminate or modify an exemption granted pursuant to this subdivision at any time if the respondent demonstrates a need to modify the specific firearm, ammunition, or firearm and ammunition authorized by the court pursuant to subdivision (f), if the respondent no longer meets the requirements in this section, or if the respondent otherwise violates the restraining order.

(h) During the period of the relinquishment order, a respondent is entitled to make one sale of all firearms that are in the possession of a local law enforcement agency pursuant to this section. A licensed gun dealer, who presents a local law enforcement agency with a bill of sale indicating that all firearms owned by the respondent that are in the possession of the local law enforcement agency have been sold by the respondent to the licensed gun dealer, shall be given possession of those firearms, at the location where a respondent's firearms are stored, within five days of presenting the local law enforcement agency with a bill of sale.

(i) If the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(j) (1) The relinquishment or surrender of a firearm to a law enforcement agency pursuant to this section or the return of a firearm to a person pursuant to this section shall not be subject to the requirements of Section 27545 of the Penal Code.

(2) Returns of firearms or ammunition pursuant to this section shall be governed by the applicable provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4 of Part 6 of the Penal Code.

(k) This section shall become operative on January 1, 2026.

SEC. 6 7. Section 527.11 of the Code of Civil Procedure is amended to read:

527.11. (a) When relevant information is presented to the court at any noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information to determine, by a preponderance of the evidence, whether the person subject to an order defined in Section 527.6, 527.8, 527.85, Section 136.2 of the Penal Code, or Section 15657.03 of the Welfare and Institutions Code, has a firearm or ammunition in or subject to their immediate possession or control in violation of the order.

(b) (1) In making a determination under this section, the court may consider whether the restrained person filed a firearm or ammunition relinquishment, storage, or sales receipt or if an exemption from the firearm or ammunition prohibition was granted.

(2) The court may make the determination at any noticed hearing where a restraining order is issued, at a subsequent review hearing, or at any subsequent hearing while the order remains in effect.

(3) If the court makes a determination that the restrained person has a firearm or ammunition in violation of the order, the court must make a written record of the determination and provide a copy to any party who is present at the hearing and, upon request, to any party not present at the hearing.

(c) (1) When presented with information under subdivision (a), the court may set a review hearing to determine whether a violation of the order has taken place.

(2) The review hearing should be held within 10 court days after the noticed hearing at which the information was presented. If the restrained person is not present when the court sets the review hearing, the protected person must provide notice of the review hearing to the restrained person at least two court days before the review hearing, in accordance with Section 414.10, by personal service or by mail to the restrained person's last known address.

(3) The court may for good cause extend the date of the review hearing for a reasonable period or remove it from the calendar.

(4) The court shall order the restrained person to appear at the review hearing.

(5) The court may conduct the review hearing in the absence of the protected person.

(6) This section does not prohibit the court from permitting a party or witness to appear through technology that enables remote appearances, as determined by the court.

(d) The determination made pursuant to this section may be considered by the court in issuing an order to show cause for contempt pursuant to paragraph (5) of subdivision (a) of Section 1209 or an order for monetary sanctions pursuant to Section 177.5.

(e) This section shall become operative on January 1, 2026.

SEC. ~~7~~ 8. Section 527.12 of the Code of Civil Procedure is amended to read:

527.12. (a) A peace officer shall, upon the request of a petitioner, serve any temporary restraining order, order after hearing, or protective order issued pursuant to Sections 527.6, 527.8, and 527.85, Section 136.2 of the Penal Code, or Section 15657.03 of the Welfare and Institutions Code, on the respondent, whether or not the respondent has been taken into custody.

(b) (1) The petitioner shall provide the peace officer with an endorsed copy of the order and the officer shall complete and transmit the proof of service to the issuing court. It is a rebuttable presumption that the proof of service was signed on the date of service.

(2) If the protected person cannot produce an endorsed copy of the order, the peace officer shall immediately verify the existence of the order in the California Restraining and Protective Order System.

(3) If the peace officer determines that an order subject to this section has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and advise the respondent to obtain a copy of the full order from the issuing court. Upon notice, the officer shall immediately enforce the order. The officer's verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Sections 273.6 and 29825 of the Penal Code.

(4) If an order served pursuant to this section is subject to the reporting requirements of Section 13730 of the Penal Code, the report shall include the name and assignment of the peace officer who served the order and the case number of the order. If a report is not required, the information specified in this paragraph shall be included in the daily incident log of the officer's employing law enforcement agency.

(c) Notwithstanding any law, a fee shall not be charged to the petitioner for service of an order pursuant to this section.

(d) (1) There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, a peace officer who makes an arrest pursuant to a protective or restraining

order that is regular upon its face, if the peace officer, in making the arrest, acts in good faith and has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order.

(2) If there is more than one order issued and one of the orders is an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) of Section 136.2 of the Penal Code, the peace officer shall enforce the emergency protective order. If there is more than one order issued, none of the orders issued is an emergency protective order that has precedence in enforcement, and one of the orders issued is a no-contact order, the peace officer shall enforce the no-contact order. If there is more than one civil order regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the criminal order issued last, subject to the provisions of subdivisions (h) and (i) of Section 136.2 of the Penal Code. This section does not exonerate a peace officer from liability for the unreasonable use of force in the enforcement of the order. The immunities afforded by this section shall not affect the availability of any other immunity that may apply, including, but not limited to, Sections 820.2 and 820.4 of the Government Code.

(e) A peace officer required to serve a restraining or protective order under this section shall comply with Article 3 (commencing with Section 26660) of Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code. For purposes of this subdivision, any reference to "marshal" or "sheriff" in that article shall also include a peace officer required to serve a restraining or protective order under this section.

(f) A peace officer required to serve a restraining or protective order under this section may, pursuant to the requirements set forth in Section 6103.2 of the Government Code, submit a billing to the superior court for payment of fees for service of the order. For purposes of this subdivision, any reference to "marshal" or "sheriff" in Section 6103.2 of the Government Code shall also include a peace officer required to serve a restraining or protective order under this section.

(g) For purposes of this section, "peace officer" has the same meaning as that term is defined in Section 830 of the Penal Code.

(h) This section shall become operative on January 1, 2026.

SEC. 8 9. Section 527.13 is added to the Code of Civil Procedure, immediately following Section 527.12, to read:

527.13. (a) The purpose of this section is to clarify that a court adjudicating a protective order or restraining order described in subdivision (e) of this section may order a search to be conducted of the Department of Justice Automated Firearms System and other databases, as described in Section 6306 of the Family Code, if the court is not otherwise required to cause a search to be conducted pursuant to that section or Section 18110 of the Penal Code.

(b) The court may order a search to be conducted pursuant to and in accordance with the requirements set forth in subdivision (a) of Section 6306 of the Family Code in any of the following circumstances:

(1) Upon receiving a petition for any protective order or restraining order described in subdivision (e).

(2) Before a hearing on the issuance, renewal, or termination of any protective order or restraining order described in subdivision (e).

(3) Before a hearing concerning the respondent's compliance with, or violation of, any protective order or restraining order described in subdivision (e).

(c) To the extent practicable with available resources, courts and designated law enforcement partners may develop protocols to ensure that before a hearing on the issuance, renewal, or termination of any protective order or restraining order that includes firearm prohibitions, a search is conducted of, at a minimum, the Department of Justice Automated Firearms System in order to inform the court's findings about whether the respondent owns, possesses, or controls firearms and has relinquished all firearms in compliance with a court order or state law.

(d) After issuing its ruling, the court shall advise the parties pursuant to subdivision (c) of Section 6306 of the Family Code and shall keep information obtained from a search conducted pursuant to this section confidential pursuant to subdivision (d) of Section 6306 of the Family Code.

(e) This section applies to all of the following protective and restraining orders:

(1) A civil harassment restraining order issued under Section 527.6.

(2) A domestic violence restraining order issued under Part 4 (commencing with Section 6300) of Division 10 of the Family Code.

(3) An elder or dependent adult abuse restraining order issued under Section 15657.03 of the Welfare and Institutions Code.

(4) A gun violence restraining order issued under Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code.

(5) A juvenile court restraining order issued under Section 6380 of the Family Code or Section 213.5, 304, or 362.4 of the Welfare and Institutions Code.

(6) A postsecondary school violence restraining order issued under Section 527.85.

(7) A workplace violence restraining order issued under Section 527.8.

SEC. ~~9~~ 10. Section 6300 of the Family Code is amended to read:

6300. (a) An order may be issued under this part to restrain any person for the purpose specified in Section 6220, if an affidavit or testimony and any additional information provided to the court pursuant to Section 6306, shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse. The court may issue an order under this part based solely on the affidavit or testimony of the person requesting the restraining order.

(b) (1) An ex parte restraining order issued pursuant to Article 1 (commencing with Section 6320) shall not be denied solely because the other party was not provided with notice.

(2) A petitioner shall not be uniformly required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order in all cases, and shall not be required to establish exceptional circumstances. **A court shall not adopt or maintain any rule, form, or practice that is inconsistent with this subdivision.**

(3) A petitioner shall only be required to provide prior notice to the proposed respondent about a petition for a temporary or ex parte protective or restraining order **on a case-by-case basis**, if the court determines that requiring prior notice **would be in the interests of justice** and would not likely endanger the petitioner, proposed protected parties, or other persons.

(c) An ex parte request for a protective order, as defined in Section 6218, shall not be rejected for filing by the court clerk if it is submitted on mandatory Judicial Council forms, includes all of the forms required to issue an order, and identifies the party submitting the request and the party who is the subject of the requested order.

SEC. ~~10~~ 11. Section 6380 of the Family Code is amended to read:

6380. (a) Each county, with the approval of the Department of Justice, shall, by July 1, 1996, develop a procedure, using existing systems, for the electronic transmission of data, as described in subdivision (b), to the Department of Justice. The data shall be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS) of the Department of Justice by law enforcement personnel, or with the approval of the Department of Justice, court personnel, or another appropriate agency capable of maintaining and preserving the integrity of both the CLETS and the California Restraining and Protective Order System, as described in subdivision (e). Data entry is required to be entered only once under the requirements of this section, unless the order is served at a later time. A portion of all fees payable to the Department of Justice under subdivision (a) of Section 1203.097 of the Penal Code for the entry of the information required under this section, based upon the proportion of the costs incurred by the local agency and those incurred by the Department of Justice, shall be transferred to the local agency actually providing the data. All data with respect to criminal court protective orders issued, modified, extended, or terminated under Section 136.2, 273.5, 368, 646.9, or 1203.097 of the Penal Code, and all data filed with the court on the required Judicial Council forms with respect to any protective or restraining orders described in subdivision (b), including their issuance, modification,

extension, or termination, shall be transmitted by the court or its designee within one business day to law enforcement personnel by either one of the following methods:

(1) Transmitting a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.

(2) With the approval of the Department of Justice, entering the order into CLETS directly.

(b) Upon the issuance of a protective order to which this division applies pursuant to Section 6221, or the issuance of any other protective or restraining order pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or the issuance of a criminal court protective order under Section 136.2, 273.5, 368, 646.9, 646.91, or 1203.097 of the Penal Code, or a retail crime restraining order under Section 490.8 of the Penal Code, or the issuance of a juvenile court restraining order related to domestic violence pursuant to Section 213.5, 304, or 362.4 of the Welfare and Institutions Code, or the issuance of a gun violence restraining order pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code, or the issuance of a protective order pursuant to Section 15657.03 of the Welfare and Institutions Code, or upon registration with the court clerk of a valid protective or restraining order or valid extreme risk protection order issued by the tribunal of another state or jurisdiction, as defined in Section 6401, and including any of the foregoing orders issued in connection with an order for modification of a custody or visitation order issued pursuant to a dissolution, legal separation, nullity, or paternity proceeding the Department of Justice shall be immediately notified of the contents of the order and the following information:

(1) The name, race, date of birth, and other personal descriptive information of the respondent as required by a form prescribed by the Department of Justice.

(2) The names of the protected persons.

(3) The date of issuance of the order.

(4) The duration or expiration date of the order.

(5) The terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order.

(6) The department or division number and the address of the court.

(7) Whether or not the order was served upon the respondent.

(8) The terms and conditions of any restrictions on the ownership or possession of firearms.

All available information shall be included; however, the inability to provide all categories of information shall not delay the entry of the information available.

(c) The information conveyed to the Department of Justice shall also indicate whether the respondent was present in court to be informed of the contents of the court order. The respondent's presence in court shall provide proof of service of notice of the terms of the protective order. The respondent's failure to appear shall also be included in the information provided to the Department of Justice.

(d) (1) Within one business day of service, a law enforcement officer who served a protective order shall submit the proof of service directly into the Department of Justice California Restraining and Protective Order System, including the officer's name and law enforcement agency, and shall transmit the original proof of service form to the issuing court.

(2) Within one business day of receipt of proof of service by a person other than a law enforcement officer, the clerk of the court shall submit the proof of service of a protective order directly into the Department of Justice California Restraining and Protective Order System, including the name of the person who served the order. If the court is unable to provide this notification to the Department of Justice by electronic transmission, the court shall, within one business day of receipt, transmit a copy of the proof of service to a local law enforcement agency. The local law enforcement agency shall submit the proof of service directly into the Department of Justice California Restraining and Protective Order System within one business day of receipt from the court.

(e) The Department of Justice shall maintain a California Restraining and Protective Order System and shall make available to court clerks and law enforcement personnel, through computer access, all information regarding the protective and restraining orders and injunctions described in subdivision (b), whether or not served upon the respondent.

(f) If a court issues a modification, extension, or termination of a protective order, it shall be on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice, and the transmitting agency for the county shall immediately notify the Department of Justice, by electronic transmission, of the terms of the modification, extension, or termination.

(g) The Judicial Council shall assist local courts charged with the responsibility for issuing protective orders by developing informational packets describing the general procedures for obtaining a domestic violence restraining order and indicating the appropriate Judicial Council forms. The informational packets shall include a design, that local courts shall complete, that describes local court procedures and maps to enable applicants to locate filing windows and appropriate courts, and shall also include information on how to return proofs of service, including mailing addresses and fax numbers. The court clerk shall provide a fee waiver form to all applicants for domestic violence protective orders. The court clerk shall provide all Judicial Council forms required by this chapter to applicants free of charge. The informational packet shall also contain a statement that the protective order is enforceable in any state or jurisdiction, as defined in Section 6401, and general information about agencies in other jurisdictions that may be contacted regarding enforcement of an order issued by a court of this state.

(h) For the purposes of this part, "electronic transmission" shall include computer access through the California Law Enforcement Telecommunications System (CLETS).

(i) All protective and restraining orders issued on forms adopted by the Judicial Council and that have been approved by the Department of Justice shall be transmitted to the Department of Justice. A valid protective or restraining order or valid extreme risk protective order issued by a tribunal of another state or jurisdiction, as defined in Section 6401, including, but not limited to, orders related to domestic or family violence, shall also, upon request, be registered pursuant to Section 6404.

(j) (1) All protective orders subject to transmittal to CLETS pursuant to this section are required to be so transmitted.

(2) This subdivision does not constitute a change in, but is declaratory of, existing law.

SEC. ~~11~~ 12. Section 6380.5 of the Family Code is amended to read:

6380.5. (a) This section shall be known, and may be cited, as Wyland's Law.

(b) Subject to an appropriation by the Legislature, or the availability of necessary funding through grants or other sources, the department may establish, or contract with a vendor to establish, an automated protected person information and notification system to provide a petitioner or protected person in a protective order case with automated access to information maintained in the California Restraining and Protective Order System about their case, which shall include all of the following:

(1) Whether the department has received a record of the protective order.

(2) If the protective order has been successfully served on the restrained person.

(3) Notwithstanding any other law, if the restrained person has violated the protective order by attempting to purchase or acquire a firearm or ammunition while the order is in effect.

(c) (1) Notwithstanding any other law, a record demonstrating whether the superior court has fulfilled its transmission obligations pursuant to subdivision (a) or (b) of Section 6380 is required to be open to public inspection and copying.

(2) Notwithstanding any other law, a record demonstrating receipt of information about a protective order that the department maintains is a public record that is not exempt from disclosure in response to a public record request made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(3) Paragraph (2) of this subdivision does not constitute a change in, but is declaratory of, existing law.

(d) For purposes of this section, the following definitions apply:

(1) "Department" means the Department of Justice.

(2) "Protective order" includes all order types listed in Section 6380 and the reissuance, extension, modification, or termination of the order.

SEC. ~~12~~ 13. Section 6383 of the Family Code is amended to read:

6383. (a) A temporary restraining order, emergency protective order, or an order issued after hearing pursuant to this part shall, on request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody, either by a law enforcement officer, excluding those defined in subdivision (a) of Section 830.5 of the Penal Code, who is present at the scene of reported domestic violence involving the parties to the proceeding or who receives a request from the petitioner to provide service of the order.

(b) (1) The petitioner shall provide the officer with an endorsed copy of the order and a proof of service that the officer shall complete and transmit to the issuing court.

(2) Service shall be provided pursuant to Section 6389 of the Family Code.

(3) Notwithstanding any other law, a fee shall not be charged to the petitioner for service of an order described in subdivision (a).

(4) If a firearm is obtained at the scene of a domestic violence incident or during service as provided in this section, law enforcement shall enter, or cause to be entered, the firearm into the Department of Justice Automated Firearms System pursuant to Section 11108.2 of the Penal Code.

(c) It is a rebuttable presumption that the proof of service was signed on the date of service.

(d) Upon receiving information at the scene of a domestic violence incident that a protective order has been issued under this part, or that a person who has been taken into custody is the respondent to that order, if the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately inquire of the California Restraining and Protective Order System to verify the existence of the order.

(e) If the law enforcement officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and where a written copy of the order can be obtained, and the officer shall, at that time, also enforce the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Sections 273.6 and 29825 of the Penal Code.

(f) If a report is required under Section 13730 of the Penal Code, or if no report is required, then in the daily incident log, the officer shall provide the name and assignment of the officer notifying the respondent pursuant to subdivision (e) and the case number of the order.

(g) Upon service of the order outside of the court, a law enforcement officer shall advise the respondent to go to the local court to obtain a copy of the order containing the full terms and conditions of the order.

(h) (1) There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, a peace officer who makes an arrest pursuant to a protective or restraining order that is regular upon its face, if the peace officer, in making the arrest, acts in good faith and has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order.

(2) If there is more than one order issued and one of the orders is an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) of Section 136.2 of the Penal Code, the peace officer shall enforce the emergency protective order. If there is more than one order issued, none of the orders issued is an emergency protective order that has precedence in enforcement, and one of the orders issued is a no-contact order, as described in Section 6320, the peace officer shall enforce the no-contact order. If there is more than one civil order regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the criminal order issued last, subject to the provisions of subdivisions (h) and (i) of Section 136.2 of the Penal Code. This section does not exonerate a peace officer from liability for the unreasonable use of force in the enforcement of the order. The immunities afforded by this section shall not affect the availability of any other immunity that may apply, including, but not limited to, Sections 820.2 and 820.4 of the Government Code.

(i) A peace officer listed in Section 18250 of the Penal Code shall take temporary custody of any firearm or other deadly weapon or ammunition in plain sight or discovered pursuant to a consensual or otherwise lawful search as necessary for the protection of the peace officer or other persons present in any of the following circumstances:

(1) The peace officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault.

(2) The peace officer is serving a protective order issued pursuant to this part.

(3) The peace officer is serving a gun violence restraining order issued pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code.

(j) A peace officer required to serve a restraining or protective order under this section shall comply with Article 3 (commencing with Section 26660) of Chapter 2 of Part 3 of Division 2 of Title 3 of

the Government Code. For purposes of this subdivision, any reference to "marshal" or "sheriff" in that article shall also include a peace officer required to serve a restraining or protective order under this section.

(k) A peace officer required to serve a restraining or protective order under this section may, pursuant to the requirements set forth in Section 6103.2 of the Government Code, submit a billing to the superior court for payment of fees for service of the order. For purposes of this subdivision, any reference to "marshal" or "sheriff" in Section 6103.2 of the Government Code shall also include a peace officer required to serve a restraining or protective order under this section.

SEC. ~~13~~ 14. Section 6401 of the Family Code is amended to read:

6401. In this part:

(a) "Foreign protection order" means a protection order issued by a tribunal of another state or jurisdiction.

(b) "Issuing state or jurisdiction" means the state or jurisdiction whose tribunal issues a protection order.

(c) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(d) "Protected individual" means an individual protected by a protection order.

(e) "Protection order" means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or antistalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual. The term also includes any other injunction or order defined as a "protection order" under the federal Violence Against Women Act (18 U.S.C. Sec. 2266(5)), including both of the following:

(1) Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

(2) Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to state, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

(f) "Respondent" means the individual against whom enforcement of a protection order is sought.

(g) "State or jurisdiction" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or any branch of the United States military, that has jurisdiction to issue protection orders.

(h) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.

SEC. ~~14~~ 15. Section 6402 of the Family Code is amended to read:

6402. (a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state or jurisdiction that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state or jurisdiction.

(d) A foreign protection order is valid if it meets all of the following criteria:

(1) Identifies the protected individual and the respondent.

(2) Is currently in effect.

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state or jurisdiction.

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if both of the following are true:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state.

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

SEC. ~~15~~ 16. Section 6403.5 is added to the Family Code, to read:

6403.5. (a) For the purposes of this section, the term "extreme risk protection order" means an injunction, restraining order, or other civil or criminal court order issued by a tribunal under the laws of the issuing state or jurisdiction, as defined in Section 6401, that does not name a protected individual, but prohibits the respondent from possessing, owning, controlling, purchasing, or receiving, firearms for the duration of the order based on evidence that the respondent poses a danger to themselves or others. Extreme risk protection orders are similar or equivalent to civil orders described as "gun violence restraining orders" under Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code, and to criminal protective orders to surrender firearms under clause (ii) of subparagraph (G) of paragraph (1) of subdivision (a) of Section 136.2 of the Penal Code.

(b) A law enforcement agency or officer in this state may seek enforcement in a tribunal of this state of a valid extreme risk protection order issued by a tribunal under the laws of another state or jurisdiction.

(c) For the purposes this section, an extreme risk protection order is valid if the order meets all of the following criteria:

(1) The order identifies the respondent.

(2) The order is currently in effect.

(3) The order was issued by a tribunal under the laws of another state or jurisdiction, as defined in Section 6401, that had jurisdiction over the parties and subject matter under the law of the issuing state or jurisdiction.

(4) The order was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(d) The tribunal shall enforce the terms of a valid extreme risk protection order.

(e) An extreme risk protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of an extreme risk protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid extreme risk protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of an extreme risk protection order that identifies the respondent and, on its face, is currently in effect, constitutes, in and of itself, probable cause to believe that a valid extreme risk protection order exists. For the purposes of this section, the extreme risk protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of an extreme risk protection order is not required for enforcement.

(h) If an extreme risk protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid extreme risk protection order exists.

(i) If a law enforcement officer of this state determines that an otherwise valid extreme risk protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice for the purposes of this section.

(j) Registration or filing of an order in this state is not required for the enforcement of a valid extreme risk protection order pursuant to this part.

(k) A valid extreme risk protection order shall, upon request of a law enforcement officer or other petitioner, be registered with a court of this state under the same process for registration of foreign protection orders provided in Section 6404 in order to be entered in the California Restraining and Protective Order System established under Section 6380.

(l) The provisions of Section 6405 regarding immunities, liability, and precedence in enforcement shall apply to extreme risk protection orders under this section.

SEC. ~~16~~ 17. Section 26666.10 of the Government Code is amended to read:

26666.10. (a) On or before January 1, 2024, the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff, including their department or office.

(b) A marshal or sheriff, including their department or office, shall accept an electronic signature and shall not require an original or wet signature on the form or forms created pursuant to this section.

(c) The Judicial Council form or forms shall do all of the following:

(1) Require the name, address, and description of the person to be served and the signature of the litigant requesting service, or their attorney of record, and may require any other pertinent information for service.

(2) Indicate on the form which fields on the form, if any, are required.

(3) Allow the litigant's or their attorney of record's signature to be made electronically.

(d) Upon completion of the forms described in subdivision (a), requests to a marshal or sheriff, including their department or office, to serve a notice or other process pursuant to Section 26666 shall be made on the Judicial Council form or forms. No sheriff or marshal, including their department or office, shall require completion of a form or request other than the Judicial Council form or forms described in this section.

(e) Pursuant to Section 7927.430, the Judicial Council form or forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.

(f) This section shall remain in effect until January 1, 2028, and as of that date is repealed.

SEC. ~~17~~ 18. Section 26666.10 is added to the Government Code, to read:

26666.10. (a) On or before January 1, 2028, the Judicial Council shall create a statewide form or forms to be used by litigants in civil actions or proceedings to request service of process or notice by a marshal or sheriff, or by a peace officer required to serve a restraining or protective order under Section 527.12 of the Code of Civil Procedure or Section 6383 of the Family Code.

(b) A marshal or sheriff, or a peace officer required to serve a restraining or protective order under Section 527.12 of the Code of Civil Procedure or Section 6383 of the Family Code, including the marshal's, sheriff's, or peace officer's department or office, shall accept an electronic signature and shall not require an original or wet signature on the form or forms created pursuant to this section.

(c) The Judicial Council form or forms shall do all of the following:

(1) Require the name, address, and description of the person to be served and the signature of the litigant requesting service, or their attorney of record, and may require any other pertinent information for service.

(2) Indicate on the form which fields on the form, if any, are required.

(3) Allow the litigant's or their attorney of record's signature to be made electronically.

(d) Upon completion of the forms described in subdivision (a), requests to a marshal or sheriff, or to a peace officer required to serve a restraining or protective order under Section 527.12 of the Code of Civil Procedure or Section 6383 of the Family Code, including the marshal's, sheriff's, or peace officer's department or office, to serve a notice or other process pursuant to Section 26666 shall be made on the Judicial Council form or forms. A marshal, sheriff, or peace officer, including their department or office, shall not require completion of a form or request other than the Judicial Council form or forms described in this section.

(e) Pursuant to Section 7927.430, the Judicial Council form or forms and the information contained therein shall not be subject to disclosure and shall be kept confidential.

(f) This section shall become operative on January 1, 2028.

SEC. ~~18~~ 19. Section 136.26 is added to the Penal Code, to read:

136.26. (a) If a court issues a criminal protective order to protect one or more individuals pursuant to Section 136.2, 273.5, 368, 646.9, 1203.097, or other applicable law, the prosecuting agency shall seek to ensure the protected person or protected people named in that order are promptly notified about the issuance, terms, and duration of the protective order. This section does not apply if the protected person or people were notified about the protective order through their presence in court when the order was issued.

(b) Each prosecuting agency identified in subdivision (d), shall, on or before January 1, 2028, develop, adopt, and implement written policies and standards for the agency governing all of the following:

(1) Ensuring protected parties are notified about the issuance, terms, and duration of criminal protective orders, as described in subdivision (a).

(2) Receiving and responding to notifications from the court that a person subject to a gun violence restraining order, or any civil or criminal protective or restraining order identified in Section 29825, has violated the order's firearm relinquishment requirements and may unlawfully possess or control firearms or ammunition in violation of court order and state law.

(3) Receiving and responding to notifications that a person convicted of a crime prosecuted by that agency has violated the firearm relinquishment requirements of Section 29810 and may unlawfully possess or control firearms or ammunition in violation of court order and state law.

(c) In developing and updating the standards and policies developed pursuant to subdivision (b), prosecuting agencies are encouraged to consult and collaborate with domestic violence service providers and survivor advocates, local law enforcement and court administration representatives, and any guidance, technical assistance, or recommendations issued by the Department of Justice.

(d) For the purposes of subdivisions (b) and (c), a "prosecuting agency" includes a district attorney's office, and any city attorney's office that prosecutes crimes related to domestic violence or abuse, or violations of protective or restraining orders, including violations related to unlawful possession or control of firearms and ammunition.

SEC. ~~19~~ 20. Section 273.75 of the Penal Code is amended to read:

273.75. (a) On any charge involving acts of domestic violence as defined in subdivisions (a) and (b) of Section 13700 of the Penal Code or Sections 6203 and 6211 of the Family Code, the district attorney or prosecuting city attorney shall perform or cause to be performed, by accessing the electronic databases enumerated in subdivision (b), a thorough investigation of the defendant's history, including, but not limited to, prior convictions for domestic violence, other forms of violence or weapons offenses and any current protective or restraining order issued by any civil or criminal court. This information and the information provided by the arresting agency pursuant to Section 273.76 shall be presented for consideration by the court (1) when setting bond or when releasing a defendant on their own recognizance at the arraignment, if the defendant is in custody, (2) upon consideration of any plea agreement, and (3) when issuing a protective order pursuant to subdivision (h) or (i) of Section 136.2, subdivision (j) of Section 273.5, subdivision (l) of Section 368, subdivision (k) of Section 646.9, or paragraph (2) of subdivision (a) of Section 1203.097. In determining bail or release upon a plea agreement, the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released.

(b) For purposes of this section, the district attorney or prosecuting city attorney shall search or cause to be searched the following databases, when readily available and reasonably accessible:

(1) The California Sex and Arson Registry (CSAR).

(2) The Supervised Release File.

(3) State summary criminal history information maintained by the Department of Justice pursuant to Section 11105 of the Penal Code.

(4) The Federal Bureau of Investigation's nationwide database.

(5) Locally maintained criminal history records or databases.

(6) The Department of Justice Automated Firearms System.

However, a record or database need not be searched if the information available in that record or database can be obtained as a result of a search conducted in another record or database.

(c) If the investigation required by this section reveals a current civil protective or restraining order or a protective or restraining order issued by another criminal court and involving the same or related parties, and if a protective or restraining order is issued in the current criminal proceeding,

the district attorney or prosecuting city attorney shall send relevant information regarding the contents of the order issued in the current criminal proceeding, and any information regarding a conviction of the defendant, to the other court immediately after the order has been issued. When requested, the information described in this subdivision may be sent to the appropriate family, juvenile, or civil court. When requested, and upon a showing of a compelling need, the information described in this section may be sent to a court in another state.

(d) If the information provided to the court pursuant to subdivision (a) indicates that the defendant owns or possesses a firearm, or if the court otherwise receives evidence that the defendant owns or possesses a firearm or ammunition, the court shall provide information to the defendant on how to comply with the firearm and ammunition prohibition. If evidence of compliance with firearms prohibitions is not provided within 48 hours of the defendant being served with the protective order or after a review hearing pursuant to Rule 4.700 of the California Rules of Court if required or as may be required otherwise, the court shall order the clerk of the court to notify within two business days, by the most effective means available, the prosecuting agency and appropriate law enforcement officials of the issuance and contents of the protective order, information about the firearm or ammunition, and of any other information obtained through the search that the court determines is appropriate. The prosecuting agency and law enforcement officials so notified shall take all actions necessary to obtain those and any other firearms or ammunition owned, possessed, or controlled by the defendant and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable.

SEC. ~~20~~ 21. Section 422.85 of the Penal Code is amended to read:

422.85. (a) In the case of any person who is convicted of any offense against the person or property of another individual, private institution, or public agency, committed because of the victim's actual or perceived race, color, ethnicity, religion, nationality, county of origin, ancestry, disability, gender, gender identity, gender expression, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, the court, absent compelling circumstances stated on the record, shall make an order protecting the victim, or known immediate family or domestic partner of the victim, from further acts of violence, threats, stalking, or harassment by the defendant, including any stay-away conditions the court deems appropriate, and shall make obedience of that protective order, including the provisions described in subdivision (c), a condition of the defendant's probation. In these cases the court may also order that the defendant be required to do one or more of the following as a condition of probation:

(1) Complete a class or program on racial or ethnic sensitivity, or other similar training in the area of civil rights, or a one-year counseling program intended to reduce the tendency toward violent and antisocial behavior if that class, program, or training is available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

(2) Make payments or other compensation to a community-based program or local agency that provides services to victims of hate violence.

(3) Reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's acts.

(b) Any payments or other compensation ordered under this section shall be in addition to restitution payments required under Section 1203.04, and shall be made only after that restitution is paid in full.

(c) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, have custody or control of, receive, or attempt to purchase or receive, a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms or ammunition pursuant to Section 527.9 of the Code of Civil Procedure.

(3) A person who owns, possesses, has custody or control of, purchases, receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

SEC. ~~21~~ 22. Section 422.865 of the Penal Code is amended to read:

422.865. (a) In the case of any person who is committed to a state hospital or other treatment facility under the provisions of Section 1026 for any offense against the person or property of another individual, private institution, or public agency because of the victim's actual or perceived race, color, ethnicity, religion, nationality, county of origin, ancestry, disability, gender, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, and then is either placed on outpatient status or conditional release from the state hospital or other treatment facility, the court or community program director may order that the defendant be required as a condition of outpatient status or conditional release to complete a class or program on racial or ethnic sensitivity, or other similar training in the area of civil rights, or a one-year counseling program intended to reduce the tendency toward violent and antisocial behavior if that class, program, or training is available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

(b) In the case of any person who is committed to a state hospital or other treatment facility under the provisions of Section 1026 for any offense against the person or property of another individual, private institution, or public agency committed because of the victim's actual or perceived race, color, ethnicity, religion, nationality, county of origin, ancestry, disability, gender, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, and then is either placed on outpatient status or conditional release from the state hospital or other treatment facility, the court, absent compelling circumstances stated on the record, shall make an order protecting the victim, or known immediate family or domestic partner of the victim, from further acts of violence, threats, stalking, or harassment by the defendant, including any stay-away conditions as the court deems appropriate,

and shall make obedience of that protective order, including the provisions described in subdivision (d), a condition of the defendant's outpatient status or conditional release.

(c) It is the intent of the Legislature to encourage state agencies and treatment facilities to establish education and training programs to prevent violations of civil rights and hate crimes.

(d) (1) A person subject to a protective order issued under this section shall not own, possess, have custody or control of, purchase, receive, or attempt to purchase or receive, a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms or ammunition in their ownership, possession, custody, or control, pursuant to Section 527.9 of the Code of Civil Procedure.

(3) A person who owns, possesses, has custody or control of, purchases, receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

SEC. ~~22~~ 23. Section 422.88 of the Penal Code is amended to read:

422.88. (a) The court in which a criminal proceeding stemming from a hate crime or alleged hate crime is filed shall take all actions reasonably required, including granting criminal protective or restraining orders, to safeguard the health, safety, or privacy of the alleged victim, or of a person who is a victim of, or at risk of becoming a victim of, a hate crime.

(b) The court in which a criminal proceeding stemming from a hate crime or alleged hate crime is filed shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a criminal protective order against the defendant to protect a person identified in subdivision (a) of this section.

(c) If the court does not issue any protective order against the defendant to protect any person identified in subdivision (a), the court shall, upon request by a prosecutor or victim or on the court's own motion, consider issuing a protective order equivalent to the firearm prohibition order described in clause (ii) of subparagraph (G) of paragraph (1) of subdivision (a) of Section 136.2, which does not name a protected person but provides as follows:

(1) The defendant shall not own, possess, have custody or control of, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The defendant shall relinquish any firearms or ammunition pursuant to Section 527.9 of the Code of Civil Procedure.

(3) A person who owns, possesses, has custody or control of, purchases, receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

(d) Restraining orders issued pursuant to subdivision (a) or (b) may include, without limitation, provisions prohibiting or restricting the photographing of a person who is a victim of, or at risk of becoming a victim of, a hate crime when reasonably required to safeguard the health, safety, or privacy of that person.

SEC. ~~23~~ 24. Section 16520 of the Penal Code is amended to read:

16520. (a) As used in this part, "firearm" means 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.

(b) As used in the following provisions, "firearm" includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part:

(1) Section 136.2.

(2) Section 646.91.

(3) Sections 16515 and 16517.

(4) Section 16550.

(5) Section 16730.

(6) Section 16960.

(7) Section 16990.

(8) Section 17070.

(9) Section 17310.

(10) Sections 18100 to 18500, inclusive.

(11) Section 23690.

(12) Sections 23900 to 23925, inclusive.

(13) Commencing on July 1, 2026, Sections 25250 to 25275, inclusive.

(14) Sections 26500 to 26590, inclusive.

(15) Sections 26600 to 27140, inclusive.

(16) Sections 27200 to 28490, inclusive.

(17) Sections 29010 to 29150, inclusive.

(18) Section 29185.

(19) Sections 29610 to 29750, inclusive.

(20) Sections 29800 to 29905, inclusive.

(21) Sections 30150 to 30165, inclusive.

(22) Section 31615.

(23) Sections 31700 to 31830, inclusive.

(24) Sections 34355 to 34370, inclusive.

(25) Sections 527.6 to 527.13, inclusive, of the Code of Civil Procedure.

(26) Sections 8100 to 8108, inclusive, of the Welfare and Institutions Code.

(27) Section 15657.03 of the Welfare and Institutions Code.

(c) As used in the following provisions, "firearm" also includes a rocket, rocket propelled projectile launcher, or similar device containing an explosive or incendiary material, whether or not the device is designed for emergency or distress signaling purposes:

(1) Section 16750.

(2) Subdivision (b) of Section 16840.

(3) Section 25400.

(4) Sections 25850 to 26025, inclusive.

(5) Subdivisions (a), (b), and (c) of Section 26030.

(6) Sections 26035 to 26055, inclusive.

(d) As used in the following provisions, "firearm" does not include an unloaded antique firearm:

(1) Section 16730.

(2) Section 16550.

(3) Section 16960.

(4) Section 17310.

(5) Subdivision (b) of Section 23920.

(6) Section 25135.

(7) Chapter 6 (commencing with Section 26350) of Division 5 of Title 4.

(8) Chapter 7 (commencing with Section 26400) of Division 5 of Title 4.

(9) Sections 26500 to 26588, inclusive.

(10) Sections 26700 to 26915, inclusive.

(11) Section 27510.

(12) Section 27530.

(13) Section 27540.

(14) Section 27545.

(15) Sections 27555 to 27585, inclusive.

(16) Sections 29010 to 29150, inclusive.

(17) Section 29180.

(e) As used in Sections 34005 and 34010, "firearm" does not include a destructive device.

(f) As used in Sections 17280 and 24680, "firearm" has the same meaning as in Section 922 of Title 18 of the United States Code.

(g) As used in Sections 29180 to 29184, inclusive, "firearm" includes the completed frame or receiver of a weapon.

SEC. ~~24~~ 25. Section 18120 of the Penal Code is amended to read:

18120. (a) A person subject to a gun violence restraining order issued pursuant to this division shall not have in the person's custody or control, own, purchase, possess, or receive any firearms or ammunition while that order is in effect.

(b) (1) Upon issuance of a gun violence restraining order issued pursuant to this division, the court shall order the restrained person to surrender all firearms and ammunition in the restrained person's custody or control, or which the restrained person possesses or owns pursuant to this subdivision.

(2) The surrender ordered pursuant to paragraph (1) shall occur by immediately surrendering all firearms and ammunition in a safe manner, upon request of a law enforcement officer, to the control of the officer, after being served with the restraining order. A law enforcement officer serving a gun violence restraining order that indicates that the restrained person possesses firearms or ammunition shall request that all firearms and ammunition be immediately surrendered.

(3) If the gun violence restraining order is issued as an ex parte order or order after notice and hearing, and is served by a person other than a law enforcement officer, and if no request is made by a law enforcement officer, the surrender shall occur within 24 hours of being served with the order, by surrendering all firearms and ammunition in a safe manner to the control of a local law enforcement agency, selling all firearms and ammunition to a licensed firearms dealer, or transferring all firearms and ammunition to a licensed firearms dealer in accordance with Section 29830.

(4) The law enforcement officer or licensed firearms dealer taking possession of firearms or ammunition pursuant to this subdivision shall issue a receipt to the person surrendering the firearm or firearms or ammunition or both at the time of surrender.

(5) A person ordered to surrender all firearms and ammunition pursuant to this subdivision shall, within 48 hours after being served with the order, do both of the following:

(A) File with the court that issued the gun violence restraining order the original receipt showing all firearms and ammunition have been surrendered to a local law enforcement agency or sold or transferred to a licensed firearms dealer. Failure to timely file a receipt shall constitute a violation of the restraining order.

(B) File a copy of the receipt described in subparagraph (A) with the law enforcement agency, if any, that served the gun violence restraining order. Failure to timely file a copy of the receipt shall constitute a violation of the restraining order.

(6) When issuing an order pursuant to this subdivision, the court shall provide the respondent with information on how any firearms or ammunition still in the restrained party's possession are to be relinquished, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment. A court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement. Violations of the firearms or ammunition prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court. If the person does not file a receipt with the court within 48 hours after receiving the order for a firearm or ammunition in their possession, the court shall order the clerk of the court

to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm or ammunition, and of any other information the court deems appropriate.

(c) (1) Except as provided in paragraph (2), firearms or ammunition surrendered to a law enforcement officer or law enforcement agency pursuant to this section shall be retained by the law enforcement agency until the expiration of a gun violence restraining order that has been issued against the restrained person. Upon expiration of an order, the firearms or ammunition shall be returned to the restrained person in accordance with the provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4. Firearms or ammunition that are not claimed are subject to the requirements of Section 34000.

(2) A restrained person who owns firearms or ammunition that are in the custody of a law enforcement agency pursuant to this section is entitled to sell the firearms or ammunition to a licensed firearms dealer or transfer the firearms or ammunition to a licensed firearms dealer in accordance with Section 29830 if the firearm or firearms or ammunition are otherwise legal to own or possess and the restrained person otherwise has right to title of the firearm or firearms or ammunition.

(d) If a person other than the restrained person claims title to firearms or ammunition surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or firearms or ammunition, the firearm or firearms or ammunition shall be returned to the person pursuant to Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.

(e) Within one business day of receiving the receipt referred to in paragraph (4) of subdivision (b), the court that issued the order shall transmit a copy of the receipt to the Department of Justice in a manner and pursuant to a process prescribed by the department.

(f) If the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition required under this section.

(g) (1) The relinquishment or surrender of a firearm to a law enforcement agency pursuant to this section or the return of a firearm to a person pursuant to this section shall not be subject to the requirements of Section 27545.

(2) Returns of firearms or ammunition pursuant to this section shall be governed by the applicable provisions of Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.

(h) This section shall become operative on January 1, 2026.

SEC. ~~25~~ 26. Section 18120.5 of the Penal Code is amended to read:

18120.5. (a) When relevant information is presented to the court at any noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information to determine, by a preponderance of the evidence, whether the person subject to an order defined in this division has a firearm or ammunition in or subject to their possession or control in violation of the order.

(b) (1) In making a determination under this section, the court may consider whether the restrained person filed a firearm or ammunition relinquishment, storage, or sales receipt or if an exemption from the firearm or ammunition prohibition was granted.

(2) The court may make the determination at any noticed hearing where a restraining order is issued, at a subsequent review hearing, or at any subsequent hearing while the order remains in effect.

(3) If the court makes a determination that the restrained person has a firearm in violation of the order, the court must make a written record of the determination and provide a copy to any party who is present at the hearing and, upon request, to any party not present at the hearing.

(c) (1) When presented with information under subdivision (a), the court may set a review hearing to determine whether a violation of the order has taken place.

(2) The review hearing shall be held within 10 court days after the noticed hearing at which the information was presented. If the restrained person is not present when the court sets the review hearing, the protected person must provide notice of the review hearing to the restrained person at least two court days before the review hearing, in accordance with Section 414.10 of the Code of Civil Procedure, by personal service or by mail to the restrained person's last known address.

(3) The court may for good cause extend the date of the review hearing for a reasonable period or remove it from the calendar.

(4) The court shall order the restrained person to appear at the review hearing.

(5) This section does not prohibit the court from permitting a party or witness to appear through technology that enables remote appearances, as determined by the court.

(d) The determination made pursuant to this section may be considered by the court in issuing an order to show cause for contempt pursuant to paragraph (5) of subdivision (a) of Section 1209 of the Code of Civil Procedure or an order for monetary sanctions pursuant to Section 177.5 of the Code of Civil Procedure.

(e) This section shall become operative on January 1, 2026.

SEC. ~~26~~ 27. Section 18205 of the Penal Code is amended to read:

18205. (a) Every person who owns or possesses a firearm or ammunition with knowledge that they are prohibited from doing so by a temporary emergency gun violence restraining order issued pursuant to Chapter 2 (commencing with Section 18125), an ex parte gun violence restraining order issued pursuant to Chapter 3 (commencing with Section 18150), a gun violence restraining order issued after notice and a hearing issued pursuant to Chapter 4 (commencing with Section 18170), or by a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a gun violence restraining order described in this division, is guilty of a misdemeanor. A person convicted of a violation of this section before January 1, 2027, shall be prohibited from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a five-year period, to commence upon the expiration of the existing gun violence restraining order. A person convicted of a violation of this section on or after January 1, 2027, shall be prohibited from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition, within 10 years of the conviction, pursuant to Section 29805.

(b) For purposes of this section, a valid order issued by an out-of-state jurisdiction that is similar or equivalent to a gun violence restraining order described in this section must be issued upon a showing by clear and convincing evidence that the person poses a significant danger of causing personal injury to themselves or another because of owning or possessing a firearm or ammunition.

SEC. ~~27~~ 28. Section 29805 of the Penal Code is amended to read:

29805. (a) (1) Except as provided in Section 29855, subdivision (a) of Section 29800, or subdivision (b), any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, subdivision (f) of Section 148.5, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 422.6, 626.9, 646.9, 830.95, 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, Section 487 if the property taken was a firearm, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(2) Any person who has an outstanding warrant for any misdemeanor offense described in this subdivision, and who has knowledge of the outstanding warrant, and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(b) Any person who is convicted, on or after January 1, 2019, of a misdemeanor violation of Section 273.5, and who subsequently owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a

county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

(c) Any person who is convicted on or after January 1, 2020, of a misdemeanor violation of Section 25100, 25135, or 25200, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(d) Any person who is convicted on or after January 1, 2023, of a misdemeanor violation of Section 273a, subdivision (b) or (c) of Section 368, or subdivision (e) or (f) of Section 29180, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(e) Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who is convicted on or after January 1, 2024, of a misdemeanor violation of this section, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(f) Any person who is convicted on or after January 1, 2024, of a misdemeanor violation of paragraph (5), (6), or (7) of subdivision (c) of Section 25400, paragraph (5), (6), or (7) of subdivision (c) of Section 25850, subdivision (a) of Section 26350, or subdivision (a) of Section 26400, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(g) Any person who is convicted on or after January 1, 2025, of a misdemeanor violation of subdivision (a) of Section 597, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(h) Any person, who is convicted on or after January 1, 2026, of a misdemeanor violation of Section 24610, 27530, 29185, 29186, 30605, 30610, 32900, 33215, or 33600, and who, within 10 years of the conviction, owns, purchases, receives, or has in their possession or under their custody or control any firearm, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(i) Any person who is convicted on or after January 1, 2027, of a misdemeanor violation of Section 273.65, 422.3, 422.7, 422.77, 18205, 29815, 29825, or 30305, or of subdivision (c) or (d) of Section 166, or any other offense that is defined as a hate crime under Title 11.6 of Part 1, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, punishable by imprisonment in a county jail not exceeding 1 year, by a fine not exceeding one thousand dollars ($1,000), or by both that fine and imprisonment.

(j) The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

SEC. ~~28~~ 29. Section 29813.5 is added to the Penal Code, to read:

29813.5. (a) Each local law enforcement agency, and each prosecuting agency identified in subdivision (c), shall do both of the following:

(1) Designate a person responsible for accessing or receiving notifications from the superior court indicating that a restrained person has violated a protective or restraining order's firearm relinquishment requirements, pursuant to subdivision (f) of Section 6306 and Section 6389 of the Family Code, Section 527.9 of the Code of Civil Procedure, Section 273.75 or Section 18120 of this code, or other applicable law.

(2) Regularly ensure that the clerk of the superior court has updated contact information for the person responsible for accessing and receiving such notifications from the court on behalf of the agency.

(b) Law enforcement agencies operating in the same jurisdiction may agree to designate one lead agency for their jurisdiction responsible for receiving noncompliance notifications from the court, as described in subdivision (a), and for coordinating followup actions and information sharing necessary to investigate and address the violation of the protective or restraining order, including, but not limited to, the safety responses required under subdivision (f) of Section 6383 of the Family Code.

(c) For the purposes of this section, a "prosecuting agency" includes a district attorney's office, and any city attorney's office that prosecutes crimes related to domestic violence or abuse, or violations of protective or restraining orders, including violations related to unlawful possession or control of firearms and ammunition.

SEC. ~~29~~ 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556

of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

California State Assembly

PUBLIC SAFETY

NICK SCHULTZ
CHAIR

1020 N Ste, Room 111
(916) 319-3744
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AGENDA

Tuesday, April 14, 2026
8:30 a.m. -- State Capitol, Room 126

ANALYSIS PACKET PART II

(AB 1810 Berman - AB 2318 Elhawary)

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1810 (Berman) – As Amended March 16, 2026

SUMMARY: Requires the Department of Justice (DOJ) to delist a licensed firearms dealer who fails to comply with the requirements to be on the list and to conduct a yearly inspection of the 10 firearm dealer locations with the highest percentage of total sales of firearms that were used in a crime, or suspected to have been used in a crime, as specified. Specifically, **this bill**:

1) States that DOJ shall remove from their centralized list of approved firearms dealers a person who fails to comply with specified requirements for licensure.

2) States that DOJ shall remove from their centralized list of approved firearms dealers a person who fails to remedy violations discovered as a result of an inspection, within 90 days of the inspection, as provided.

3) Establishes that a person removed from the centralized list, as defined, shall be subject to a fine and shall be ineligible to be placed on the centralized list for a period of two years from the date of removal.

4) Makes ineligible for two years a person who has been removed from the centralized list to own or operate a business selling firearms or ammunition, or be employed by a firearms dealer or ammunition vendor.

5) Provides that dealers shall provide a certificate of eligibility for all employees, who are required to have a certificate of eligibility, upon request of any peace officer, authorized law enforcement employee, or DOJ employee designated by the Attorney General, upon the presentation of proper identification during the course of an inspection.

6) Requires DOJ to conduct an inspection of the 10 firearm dealer locations with the highest percentage of total sales of firearms that were recovered by law enforcement and found to be illegally possessed, used in a crime, or suspected to have been used in a crime, as described.

7) States that a firearm dealer location shall only be inspected, as specified, if it is reported to be the source of no fewer than 20 firearms that were illegally possessed, used in a crime, or suspected to have been used in a crime.

8) Requires firearms dealer inspections to occur within 12 months after the release of a specified report. DOJ may forego an otherwise required inspection if the location has been inspected within six months prior to the release of the report.

9) States that a dealer found to have committed a violation of the defined requirements shall remedy the violation within 90 days of the inspection and submit proof of that remedy to DOJ.

10) Establishes that a fee adjustment, used to cover the cost of maintaining the centralized dealer list, shall not exceed 15 percent over the previous year and shall not exceed the amount necessary to cover costs.

11) Requires DOJ to assess a "reasonable" annual fee to maintain the centralized dealer list, including that the fee adjustment shall not exceed 15 percent over the previous year and shall not exceed the amount necessary to cover costs.

12) Makes other conforming changes.

EXISTING LAW:

1) Except as otherwise provided in paragraphs (1) and (3) of subdivision (b), States that DOJ shall keep a centralized list of all persons licensed to sell firearms. (Pen. Code, § 26715, subd. (a).)

2) Authorizes DOJ to remove from the centralized dealers list any person who knowingly or with gross negligence violates a specified provision. (Pen. Code, § 26715, subd. (b)(1).)

3) Requires DOJ to remove from the centralized list any person whose federal firearms license has expired or has been revoked. (Pen. Code, § 26715, subd. (b)(2).)

4) Requires DOJ to remove from the centralized list any person or entity who has failed to provide certification of compliance, as defined. (Pen. Code, § 26715, subd. (b)(3).)

5) States that upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located. (Pen. Code, § 26715, subd. (b)(4).)

6) Provides that information from the list shall be limited to that information necessary to corroborate an individual's current license status, as specified. (Pen. Code, § 26715, subd. (d).)

7) Authorizes DOJ to conduct inspections of dealers at least every three years to ensure compliance with the listing requirements and any other applicable state law. (Pen. Code, § 26720, subd. (a).)

8) States that DOJ shall conduct inspections of all dealers, except as specified, at least once every three years, to ensure compliance with the listing requirements and any other applicable state law. (Pen. Code, § 26720, subd. (a)(1).)

9) Provides that inspections of dealers shall include an audit of dealer records that includes a sampling of at least 25 percent, but not more than 50 percent, of each record type. (Pen. Code, § 26720, subd. (a)(2).)

10) Establishes that a dealer whose place of business is located in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law is exempt from the portion of the fee that relates to the cost of inspections. DOJ may inspect a dealer who is exempt from mandatory inspections to ensure compliance with all relevant laws and regulations. (Pen. Code, § 26720, subd. (c).)

11) Permits DOJ to assess an annual fee not to exceed one hundred fifteen dollars ($115), to cover the reasonable cost of maintaining the dealer list, including the cost of inspections. (Pen. Code, § 26720, subd. (b).)

12) Authorizes DOJ to assess an annual fee not to exceed one hundred fifteen dollars ($115), to cover the reasonable cost of maintaining the list of exempted federal firearms licensees, conducting inspections, and for the cost of maintaining the firearm shipment verification number system. (Pen. Code, § 28460, subd. (a).)

13) Specifies individuals who shall not be charged a fee. (Pen. Code, § 28460, subd. (d).)

14) States that DOJ may increase the fee at a rate not to exceed the increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations. (Pen. Code, § 28460, subd. (b).)

15) Provides that DOJ shall recover the full costs of administering the program by collecting fees from license applicants. Recoverable costs shall include, but not be limited to, the costs of inspections and maintaining a centralized list of licensed firearm manufacturers. (Pen. Code, § 29055, subd. (b).)

16) States that the fee for licensed manufacturers who produce fewer than 500 firearms in a calendar year within this state shall not exceed two hundred fifty dollars ($250) per year or the actual costs of inspections and maintaining a centralized list of firearm manufacturers and any other duties of DOJ, whichever is less. (Pen. Code, § 28460, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Where the federal government falls short, California is ready to step up and take the lead, especially when it comes to preventing gun violence. California's firearm laws lead the nation, and when firearm dealers break these laws, they must take the proper steps to remedy violations, or risk losing their authorization. AB 1810 will ensure the firearm industry in California is following our gun safety laws and clarify the California Department of Justice's authority to shut down irresponsible dealers who are endangering the lives of Californians by breaking the law. In addition, AB 1810 addresses the crime gun epidemic by requiring the California Department of Justice to annually inspect the top 10 dealer locations where the highest percentage of firearms that were illegally possessed or used in a crime are being sold."

2) **Effect of the Bill**: AB 1810 generally would authorize delisting firearms dealers that fail to comply with myriad requirements under the bill, and other state law or regulation, including failures to remedy identified violations during an inspection.

Ensuring firearms dealers continue complying with laws intended to reduce the number of guns used in crime is an important public safety consideration. A recent report noted that certain dealers can become a common point of sale for disproportionate numbers of firearms used in crime or suspected to have been used in crime.[1] One seller of multiple firearms found associated with crime was cited for multiple document control violations of federal regulations and unlawfully possessing banned firearms.[2] The report suggests that companies with a history of noncompliance with federal firearms laws increase the likelihood that firearms from that dealer's inventory will be found during a criminal investigation.[3] "When ATF inspected the 1% of gun dealers that supplied almost 60% of crime guns nationwide, it found that 75% of these dealers had violated federal law, including significant recordkeeping violations and participation in sales to potential gun traffickers and prohibited persons.[4] In comparison, when ATF inspected a random sample of dealers, the number that were found to be noncompliant dropped to 37%."[5]

There are some concerns with elements of this report. The ATF study cited in the report was published in November 2000, which makes the data somewhat stale.[6] Other parts of the report, however, create a somewhat clearer picture for how better screening of firearms vendors can positively impact public safety. The report details the results from a New York City lawsuit against regional firearms dealers that had an unusually high number of guns sold recovered at crime scenes.[7] After implementation of better compliance procedures, a follow up study found an 84% decrease in the likelihood of those same dealers' guns being found at crime scenes.[8] There appears to be some link between more compliant firearms dealers being connected with a lower likelihood of that dealer's firearms being found at a crime scene or during a criminal investigation.[9]

There could be concern with AB 1810, particularly related to the potentially larger swath of compliance failures that could delist a dealer and keep that dealer out of business for two years. Failures to comply that are noted from inspections can encompass a broad range of conduct, where some failures could be extremely serious and in need of immediate correction, while others may be relatively minor. Permitting delisting for two years for failure to remedy an inspection violation within 90 days in some cases could be unnecessarily punitive. Because firearms businesses potentially present unique public safety concerns, there is an argument that enforcement of regulatory compliance is uniquely essential. Sometimes 90 days is not very long to address certain compliance violations, especially when remedying the violation may require sourcing goods or services that are hard to access, in high demand, or requires an unusual degree of specialization. It is likely, however, that for most violations 90 days is a sufficient time period to remedy violations.

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[1] *A California Case Study: Government Agencies Should Screen Firearms Vendors* (2025) Brady United Against Gun Violence <https://s3.amazonaws.com/brady-static/Procurement-CA-v5.pdf> [as of Apr. 9, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*

It is unclear whether AB 1810, through enhanced compliance requirements for dealers, will contribute to a reduction in firearms use in crime.

3) **The *Bruen* Analysis**: AB 1810 largely does not impact individuals' Second Amendment rights under *Bruen*, though certain provisions could generate constitutional scrutiny. To be subject to Second Amendment scrutiny, a law must first infringe on plain text Second Amendment conduct. (*New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 597 U.S. 1, 17.) Justifying a law or regulation that purports to place restrictions on protected Second Amendment conduct requires the government to demonstrate the law is "consistent with the nation's historical tradition of firearms regulation." (*Id.* at p. 24.) A firearms regulation is constitutional if the government establishes the proposed law is "relevantly similar" to historical laws, regulations, and traditions. (*Id.* at p. 29.)

   AB 1810 ultimately may not infringe on plain text Second Amendment conduct. The Court has provided meaningful room to continue regulating the commercial sale of arms since *Heller*. (See, e.g., *District of Columbia v. Heller* (2008) 554 U.S. 626-27, *McDonald v. City of Chicago* (2010) 561 U.S. 742, 787.) This bill seems to be primarily aimed at regulating commercial conduct. AB 1810 does subject individual entrepreneurs to punishments like delisting, which makes them unable to continue doing business in California. The bill would even prohibit a delisted dealer from working in a facility that sells firearms or ammunition. There does not appear to be clear precedent, however, that treats an individual's Second Amendment right to possess or own firearms with the same protection as selling or employed selling firearms or ammunition. Even if we assume, as many courts have done in cases involving a Second Amendment challenge, that an individual has a plain text Second Amendment right to sell firearms and that right is impacted by AB 1810, it seems unlikely such a law would be struck down under *Bruen*.

   The United States Supreme Court, pursuant to the Privileges and Immunities Clause, has identified as a fundamental right of a person "to ply their trade, practice their occupation, or pursue a common calling," but this right exists in the context of one state discriminating against nonresidents who may want to work in the state creating legal preferences for its residents. (U.S. Const., art. IV, § 2; see also *Hicklin v. Orbeck* (1978) 437 U.S. 518, 524.) AB 1810 does not appear to be discriminating against nonresidents who want substantially similar opportunities for employment in California. Rather, this bill appears to establish restrictions on in-state dealers, which would apply equally to an out-of-state dealer who wants to do business in California.

4) **Argument in Support**: According to one of bill's sponsors, *Giffords*, "The bill seeks to ensure firearms dealers are held accountable by increasing scrutiny of dealers with the highest percentage of sales that end up being used in crimes and explicitly authorizing the Department of Justice to temporarily remove from its centralized list of approved dealers those who fail to remedy violations of California's laws.

   "While California overall has the strongest gun safety laws in the nation, it nonetheless still faces a big problem with gun trafficking. Recently, researchers at the University of California at Davis conducted a study ("the UC Davis study") of the records for over 380,000 crime guns recovered by law enforcement.1 They documented a dramatic increase over the decade from 2010 to 2021 in both firearm purchasing and recoveries of crime guns. According to

these researchers, the number of crime guns recovered in the state per capita has grown by close to 70% over the last decade.

"According to the UC Davis study, the number of firearms recovered shortly after purchase–a significant indicator that a gun has been trafficked–has also grown significantly. In particular, the percentage of handguns recovered in a violent crime within one year of purchase has tripled, and the median "time-to-crime" (time between the gun's last purchase and its recovery) for handguns recovered in violent crime dropped from 15 years to 4 years. The reduction in time to crime has continued. Between 2021 and 2023, over half of the firearms recovered in crimes traced back to a dealer were recovered in less than three years.2 These statistics show that, despite the state's overall strong gun laws, gun trafficking is still a significant problem that endangers California communities.

"**AB 1810's Main Provisions**

"DOJ Authority to Remove Dealers From Centralized List:: Effective oversight of the gun industry is a cornerstone of preventing gun violence—including regulating gun dealers and holding the industry accountable for irresponsible practices.12 AB 1810 clarifies that the California Department of Justice has the authority to temporarily remove dealers who violate state firearms dealer licensing laws or fail to remedy violations discovered through DOJ inspections within 90 days. The explicit authority to remove dealers gives the Department of Justice a critical enforcement tool that will help ensure that dealers who violate California's laws, and do nothing to correct problems, cannot operate in our state for 2 years. This allows California to squarely step into the void left by the ATF's repeated failure to revoke licenses, despite recommendations from its own agents to do so.

"Importantly, the vast majority of dealers follow the law and when they have violations, they correct them. From 2020 to 2024, Department of Justice field representatives inspecting California licensed dealers recorded 41,602 violations. As of Department of Justice crime gun report released in July of 2025, at least 35,382 (85%) of those violations were resolved.13 The policy goal is to push the small percentage of dealers who do not take corrective action toward compliance.

"Repeat Inspections for Dealers with Higher Rates Sales that are used in Crimes: Inspections of gun dealers are crucial to ensuring compliance with the law. The bill would require the DOJ to inspect the 10 firearm dealer locations with the highest percentage of sales that end up as crime guns annually. By requiring the DOJ to inspect the dealers who supply the highest percentages of crime guns, this bill will ensure that the DOJ is effectively using the resources it has available for gun store inspections.

"In its landmark report on crime guns in 2023, the Department of Justice found that although 344 licensed gun dealers were associated with only one crime gun, 82 dealers were associated with roughly half of all crime guns (38,230 firearms). The highest number of crime guns associated with one dealer was 1,652.14 That trend continued in the DOJ's most recent report on crime guns, with 87 dealers accounting for roughly half of crime guns.15 The UC Davis study agrees. It found that 10% of federal firearms licensees (FFLs) account for 95% of crime guns, and 15% of FFLs account for 98% of crime guns.

"Moreover, from 2020 to 2024, the DOJ conducted 870 inspections of 802 firearms dealers

and ammunitions venders. The DOJ found that during the one-year prior to their inspection of the 802 dealers, 612 had zero crime gun association.16 In addition, of the 736 inspected dealers by the DOJ's Bureau of Firearms, only 66 had recorded violations due to missing/unaccounted firearms.

"When crime guns are recovered and traced back to an identified dealer, is concentrated among a select group of dealers. In a tight budget environment, it makes sense to focus resource use on inspecting dealers who are the source of the greatest number of traced firearms. These inspections will ensure that dealers comply with the law and improve their business practices to reduce the number of firearms used in crimes."

5) **Argument in Opposition**: According to the *California Rifle and Pistol Association*, "This bill amends Penal Code Sections 26715, 26720, 28460, and 29055 to expand the Department of Justice's authority over the centralized list of licensed firearms dealers. It would require the DOJ to remove dealers from the list not only for failing to maintain required state and federal licenses, but also for failing to remedy unspecified violations discovered during inspections within 90 days. Removed dealers would face fines and a two-year ban on being relisted, owning or operating a firearms business, or even being employed in the firearms industry. The bill further mandates annual inspections of the ten dealer locations with the highest percentage of firearms later recovered in crimes (based on trace data), while adjusting inspection and list-maintenance fees to a vague "reasonable annual fee" with a 15% annual cap.

"While CRPA supports legitimate oversight of firearms dealers to ensure compliance with existing law, AB 1810 grants the DOJ overly broad, discretionary power to shut down or disqualify dealers based on subjective or minor compliance issues. The two-year employment and business ban is an extreme collateral consequence that goes far beyond what is necessary for public safety and risks putting responsible, law-abiding dealers out of business over paperwork errors, record-keeping technicalities, or good-faith disputes during audits. Targeting dealers based on crime-gun trace statistics unfairly penalizes retailers in high-crime areas or those serving lawful customers whose firearms may later be stolen or misused by criminals—without any requirement that the dealer itself engaged in illegal activity.

"California already maintains one of the most heavily regulated firearms industries in the nation, with strict licensing, record-keeping, background check, and inspection requirements. Adding layers of bureaucratic punishment and expanded DOJ discretion will reduce the number of compliant dealers, drive up costs for consumers, and limit access to lawfully owned firearms for self-defense, hunting, and sport shooting. This does little to address actual criminal firearm trafficking while burdening the rights of law-abiding citizens and small businesses.

"CRPA urges the Committee to reject AB 1810. We stand ready to provide additional information or testimony from our members who rely on licensed dealers at the hearing."

6) **Related Legislation**:

   a) AB 1589 (Chen) would exempt from the prohibition on possessing silencers specified level I reserve peace officers. AB 1589 is pending hearing in the Assembly Appropriations Committee.

b) AB 1615 (Nguyen) would authorize a peace officer employed by a county probation department and using an unsafe handgun as a service weapon to satisfy the above-described training requirement by completion of the firearm portion of a training course prescribed by POST and who qualifies with the handgun, as specified, at least every 3 months. AB 1615 is pending hearing in the Assembly Appropriations Committee.

c) SB 1220 (Hurtado) would prohibit a person who is convicted on or after January 1, 2027, of defined laws, from owning, purchasing, receiving, or having in their possession or under their custody or control any firearm within 10 years of the conviction. SB 1220 is pending hearing in the Senate Public Safety Committee.

7) **Prior Legislation**:

a) SB 15 (Blakespear), of the 2025-2026 Legislative Session, would have required DOJ's sampling of dealer records to include at least 25% of each record type and would also have authorized DOJ to periodically increase the inspection fee, as specified. SB 15 was held in the Senate Appropriations Committee.

b) AB 1420 (Berman), Chapter 245, Statutes of 2023, authorized the DOJ to conduct inspections and assess a fine for any violation of provisions relating to regulation of those licenses, for violations of specified provisions regulating the sale of secondhand firearms.

c) SB 1384 (Min), Chapter 995, Statutes of 2022, requires a licensed firearm dealer to have a digital video surveillance system on their business premises, and requires dealers to carry a policy of general liability insurance, as specified.

d) SB 1354 (Knight), of the 2013-2014 Legislative Session, would have required DOJ to notify each firearms license applicant in writing within 30 calendar days from the date an application is received by DOJ if DOJ deems the application to be incomplete. SB 1354 would have also required a determination by DOJ denying an application to set forth the specific reasons for the department's denial of the application, and provide the applicant with a form for appealing the department's determination. SB 1354 was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Giffords
Giffords Gun Owners for Safety, California

Opposition

California Rifle and Pistol Association, INC.

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

Date of Hearing: April 14, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1814 (Alanis) – As Amended March 25, 2026

SUMMARY: Requires specified peace officers assigned primarily to traffic enforcement to complete a National Highway Transportation Safety Administration (NHTSA)-approved standard field sobriety testing (FST) course within one year of assignment to traffic enforcement. Specifically, **this bill**:

1) Requires a peace officer with a rank of supervisor or below who is assigned primarily to traffic enforcement to complete a NHTSA-approved standard FST course of a minimum of 16 hours within one year of their assignment to traffic enforcement.

2) Provides that "assigned to traffic enforcement" does not include an officer who enforces traffic laws as an ancillary function of a general patrol assignment.

3) Requires a peace officer described above who completed the NHTSA-approved standard FST course and who leaves employment with a law enforcement agency (LEA) and who does not become reemployed by an LEA within two years of their departure, if assigned to traffic enforcement, to complete one of the following courses within one year of their assignment to traffic enforcement:

    a) Any of the below Commission on Peace Officer Standards and Training (POST)-certified courses provided by the Department of the California Highway Patrol (CHP) or a local LEA:

        i) Standardized FST course.

        ii) NHTSA-approved standard FST refresher course.

        iii) Drug recognition expert (DRE) classroom course.

        iv) Drug recognition expert (DRE) recertification course.

        v) Advanced roadside impaired driving enforcement (ARIDE) course.

    b) Any other POST-certified, continuing professional training-eligible course relating to law enforcement detection and apprehension of drivers whose behavior indicates that they may be driving under the influence (DUI) of drugs or alcohol, as specified.

EXISTING LAW:

1) Requires every person described as a peace officer to satisfactorily complete an introductory training course established by POST. (Pen. Code, § 832.)

2) Requires POST to adopt rules establishing minimum standards relating to the recruitment, training, and fitness of state and local law enforcement officers. (Pen. Code, §§ 13510, 13510.5.)

3) Provides that if a person is lawfully arrested for a DUI involving an alcoholic beverage, the person has the choice of whether the test shall be of their blood or breath, and the officer shall advise the person that they have that choice. (Veh. Code, § 23612, (a)(2)(A).)

4) Permits a person who chooses to submit to a breath test to be requested to submit to a blood test if the officer has reasonable cause to believe that the person was DUI of a drug and if the officer has reasonable cause to believe that a blood test will reveal evidence of the person being under the influence, requires the officer to state in their report the facts upon which those beliefs are based, and requires the officer to advise the person that they required to submit to an additional test. (Veh. Code, § 23612, (a)(2)(C).)

5) Requires an officer, for a person lawfully arrested for a specified DUI offense, to advise the person that they do not have the right to have an attorney present before stating whether they will submit to a test, before deciding which test to take, or during administration of the test or tests chosen, and that, in the event of refusal to submit to a test or tests, the refusal may be used against them in a court of law. (Veh. Code, § 23612, (a)(4).)

6) Provides that if an officer decides to use a preliminary alcohol screening test, the officer shall advise the person that they are requesting that person to take a preliminary alcohol screening test to assist the officer in determining if that person is under the influence, as specified. (Veh. Code, § 23612, (i).)

7) Specifies that a person's obligation to submit to a blood, breath, or urine test, as required, for the purpose of determining the alcohol or drug content of that person's blood, is not satisfied by the person submitting to a preliminary alcohol screening test, and an officer shall advise the person of that fact and of the person's right to refuse to take the preliminary alcohol screening test. (Veh. Code, § 23612, (i).)

8) Permits a peace officer who has completed a POST-approved course or courses of instruction in the investigation of traffic accidents to prepare, in triplicate, on a form approved by the Judicial Council, a written notice to appear when the peace officer has reasonable cause to believe that any person involved in a traffic accident has violated a provision of the Vehicle Code that is a felony, or a local ordinance, and the violation was a factor in the occurrence of the traffic accident. (Veh. Code, § 40600, subd. (a).)

9) Requires the CHP Commissioner to appoint an impaired driving task force to develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of impaired driving, and requires the task force to examine the use of technology, including field testing technologies and validated field sobriety tests, to identify specified drivers under the influence of prescription drugs, cannabis, and controlled

substances. The task force shall include, but is not limited to, the CHP commissioner and members of specified organizations and agencies, including the Office of Traffic Safety and NHTSA. (Veh. Code, § 2429.7, subd. (a).)

10) Requires the task force to make recommendations regarding the prevention of impaired driving, means of identifying impaired driving, and responses to impaired driving that reduce re-occurrence, as specified. (Veh. Code, § 2429.7, subd. (d).)

11) Requires, by January 1, 2021, the task force to report to the Legislature its policy recommendations and the steps state agencies are taking regarding impaired driving. (Veh. Code, § 2429.7, subd. (e).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "As a former law enforcement officer, I've seen firsthand how dangerous impaired driving can be for our communities. With DUI incidents continuing to impact families across California, it's critical that every peace officer is properly trained to recognize and stop impaired drivers. Right now, that training isn't consistent across the state. This bill makes sure all officers get the same clear, reliable training so we can keep our roads safer for everyone."

2) **Statewide Increase in Traffic Fatalities, Including DUI Fatalities.** There has been a substantial increase in crash fatalities in California in the last decade. Traffic fatalities can result from a variety of factors, including impaired driving, speeding, distracted driving, unsecured passengers, and unhelmeted motorcyclists, among others.[1] According to data published by the California Office of Traffic Safety (OTS), total crash fatalities across the state increased by about 31 percent, from 3,107 to 4,061, from 2013 to 2023.[2] This has been driven by an increase in almost all of the major crash fatality categories. According to OTS data, from 2013 to 2023, there was an approximate 54% increase in alcohol-impaired fatalities,[3] a 51% increase in unrestrained occupant fatalities,[4] a 51% increase in pedestrian fatalities,[5] a 31% increase in speeding-related fatalities,[6] and a 26% increase in motorcycle fatalities.[7] However, the latest data suggests this trend may be reversing. Total traffic

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[1] OTS, *California Annual Report: Fiscal Year 2024*, p. 30, (2024), available at: https://www.ots.ca.gov/wp-content/uploads/sites/67/2025/09/FY-2024-Annual-Report-Final-7.31-ALT-TEXT.pdf
[2] OTS, *California's Annual Report 2018*, p. 11, (2018), available at: https://www.ots.ca.gov/wp-content/uploads/sites/67/2019/06/2018-Annual-Report.pdf; OTS, *California Traffic Safety Quick Stats* (accessed February 4, 2026), available at: https://www.ots.ca.gov/ots-and-traffic-safety/score-card/
[3] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Alcohol-Impaired and Alcohol-Involved Driving* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-alcohol-impaired-and-alcohol-involved-driving
[4] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Occupant Protection and Child Passenger Safety* (2025), https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-occupant-protection-and-child-passenger-safety.
[5] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Pedestrian Safety* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-pedestrian-safety
[6] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Speeding-Related and Other Crashes* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-speeding-related-and-other-crashes
[7] OTS, *California's Annual Report 2018*, at p. 11; OTS, *2025 Traffic Safety Fact Sheet: Motorcycle Safety* (2025), available at: https://safetrec.berkeley.edu/2025-safetrec-traffic-safety-facts-motorcycle-safety

fatalities decreased by 1.9% from 2021 to 2022,[8] and again by 11% from 2022 to 2023.[9] Alcohol-impaired driving fatalities similarly decreased by 4.5% from 2022 to 2023.[10]

For context, alcohol and drug-involved crash fatalities (hereafter DUI crash fatalities), which have historically comprised a significant portion of total crash fatalities, peaked at 2,065 in 2005, before declining to a multi-decade low of 1,416 in 2010.[11] DUI crash fatalities have steadily increased since then, reaching 1,644 in 2015 and 1,868 in 2021; an increase of about 32% from 2010 to 2021.[12] While DUI crash fatalities have increased in the last decade, they comprise an increasingly lower proportion of total crash fatalities. In 2013, DUI crash fatalities were responsible for 54.7% of all crash fatalities; in 2021, 41.7%.[13] That is the lowest proportion of total crash fatalities since 2001.[14] Further, non-alcohol-involved crash fatalities increased from 2010 to 2021 by an alarming 88% percent, from 1,667 to 3,133.[15] This indicates that vehicle safety factors other than alcohol-involved impaired driving are playing a significant role in driving California's increase in crash fatalities.

3) **Reduced Enforcement of DUI Laws:** The increase in DUI fatalities has coincided with a significant decline in DUI arrests and convictions. In 2010, when impaired fatalities were at a multi-decade low, there were 195,879 DUI arrests and 148,042 DUI convictions in California.[16] From 2010 to 2015, DUI arrests and convictions both decreased by approximately 28%.[17] Arrests and convictions have continued to steadily decrease since then, reaching 110,017 arrests and 81,248 convictions in 2021.[18] In sum, between 2010 and 2021, DUI arrests and convictions decreased by approximately 44% and 45%, respectively.[19] Unsurprisingly, from 2011 to 2021, the DUI arrest rate per 100,000 licensed drivers decreased from 752 to 401.[20] This decrease in DUI arrests and convictions, considered alongside the significant increase in DUI fatalities, suggests a substantial reduction in the enforcement of California's DUI laws.

4) **Peace Officer DUI Training Courses:** The POST-certified regular basic course of training for peace officers includes a minimum of 664 hours of POST-developed training, broken down into 42 Learning Domains.[21] The basic course includes training on California DUI laws and how to properly perform FSTs. Learning Domain 28, titled "Traffic Enforcement,"

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[8] OTS, *California Annual Report: Fiscal Year 2024*, at p. 8
[9] OTS, *California Traffic Safety Quick Stats* (accessed February 4, 2026), available at: https://www.ots.ca.gov/ots-and-traffic-safety/score-card/
[10] *Ibid.*
[11] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[12] *Ibid.*
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.*
[16] State of California DMV, *DUI Summary Statistics* (accessed February 3, 2026), available at: https://www.dmv.ca.gov/portal/dmv-research-reports/research-development-data-dashboards/dui-management-information-system-dashboards/dui-summary-statistics/.
[17] *Ibid.*
[18] *Ibid.*
[19] *Ibid.*
[20] DMV, 32nd Annual Report of the California Dui Management Information System (2025), at p. 6, available at: https://www.dmv.ca.gov/portal/uploads/2025/10/32nd-Annual-Report-of-the-California-DUI-Managment-Information-System.pdf
[21] POST, *Peace Officer Basic Training* (accessed April 3, 2026), available at: https://post.ca.gov/peace-officer-basic-training

requires peace officers to learn the principles of traffic law as established in the California Vehicle Code to carry out their traffic enforcement responsibilities.[22] Chapter 5 of this Learning Domain pertains to DUI, and focuses "on the detection and apprehension of persons who are [DUI] of any alcoholic beverage and/or any drug"[23] and establishes the following learning objectives:

- Recognize the elements and common names for violations involving the possession of alcoholic beverages in a motor vehicle.
- Explain the meaning of the phrase "under the influence."
- Recognize the elements and common names for violations involving DUI.
- Recognize driving that might indicate a driver of a vehicle may be under the influence.
- Recognize the indications of driving under the influence of any alcoholic beverage and/or any drug that a peace officer may observe upon making contact with a driver
- Discuss medical conditions that may cause a person to appear under the influence
- Recognize appropriate peace officer actions if a subject refuses to cooperate in an FST.
- Demonstrate FSTs that may be used to determine impairment, including horizontal gaze nystagmus, one-leg-stand, and walk and turn.
- Discuss the primary elements included in the statutory admonition read to drivers who refuse to submit to a chemical test.[24]

In addition to POST's basic course of training, peace officers must complete at least 24 hours of Continuing Professional Training (CPT) every two years.[25] Peace officers can satisfy their CPT requirements, in part, by completing certain DUI-related trainings offered by certain organizations and agencies.[26] Most notably, CHP offers a variety of DUI-related trainings, including a 16-hour FST course, a 72-hour DRE classroom course, an 8-hour DRE recertification course, a 40-hour DRE Instructor Course, an eight or 16-hour Drug Impairment Training for Educational Professionals (DITEP) Course, and a 16-hour ARIDE

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[22] POST, *Learning Domain 28: Traffic Enforcement* (Oct. 2025), at p. 1-1, available at: https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_28-V8.1.pdf
[23] *Id.* at p. 5-2 (citation omitted).
[24] *Id.* at pp. 5-1, 5-2.
[25] POST, Learning Portal Training that Meets Mandates, (accessed April 3, 2026), available at: https://post.ca.gov/Learning-Portal-Training-that-Meets-Mandates
[26] POST, *Reimbursable Training Courses* (accessed April 3, 2026), available at: https://post.ca.gov/Reimbursable-Training-Courses; POST, *Course Catalog* (accessed April 3, 2026), available at: https://catalog.post.ca.gov/SearchMap.aspx?mapLocation=&latLong=&radius=10&mapTitle=DUI&mapFromDate=04%2f03%2f2026&mapToDate=04%2f03%2f2028&mapPresenter=&pageId=1&searchForPSRequirements=False&includeSelfPaced=True&MAC=22%2fe7%2fLH0xnZPA99t12z9JHwBJs

Course.[27] However, unlike other types of training, such as the required elder abuse training for officers assigned to field or investigative duties,[28] officers are generally not required to complete specific DUI training courses outside of their basic course of training.

In 2017, the Legislature enacted SB 94 (Committee on Budget and Fiscal Review), Chapter 27, Statutes of 2017, which required the CHP Commissioner to appoint an impaired driving task force to develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of impaired driving, and to submit a report to the Legislature on the task force's findings. (Veh. Code, § 2429.7, subds. (a) & (f).) This report was submitted to the Legislature in January 2021 and, among other things, recommended increasing peace officer training obligations pertaining to detecting impaired driving.[29] Specifically, the report included three peace officer training recommendations:

- POST should consider a requirement that a 24-hour SFT training be taught in all law enforcement academies in California.

- All law enforcement personnel assigned to traffic enforcement responsibilities shall receive ARIDE training within one year of being assigned and bi-annual continuing education related to impaired driving.

- The CHP should make all efforts to increase the number of DRE-trained officers statewide by four percent over the next five years.[30]

5) **Effect of this Bill:** This bill seeks to improve law enforcement training surrounding the detection and enforcement of impaired driving. This may help remedy the reduction in the enforcement of DUI, described above. This bill is based in part upon one of the recommendations included in the CHP task force report, which suggests requiring specified impaired driving training for law enforcement within a year of being assigned to traffic enforcement.

Specifically, this bill requires a peace officer with a rank of supervisor or below who is assigned primarily to traffic enforcement to complete a 16-hour or more NHTSA-approved standard FST course within one year of their assignment to traffic enforcement. As previously noted, CHP currently provides such a 16-hour FST training.[31] This bill can be expected to increase the number of peace officers in California who complete this CHP-provided FST training. An officer who enforces traffic laws only as an ancillary function of a general patrol assignment is not subject to this requirement. Additionally, this bill requires a peace officer who completes this course, and leaves their employing LEA and who does not become reemployed by an LEA within two years of their departure, to, if assigned to traffic enforcement, complete certain courses within one year of their assignment to traffic enforcement. This includes specified POST-certified courses provided by CHP or a local

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[27] California Highway Patrol, *Schedule of Classes* (accessed April 3, 2026), available at: https://www.chp.ca.gov/programs-services/for-law-enforcement/drug-recognition-evaluator-program/schedule-of-classes/
[28] Pen. Code, § 13515.
[29] CHP, *Report to the Legislature: Senate Bill No. 94* (Jan. 2021), at p. 36, available at: https://www.chp.ca.gov/siteassets/files/idtf_sb_94_2020.pdf
[30] *Ibid.*
[31] CHP, *Standardized Field Sobriety Testing (SFST) Course*, (accessed April 3, 2026), available at: https://www.chp.ca.gov/programs-services/for-law-enforcement/drug-recognition-evaluator-program/schedule-of-classes/sfst/

LEA, as well as any other POST-certified, continuing professional training-eligible course relating to law enforcement detection and apprehension of drivers whose behavior indicates that they may be driving under the influence of drugs or alcohol, as specified.

6) **Argument in Support**: According to the *California Peace Officers Association,* "AB 1814 "would expand law enforcement DUI training.

"Local law enforcement training varies widely in California, meaning that officers aren't always trained in how to test for drunk and drugged driving.

"AB 1814 would increase DUI training for police officers who work traffic enforcement to ensure they are proficient in areas like sobriety testing and report writing.

"Peace officers strongly support legislation aimed at reducing DUI incidents because impaired driving remains one of the leading causes of preventable deaths on California roadways.

"On average, more than 1,300 people are killed each year in alcohol-involved crashes in California—accounting for roughly one-third of all traffic fatalities—and DUI-related deaths have risen significantly over the past decade. From a law enforcement perspective, these numbers represent repeated, preventable tragedies often involving repeat offenders.

"Policies that strengthen deterrence, improve accountability, and reduce impaired driving directly support officers' core mission to protect the public, save lives, and prevent families from experiencing entirely avoidable loss."

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

8) **Prior Legislation**:

   a) SB 94 (Committee on Budget and Fiscal Review), Chapter 27, Statutes of 2017, required, among other things, the CHP Commissioner to appoint an impaired driving task force to develop recommendations for best practices, protocols, proposed legislation, and other policies that will address the issue of impaired driving, and to submit a report to the Legislature on the task force's findings.

REGISTERED SUPPORT / OPPOSITION:

Support

AAA Northern California, Nevada & Utah
Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs (ALADS)
Automobile Club of Southern California
Brea Police Association
Burbank Police Officers' Association
California District Attorneys Association
California Narcotic Officers' Association

California Peace Officers Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Assocation
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Safety and Advocacy for Empowerment (SAFE)
Streets for All

Opposition
None submitted.

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

Date of Hearing: April 14, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1854 (Krell) – As Amended March 19, 2026

SUMMARY: Prohibits a state or local law enforcement agency from knowingly affecting the arrest of, or arresting any person who the Governor has declined to surrender on the demand of the executive authority of any other state where the accused was not in the demanding state at the time of the commission of the crime and has not fled from another state. Specifically, **this bill**:

1) Prevents a state or local law enforcement agency or state court from arresting or participating in the arrest of, cooperating with, or providing information to, or imposing criminal or civil penalty on, any person performing, supporting, or aiding in the performance of a legally protected health care activity, whether in this state or not, if the legally protected healthcare activity is lawful in this state.

2) Prohibits a state or local law enforcement officer or agency or a state or local public agency or employee from cooperating with, or providing information to, another state or federal agency, as specified, about a legally protected healthcare activity that is lawful in California.

3) Mandates an out-of-state warrant, subpoena, or wiretap order be based on a declaration stating various grounds for the discovery of information, as specified, be filed under penalty of perjury.

4) Requires any person or entity headquartered, located, or incorporated in California and who receives, is served with, or is subject to a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons, as specified, for information regarding legally protected health care activity not comply with or provide information in response to that inquiry, unless all of the following conditions are met:

    a) It includes a declaration or affidavit signed under penalty of perjury, that the request is not made in connection with, and the information will not be used in, an out-of-state proceeding related to legally protected healthcare activity.

    b) It is not related to any investigation or proceeding that seeks to impose civil or criminal liability, professional sanctions, or any other legal consequences on a person or entity for any legally protected healthcare activity.

    c) It is related to an investigation regarding activity that is unlawful under California civil or criminal law and identifies which California law makes the activity unlawful.

    d) It is related to an investigation or proceeding regarding activity that is grounds for professional discipline in California and identifies the grounds for professional

discipline.

e) The recipient of the inquiry, investigation, subpoena, or summons has notified the Attorney General within seven days of receiving the inquiry and indicates whether the person or entity intends to comply with or provide information in response to the inquiry, and provide a copy of the response.

f) The recipient of the inquiry, investigation, subpoena, or summons has made reasonable attempts to notify the person who provided, sought, received, facilitated, or otherwise engaged in the legally protected health care activity to which the inquiry pertains at least 30 days prior to providing any responsive information.

g) A minimum of 30 days has passed since the recipient of the inquiry notified the Attorney General.

5) States the requirements specified above do not apply to an inquiry, investigation, subpoena, or summons from the Department of Justice (DOJ).

6) Authorizes a person or entity that is located, headquartered, or incorporated in California and receives or is subject to a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons, for information regarding legally protected health care activity may institute a civil action to obtain declaratory relief, or other relief deemed necessary and proper by the court, stating that compliance is prohibited.

7) Authorizes a person or entity that is located, headquartered, or incorporated in California and who receives or is subject to a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity may institute a civil action to obtain declaratory relief, or other relief deemed necessary and proper by the court, stating that compliance is prohibited.

8) Requires before any action to quash an inquiry, subpoena, investigation, or summons related to legally protected healthcare activity, a copy of the commencing document and all supporting documents must be served on the DOJ.

9) Authorizes DOJ to intervene in any action brought to quash or any request for information.

10) Authorizes DOJ to commence an action to enforce the requirements of this bill including, but not limited to an application or motion for an order enjoining ongoing or future violations.

11) Prohibits DOJ from commencing an action unless the DOJ has reason to believe the defendant or respondent intends to comply or has complied with, or intends to provide information in response to or has provided information in response to, an inquiry, investigation, subpoena, or summons regarding legally protected health care activity.

12) Mandates that any action brought by the DOJ, as specified, be commenced within six years of the date on which the DOJ received the notice of the inquiry, investigation, subpoena, or summons at issue.

13) States that, notwithstanding any law to the contrary, DOJ may seek any other legal or equitable remedy lawfully available.

14) Mandates the DOJ be awarded all attorney's fees and costs in any civil action in which a court imposes any penalties, as specified.

EXISTING LAW:

1) Defines "legally protected health care activity" as any of the following:

   a) The exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California or the provision by a health care service plan contract or a policy, or a certificate of health insurance, that provides for such services.

   b) An act or omission undertaken to aid or encourage, or attempt to aid or encourage, a person in the exercise and enjoyment or attempted exercise and enjoyment of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California.

   c) The provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services by a person duly licensed under the laws of California or the coverage of, and reimbursement for, those services or care by a health care service plan or a health insurer, if the service or care is lawful under the laws of California, regardless of the patient's location. (Pen. Code, § 1549.15, subd. (b)(1)(A)-(C).)

2) Provides that "gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, interventions to suppress the development of endogenous secondary sex characteristics; interventions to align the patient's appearance or physical body with the patient's gender identity; and intervention to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition. (Pen. Code, § 1549.15, subd. (a).)

3) States that "reproductive health care services" means and includes all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception. (Pen. Code, § 1549.15, subd. (c).)

4) Defines "anti-reproductive-rights crime" to mean a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any

class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. (Pen. Code, § 13776, subd. (a).

5) Requires the DOJ to direct local law enforcement agencies to report annually to the DOJ specified information related to anti-reproductive-rights crimes. (Pen. Code, § 13777, subd. (a)(2).)

6) Requires the DOJ to carry out certain functions relating to anti-reproductive-rights crimes in consultation with the Governor, the Commission on Peace Officer Standards and Training (POST), and other subject matter experts. (Pen. Code, § 13777, subd. (b).)

7) Requires POST to develop an interactive training course on anti-reproductive-rights crimes and make the telecourse available to all California law enforcement agencies though an online portal or platform. (Pen. Code, §13778, subd. (a).)

8) Mandates every law enforcement agency in this state to develop, adopt, and implement written policies and standards for officers' responses to anti-reproductive-rights calls by January 1, 2023. (Pen. Code, § 13778.1.)

9) Prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion in this state, or obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (a).)

10) Prohibits a state or local public agency, or any employee thereof acting in their official capacity, from cooperating with or providing information to any individual or agency or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency regarding an abortion that is lawful under the laws of this state and that is performed in this state. (Pen. Code, § 13778.2, subd. (b).)

11) Provides that a law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state, is against the public policy of this state. (Pen. Code, § 13778.2, subd. (c)(1).)

12) Prohibits a state court, judicial officer, or court employee or clerk, or authorized attorney from issuing a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (c)(2).)

13) Provides that the investigation of any criminal activity in this state that may involve the performance of an abortion is not prohibited, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's abortion law. (Pen. Code, § 13778.2, subd. (d).)

14) Prohibits a person shall from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a

threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. (Gov. Code, § 6218.01, subd. (a)(1).)

15) Provides that the above is punishable by a fine of up to $10,000 per violation, imprisonment of either up to one year in a county jail or by imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)

16) Provides that a violation of the above that leads to the bodily injury of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, is a felony punishable by a fine of up to $50,000, imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)

17) Provides that the state may not deny or interfere with a person's right to choose or obtain an abortion prior to viability of the fetus or when the abortion is necessary to protect the life or health of the person. (Health & Safe. Code, § 123462, subd. (c); 123466.)

18) Prohibits under the Confidentiality of Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civ. Code § 56, *et seq.*)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1854 continues California's commitment to defend reproductive health care freedoms by strengthening California's shield laws to better stop out-of-state anti-abortion prosecutions and extradition attempts at our border. At a time when anti-abortion states are targeting those who legally provide or receive reproductive health care in California, it's vital we fortify our protections."

2) **Attacks on Gender Affirming Care and Reproductive Rights**: In the past few years, numerous states have introduced legislation targeting transgender individuals in an attempt to prohibit or limit their ability to obtain gender-affirming care and reproductive care. More recently, on the first day of President Trump's second term, he issued an executive order titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" which states that "the United States recognizes two sexes, male and female."[1]

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[1] Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025), available at <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal.

In 2025, the federal DOJ announced that it had sent more than 20 subpoenas to doctors and clinics providing gender-affirming health care to minors.[2] Along with other states, California's DOJ has worked to prevent the federal government and out-of-state officials from obtaining these kinds of records.[3] However, DOJ's ability to successfully prevent disclosure is directly tied to it having the authority to intervene in disputes regarding the provision of this information, and having notice of an inquiry in the first instance.

Since then, the President has issued an executive order banning transgender girls and women from participating in women's sports, and another one banning the use of federal funding for youth gender affirming care, including funding for research on gender affirming care.[4] Although some of these orders are currently being challenged in court, the outcome of those cases is uncertain. In response to these executive orders, the Trump Administration has taken several actions, including rescinding all existing federal policies protecting transgender people from sex and disability discrimination; revoking the ability to obtain passports and federal documents reflecting their gender identity; denying transition-related healthcare to federal employees; and directing federal prisons to deny medical treatment and house transgender people according to sex assigned at birth.[5]

Some California healthcare providers are beginning to scale back care for transgender youth, following efforts by the Trump administration to restrict access to such care. Stanford is the second provider in this state that has begun restricting gender-affirming health care because of the recent actions of the Trump administration. Stanford recently issued the following statement on the matter:

After careful review of the latest actions and directives from the federal government and following consultations with clinical leadership, including our multidisciplinary LGBTQ+ program and its providers, Stanford Medicine paused providing gender-related surgical procedures as part of our comprehensive range of medical services for LGBTQ+ patients under the age of 19, effective June 2, 2025.[6]

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[2] U.S. Department of Justice, Department of Justice Subpoenas Doctors and Clinics Involved in Performing Transgender Medical Procedures on Children, (Jul. 9, 2025) available at: https://www.justice.gov/opa/pr/department-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical.

[3] See California Department of Justice, Attorney General Bonta Joins Multistate Opposition to U.S. DOJ's Attempt to Subpoena Gender-Affirming Care Records, (Oct. 22, 2025) available at: https://oag.ca.gov/news/press-releases/attorney-general-bonta-joins-multistate-opposition-us-doj%E2%80%99s-attempt-subpoena.

[4] See Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025), available at <http://www.federalregister.gov/documents/2025/02/11/2025-02513/keeping-men-out-of-womens-sports; Exec. Order No. 14187, 90 Fed. Reg. 8771 (Jan. 28, 2025), available at <https://www.federalregister.gov/documents/2025/02/03/2025-02194/protecting-children-from-chemical-and-surgical-mutilation.

[5] Jennifer Levi, GLAD Law, *From the Front Lines: The Fight for Transgender Rights Is a Fight for Democracy*, (Feb. 10, 2025), available at <https://www.glad.org/the-fight-for-transgender-rights-is-a-fight-for-democracy/.

[6] See <https://www.ktvu.com/news/stanford-no-longer-providing-gender-affirming-surgeries-children, June 26, 2025.

In 2022, the U.S. Supreme Court published its opinion in *Dobbs v. Jackson Women's Health* (2022) 597 U.S. 215.), overturning 50 years of precedent and revoking, for the first time, a constitutional right. Prior to *Dobbs*, the Supreme Court had continuously upheld the holding of *Roe v. Wade*, that found the implied constitutional right to privacy extended to a person's decision whether to terminate a pregnancy, while allowing some state regulation of abortion access as permissible. (*Roe v. Wade* (1973) 410 U.S. 113.) In the wake of *Dobbs*, numerous states now have laws prohibiting or severely limiting abortion and have enacted laws attempting to punish those who seek safe and reliable reproductive healthcare in states where it is still legal to seek abortion care. According to the Guttmacher Institute, 16 states have effectively banned abortion and another 10 have become very restrictive or restrictive.

In 1969, the California Supreme Court held that the state constitution's implied right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.) This was the first time an individual's right to abortion was upheld in a court. In 1972 the California voters passed a constitutional amendment that explicitly provided for the right to privacy in the state constitution. (Prop. 11, Nov. 7, 1972 gen. elec.)

The Reproductive Privacy Act includes findings and declarations that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion. (Health & Saf. Code, § 123462.)

In 2019, Governor Newsom issued a proclamation reaffirming California's commitment to making reproductive freedom a fundamental right in response to the numerous attacks on reproductive rights across the nation. In September 2021, more than 40 organizations came together to form the California Future Abortion Council (CA FAB) to identify barriers to accessing abortion services and to recommend policy proposals to support equitable and affordable access for not only Californians but all who seek care in the state.

In response to the *Dobbs* decision, California enacted a comprehensive package of legislation expanding, protecting, and strengthening access to reproductive health care, including abortions, for all Californians and people seeking such care in our state. One such law, SB 345 (Skinner, Ch. 260, Stats. 2023) provided safeguards for professional licenses of California healthcare providers from out-of-state statutes attempting to punish these professionals for providing care legal in the state.

Additionally, the voters overwhelmingly approved Proposition 1 (Nov. 8, 2022 gen. elec.), and enacted an express constitutional right in the state constitution that prohibits the state from interfering with an individual's reproductive freedom in their most intimate decisions.

3) **Full Faith and Credit Clause:** The Full Faith and Credit Clause of the United States Constitution states:

> Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And

> the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (U.S. Const. art. IV, sec. 1.)

Because this bill prohibits government actors from cooperating with another state for the purpose of enforcing another state's laws on what we characterize as "legally protected healthcare activity," it potentially implicates the Full Faith and Credit Clause.

Generally, the laws of the state regulate conduct that occurs within that state. However, situations may arise where more than one state's laws may apply such as collection of income taxes or child support obligations from another state. The purpose of the Full Faith and Credit Clause:

> "[I]s to alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation throughout which a remedy upon a just obligation might be demanded as of right, irrespective of the state of its origin." (*Baker v. General Motors Co.* (1998) 522 U.S. 222, 232 *citing Milwaukee County v. M. E. White Co.* (1935) 296 U.S. 268, 277.)

The Full Faith and Credit Clause may be implicated when there is a conflict between the laws of the different states. At least one court has held that any effort by a state to apply its criminal laws beyond state borders to criminalize activity that is otherwise lawful in the other state. (*Bigelow v. Virginia* (1975) 421 U.S. 809.) *Bigelow* involved a Virginia newspaper editor who was convicted in Virginia for printing an advertisement for an abortion referral service in New York. The Supreme Court overturned the conviction stating:

> "The Virginia Legislature could not have regulated the advertiser's activity in New York, and obviously could not have proscribed the activity in that State. Neither could Virginia prevent its residents from traveling to New York to obtain those services, or as the state conceded, prosecute them for going there. Virginia possessed no authority to regulate the services provided in New York . . ." (*Id.* at p. 822-824.)

However, other cases do not follow a strict prohibition on the application of one state's laws on another state. The Supreme Court has also held that even when criminal conduct takes place outside of the state, extraterritorial jurisdiction may be property when the conduct was intended to produce or did produce harmful effects within the state. (*Strassheim v. Daily* (1911) 221 U.S. 280.)

The Supreme Court has also made a distinction between the strength of the Full Faith and Credit Clause's applications to judgments versus state law.

> "The Full Faith and Credit Clause does not compel "a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to

> legislate. Regarding judgments, however, the full faith and credit obligation is exacting. A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land." (*Baker v. General Motors Co., supra,* 522 U.S. at 232-233.)

This concept is often referred to as the "public policy exception" meaning statutes in one state is given effect only if they do not contravene the public policy of the other state. If this bill were challenged based on the Full Faith and Credit Clause, California would argue that enforcing the anti-reproductive criminal statutes of other states is contrary to the public policy of the State which is supported by case law.

4) **Argument in Support**: According to *Office of Attorney General Rob Bonta*, "After the overturn of Roe v. Wade, California passed several shield laws to protect people who provide, receive, or help others obtain health care that is legal in California, including abortion and gender-affirming care. These laws prohibit California agencies and certain companies from helping other states enforce laws that punish this care.

   "Since California's shield laws took effect, anti-abortion states have increased efforts to investigate and prosecute California providers, and some states have tried to extradite or take adverse legal actions against California doctors. For example, Louisiana has sought to extradite a California abortion provider for allegedly sending abortion medication to a Louisiana resident.[7]

   "AB 1854 would address these issues by 1) expanding shield law coverage to more California businesses and individuals who receive legal demands, 2) creating a notification process so the Attorney General can intervene and stop improper disclosures, 3) giving the Attorney General stronger authority to take legal action and enforce the law, and 4) clarifying that law enforcement cannot arrest someone if the Governor refuses an extradition request.

   "These clarifications are essential to ensuring that California's protections remain effective in practice and continue to provide certainty to patients, providers, and support networks. They also help safeguard sensitive personal information from being used in out-of-state proceedings that seek to penalize lawful care. As the legal landscape continues to shift nationwide, AB 1854 ensures California will remain a safe haven for those seeking and providing reproductive health care."

5) **Argument in Opposition**: According to the *California Hospital Association*, "Hospitals are deeply committed to protecting patient privacy and safeguarding the confidentiality of personal health information. Every day, patients place their trust in hospitals — often during their most vulnerable moments — and hospitals take these responsibilities seriously. This is especially true for sensitive services such as reproductive and gender-affirming care, where privacy is essential to patient safety, dignity, and access to treatment.

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[7] https://apnews.com/article/louisiana-california-abortion-pill-extradite-doctor-f99a0f638daa6996bf2affd9194b2809 [last visited April 7, 2026.]

"Despite hospitals' deep commitment to protecting sensitive patient information, Assembly Bill (AB) 1854 (Krell, D- Sacramento) would significantly alter how hospitals must respond to requests for information related to health care activities. AB 1854 would prohibit a hospital or other entity from responding to a "civil, criminal, or regulatory inquiry, investigation, subpoena, or summons for information regarding legally protected health care activity" unless the requesting party provides a specified affidavit, the hospital notifies the California attorney general and the affected patients, and the hospital waits 30 days before responding.

"While the California Hospital Association (CHA), on behalf of nearly 400 hospitals and health systems, understands the intent of AB 1854, the bill as drafted is overly broad and presents significant operational challenges, as described below.

- Overly broad definition of covered services: The bill applies to "legally protected health care activity," defined in Penal Code Section 1549.15 to include reproductive and gender-affirming services. In practice, this encompasses a wide range of routine care, such as prenatal visits, childbirth, hysterectomies, vasectomies, and commonly prescribed medications (many unrelated to gender dysphoria). It also includes psychotherapy, even though hospitals do not have visibility into the specific topics discussed between a therapist and patient. *Example: A hospital that does not provide abortion or gender-affirming care could still be required to obtain an affidavit, notify the attorney general and patient, and wait 30 days before responding to a basic request — such as a family member asking which room a maternity patient is in.*

- Applies to undefined and overly broad "inquiries": The bill extends beyond formal subpoenas or investigations to any "civil, criminal, or regulatory inquiry," a term that is not defined and could include routine emails, letters, or phone calls from state agencies and departments, health plans, and others as part of standard, necessary communication. *Example: A simple request from a health plan, physician's office, or family member could trigger complex legal requirements, creating uncertainty and disrupting standard hospital communication workflows.*

- Conflict with federal law and timelines: The bill appears to require a 30-day delay before responding to requests, including federal subpoenas, which may require faster compliance. Under the Supremacy Clause of the U.S. Constitution, state law cannot impose conditions that make it impossible to timely comply with federal court orders or subpoenas — which are exercises of federal judicial authority.

- Interference with mandatory inspections and oversight: Hospitals that participate in Medicare or Medicaid (Medi-Cal in California) must provide immediate access to records for federal and state inspectors who are assessing quality of care. These reviews routinely involve services covered by AB 1854, including childbirth and other reproductive or gender-related care. *Example: Surveyors reviewing obstetric or surgical care must be granted prompt access to records; a 30-day delay or additional procedural requirements would conflict with these obligations and risk noncompliance."*

6) **Related Legislation**:

a) AB 1930 (Zbur) limits when a person or entity may provide information regarding another's legally protected health care activities in response to various types of inquiries. AB 1930 is pending hearing in this committee.

b) AB 2164 (Bauer-Kahan) applies California Shield Laws related to protected healthcare activity to any person who has previously undertaken one or more protected healthcare activities, as specified, in another state to aid or encourage any other person in the exercise and enjoyment of their rights to reproductive health care services or gender affirming health care services that would have been protected by this state if they had been undertaken in this state, if the activity was permissible under the laws of the state where the person providing aid was located. AB 2164 is pending hearing today in this committee.

7) **Prior Legislation**:

a) SB 497 (Weiner), Chapter 764, Statutes of 2025 enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

b) AB 82 (Ward), Chapter 679, Statutes of 2025, expanded safe haven protections against adverse action for aiding and assisting the access of legally protected health care activities in California, prohibits the reporting of testosterone and mifepristone to California's Prescription Drug Monitoring Program (PDMP), and required bail to be set at zero dollars for an individual who has been arrested in connection with a proceeding in another state regarding the individual performing, supporting, or aiding in the performance of "a legally protected health care activity."

c) SB 107 (Wiener), Chapter 810, Statutes of 2022, enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

d) AB 2091 (Bonta), Chapter 628, statutes of 2022, prohibited providers, health care service plans, contractors, employers from releasing medical information related to abortion services or information related to a person allowing a minor to receive gender-affirming health care and gender-affirming mental health care in response to a subpoena/investigation-related request seeking to impose liability under another state's law for an abortion lawful in CA or for allowing minor to receive gender-affirming health care and gender-affirming mental health care, among other provisions.

e) AB 1666 (Bauer-Kahan), Chapter 42, Statutes of 2022, prohibited California courts from applying another state's laws authorizing civil action for receiving, seeking, providing, and/or aiding abortion in deciding the cases before them or from enforcing civil judgments under those laws, and designating those laws as contrary to California public policy, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

19) Attorney General Rob Bonta (Sponsor)
Access Reproductive Justice
California Chapter of the American College of Emergency Physicians
Equality California
Reproductive Freedom for All California

Oppose

California Chamber of Commerce
California Hospital Association

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

Date of Hearing: April 14, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1902 (Pellerin) – As Amended April 8, 2026

As Proposed to be Amended in Committee

SUMMARY: Makes various changes to existing law that authorizes a court to order extended confinement for a person who is set to be discharged from a Secure Youth Treatment Facility (SYTF) based on a finding that the person is physically dangerous to the public, as specified. Specifically, **this bill**:

1) Requires a person to remain in custody in an SYTF, state mental health hospital, or other appropriate adult secure institution until the conclusion of a probable cause hearing and until the conclusion of the proceedings to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem.

2) States that the probable cause hearing shall not be continued, except upon a showing of good cause by the party requesting the continuance.

3) States that the finding of probable cause may be based in whole or in part on the opinions of an expert admitted through the expert's reports provided that the report was first attached to, or incorporated by, reference in the petition. The finding of probable cause may also be based in whole or in part on the sworn testimony of a law enforcement officer or honorably retired law enforcement officer.

4) Clarifies that nothing in the above provisions shall abrogate a person's right to cross-examination or to compel the attendance of witnesses.

5) Increases the time for a person to be brought to trial, from within 30 days to within 60 days from the determination that there is probable cause.

6) Requires a court, if the court or jury finds that the person has a mental condition or disorder making them physically dangerous to the public as specified, to determine the period of continued detention informed by the evidence presented at trial and a clinical assessment by the person's treatment team at the secure youth treatment facility, State Department of State Hospitals (DSH), or other appropriate adult secure institution, based on the person's individual treatment needs for the underlying mental condition, disorder, or other problem.

7) Extends the maximum period of continued detention from 2 years to 5 years.

8) Requires the court state on the record the basis for the period ordered.

9) Specifies that if an order for continued detention is made, the control of the probation department, DSH, or other appropriate adult secure institution over the person shall continue

until the termination of the specified period unless a new petition is filed for continued detention.

10) Clarifies that the criminal discovery process applicable to criminal proceedings shall apply to all proceedings related to a petition for continued detention.

11) Authorizes the prosecuting agency to request the county behavioral health director or the Director of DSH to review any case in which the probation department has not made a request to the prosecuting attorney to file a petition for continued detention.

12) States that upon the prosecuting agency's request, a mental health professional designated by the county behavioral health director or the Director of DSH shall review the case and thereafter may affirm the decision of the probation department to not request a petition for extended detention, order additional assessment of the ward, or shall request the prosecuting attorney petition the committing court for an order directing that the person remain subject to the control of the probation department beyond the time set for release.

13) Requires the prosecuting agency and designated mental health professional to have access to a copy of the ward's file and any documentation upon which the probation department relied.

14) Provides that if a prosecuting agency makes a request to review a case that the probation department has not made a request for, the person shall remain in custody in a secure facility until the conclusion of those proceedings.

EXISTING LAW:

1) 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).)

2) Allows counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Welfare and Institutions Code section 707. (Welf. & Inst. Code, § 875.)

3) Provides that in determining whether to order a ward to be committed to an SYTF, the court must make a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. The court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. (Welf. & Inst. Code, § 875, subd. (a)(3).)

4) States that the court shall additionally make its determination whether a ward should be committed to a SYTF based on the following:

    a) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to the victim;

b) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward;

c) Whether the programming, treatment, and education offered and provided in a SYTF is appropriate to meet the treatment and security needs of the ward;

d) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court; and,

e) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment facility. (Welf. & Inst. Code, § 875, subd. (a)(3)(A)-(E).)

5) Requires the court, in making its order of commitment for a ward, to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. Requires the baseline term of confinement to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. Requires the baseline term of confinement for the ward to be determined according to offense-based classifications. Provides that the baseline term is subject to modification in progress review hearings. (Welf. & Inst. Code, § 875, subd. (b)(1).)

6) Requires the court, in making its order of commitment, to additionally set a maximum term of confinement for the ward based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. (Welf. & Inst. Code, § 875, subd. (c)(1).)

7) Provides that the maximum term of confinement is the longest term of confinement in a facility that the ward may serve subject to the following:

a) Prohibits a ward committed to an SYTF from being held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. Allows a ward who has been committed to an SYTF based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, to be held in secure confinement until 25 years of age, or two years from the date of commitment, whichever occurs later.

b) Prohibits the maximum term of confinement from exceeding the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses. Requires, if the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, the maximum term of confinement to be the aggregate term of imprisonment specified in Section 1170.1 of the Penal Code.

c) Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)

8) States that if a probation department determines the discharge of a person confined in an SYTF would be physically dangerous to the public because of the person's mental or

physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their behavior, the department shall request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department beyond the release date. (Welf. & Inst. Code, § 876, subd. (a).)

9) Requires the prosecuting attorney to promptly notify the probation department of a decision not to file a petition. (Welf. & Inst. Code, § 876, subd. (a).)

10) States that if a petition is filed with the court and, upon review, the court determines that the petition, on its face, supports a finding of probable cause, the court shall order that a hearing be held. The person who is the subject of the petition shall receive notice, have an opportunity to appear at the hearing with the aid of counsel, and the right to cross-examine experts or other witnesses upon whose information, opinion, or testimony the petition is based. (Welf. & Inst. Code, § 876, subd. (c).)

11) Requires the probable cause hearing to be held within 10 calendar days after the date the order for a hearing is issued unless the person named in the petition waives time. (Welf. & Inst. Code, § 876, subd. (c).)

12) States that if the court determines there is not probable cause, the court shall dismiss the petition and the person shall be discharged from the control of the SYTF, as applicable. If the court determines there is probable cause, the court shall order that a trial be conducted to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem. (Welf. & Inst. Code, § 876, subd. (d).)

13) Provides that the trial shall be by jury unless the right is waived. The verdict shall be unanimous and the standard is beyond a reasonable doubt. The person shall be entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings. (Welf. & Inst. Code, § 876, subd. (e).)

14) States that if an order for continued detention is made, the probation department shall continue to have control over the person and the department shall, within two years after the date of the order, filed a new application for continued detention if deemed necessary. (Welf. & Inst. Code, § 876, subd. (f).)

15) Authorizes these applications to be repeated at intervals as often as in the opinion of the probation department may be necessary for the protection of the public, except that the court shall have the power, in order to protect other persons in the custody of probation to refer the person for evaluation for civil commitment or to transfer the custody of any person over 25 years of age to the county adult probation authorities for placement in an appropriate institution. (Welf. & Inst. Code, § 876, subd. (f).)

16) Provides that the court shall have the power, in order to protect other persons in the custody of probation to refer the person for evaluation for civil commitment or to transfer the custody of any person over 25 years of age to the county adult probation authorities for placement in an appropriate institution. (Welf. & Inst. Code, § 876, subd. (f).)

17) States that an order of the committing court for continued detention is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. The

appellate court may affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Pending appeal, the appellant shall remain under the control of the probation department. (Welf. & Inst. Code, § 876, subd. (g).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "In 2015, the Santa Cruz community was devasted when the brutally murdered body of 8-year old Maddy Middleton was discovered. The crime shook Santa Cruz County to its core and forever changed the lives of Maddy's family.

   "In 2021 the jury found the defendant, Adrian Gonzalez, guilty of Maddy's murder. Due to changes in the juvenile justice system, he was sent to a secured youth treatment facility. While there, efforts were made to provide him with the tools and treatment to rehabilitate him.

   "However, believing he remained a threat, the Santa Cruz County filed a motion for a detention extension hearing. These hearings are intended to determine whether a ward still poses a danger to the public and are reserved for the most serious cases. In 2024, Santa Cruz County became the first county in the state to proceed with this petition. After hearing the evidence, a jury once again found it was best to keep Gonzalez detained.

   "But for Maddy's family, justice has not meant closure. Under current law, these cases must be revisited again and again – forcing the family to relive the most painful moments of their lives every two years as they are asked to return to court and confront the facts of Maddy's murder once more. The emotional toll of repeatedly reopening this tragedy cannot be overstated.

   "Immediately following the trial, my constituents and the Santa Cruz DA reached out to discuss the many procedural questions that were raised during the course of the 2024 hearing. AB 1902 is the result of those discussions.

   "Specifically, AB 1902 clarifies custodial jurisdiction, addresses continuance procedures, allows the DA to request review of a case, and extends the intervals between extension hearings. These changes will provide needed clarity in future proceedings and help ensure the system delivers justice while also recognizing the profound impact these cases have on victims' families."

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court generally continues until the youth is 21 years old, unless the youth committed a 707(b) offense, then the court may retain jurisdiction until the person attains 23 years of age. Additionally, if the youth would have, in criminal court, faced an

aggregate sentence of 7 years or more, the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See, e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

Existing law provides that any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, unless the probation department petitions the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults. (Welf. & Inst. Code, § 208.5.)

3) **Juvenile Justice Realignment**: In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice (DJJ), and transferring the responsibility for managing all youthful offenders to local jurisdictions.[1] SB 823 established the Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency to guide the transition from state-run youth incarceration to the counties by providing support and technical assistance.

SB 823 also stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish SYTFs for the placement of wards who were adjudicated for specified serious offenses, listed in Welfare and Institutions Code section 707, subdivision (b), when the juvenile was age 14 or older, and after the court has determined a less restrictive alternative disposition is unsuitable. (Welf. & Inst. Code, § 875, subd. (a).) If a juvenile is committed to an SYTF, the court must set a baseline term of commitment that represents the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. (Welf. Inst. Code, § 875, subd. (b)(1).)

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[1] See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

The California Rules of Court outline how the baseline term of commitment is determined. In selecting the baseline term, the court must consider the following: the circumstances and gravity of the commitment offense; the youth's prior history in the juvenile justice system; the confinement time considered reasonable and necessary to achieve the rehabilitation of the youth; and the youth's developmental history. (Cal. Rules of Court, rule 5.806(a).) Each of these criteria include additional factors for the court to consider, but the rule specifies that "[e]numerated factors listed … that are outside the youth's control must not result in a longer baseline term than otherwise needed to meet [the objective that the baseline term is no longer than necessary to meet the developmental needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community]." (*Ibid.*)

The rule includes the offense-based matrix that establishes terms with a range of years for various offenses. For example, the matrix specifies a term of 4-7 years for murder, kidnapping with bodily harm involving death or substantial bodily injury, and torture. (Cal. Rules of Court, rule 5.806(d).) Attempted murder, voluntary manslaughter, specified kidnapping offenses, and specified sex offenses, including rape with force, violence, or threat of great bodily harm, have a term of 3-5 years. (*Ibid.*) A variety of offenses, including arson, robbery, carjacking, specified weapons-related offenses, specified types of assault, and specified gang-related offenses have a term of 2-4 years. (*Ibid.*) Finally, witness or victim intimidation, bribery of a witness, and specified offenses related to manufacturing or selling drugs, such as PCP, have a term of 1-2 years. (*Ibid.*)

The court must also set the maximum term of confinement for the youth. In general, a youth committed to an SYTF cannot be held in secure confinement beyond 23 years of age or two years from the date of the commitment, whichever occurs later, unless the youth has been committed to an SYTF based on adjudication for an offense or offenses for which the youth would have faced an aggregate sentence of seven or more years if convicted in adult criminal court. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) In that case, the youth can be held until 25 years of age or two years from the date of commitment, whichever occurs later. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) Additionally, the maximum term of confinement cannot exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses, except as specified. (Welf. & Inst. Code, § 875, subd. (c)(1)(B).)

At the conclusion of a baseline confinement term, a ward could be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).)

The court may, upon the motion of the probation department or ward, order that the ward be transferred from a SYTF to a less restrictive program, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. (Welf. & Inst. Code, § 875, subd. (f)(1).) The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan and that placement is consistent with the goals of youth rehabilitation and community safety. (*Ibid.*) In transferring a ward to a less restrictive program, the court may require the ward to observe reasonable conditions and shall set the length of time the ward is

to remain in the less restrictive program, not to exceed the remainder of the baseline or modified baseline term. (Welf. & Inst. Code, § 875, subd. (f)(2).) If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic reviews and to the maximum confinement set by the court. (*Ibid.*)

4) **Authority to Extend Confinement and Effect of this Legislation**: With the closure of DJJ, the process to extend confinement of a juvenile offender committed to DJJ based on mental or physical condition that makes them a danger to the public was moved into new Welfare and Institutions Code section 876 for persons committed to SYTF. The language for extending confinement of persons committed to SYTFs largely mirrors the statutory process that authorized DJJ, whenever it was determined the discharge of a person from the control of DJJ at the time statutorily required would be physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality that causes the person to have serious difficulty controlling his or her dangerous behavior, to request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the division beyond that time. (Welf. & Inst. Code, § 1800, subd. (a).) The petition must be filed at least 90 days before the time of discharge otherwise required. (*Ibid.*) If a petition is filed and the court determines that the petition, on its face, supports a finding of probable cause, the probable cause hearing shall be held within 10 calendar days of the order being issued, and if probable cause is found a jury trial shall be ordered. (Welf. & Inst. Code, § 1801.) The trial must be by jury unless personally waived, but as to either jury or court trial, the verdict must be unanimous and the standard of proof is proof beyond a reasonable doubt. (Welf. & Inst. Code, § 1801.5.) The trial must take place not less than 4 days nor more than 30 days from the date of the order for trial, unless the person waives time. (*Ibid.*) The maximum term of extended confinement is two years unless a new petition is filed. (Welf. & Inst. Code, § 1802.)

   Existing Welfare and Institutions Code section 876 adopted a substantially similar process to order extended confinement for persons committed to an SYTF. The process is triggered by a probation department's determination that the discharge of the person from an SYTF at the time statutorily required would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior. The probation department would then request the prosecuting attorney to file a petition at least 90 days before the time of discharge otherwise required. If the prosecuting attorney files a petition and the court determines there is probable cause at a probable cause hearing, a trial shall be ordered and conducted within 30 days from the date of the order for trial, unless waived. If the person is found at trial by unanimous verdict that the person is physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior by proof beyond a reasonable doubt, the court shall order extended confinement under the control of the probation department for a period of up to two years. A new application for continued detention may be repeated at intervals as often as in the opinion of the probation department is deemed necessary. The court is authorized, in order to protect other persons in the custody of probation to refer the custody of a person over 25 years if age to the county adult probation authorities for placement in an appropriate institution.

Similarly, existing civil commitment statutes contain many of the same processes described above. For example, the mentally disordered offender (MDO) law authorizes a person to be committed in a state hospital as a condition of parole. Prior to the person's parole termination date, if the entity providing treatment the disorder is not in remission or cannot be kept in remission if the person's treatment is not continued, and by reason of the person's severe mental disorder, the person represents a substantial danger of physical harm to others. (Pen. Code, § 2970.) The prosecuting attorney may file a petition which would require the court to order a hearing to determine whether the person meets the requirements to be an MDO and held . (Pen. Code, § 2971.) The hearing is required to take place no later than 30 days before discharge, unless good cause is shown. (*Ibid.*) A unanimous verdict is required and the standard of proof is beyond a reasonable doubt. The length of confinement is one-year periods that may be renewable. (*Ibid.*)

The process to confine a person who is scheduled to be released from prison to a state hospital for involuntary treatment as a sexually violent predator (SVP) also requires a clinical evaluation of the individual to determine whether the person meets the SVP criteria. (Welf. & Inst. Code, § 6600 et seq.) If the evaluators agree that the person meets SVP criteria, a petition is filed in the county where the person was convicted. (*Ibid.*) A probable cause hearing is held and if probable cause if found, a jury trial is ordered. (*Ibid.*) The prosecution must prove beyond a reasonable doubt that the person meets the requirements of an SVP including that the person suffers from a diagnosed mental disorder and is likely to engage in predatory sexually violent conduct if released. (*Ibid.*) The verdict must be unanimous. (*Ibid.*) The length of confinement is indefinite but the state hospital must conduct a yearly evaluation to ensure that the person continues to meet the definition of an SVP. (*Ibid.*)

This bill would amend the process for ordering extended confinement in an SYTF in a number of ways. First, the bill would require a person to remain in custody during the petition process and any proceedings thereafter. Current law is silent on whether the person is required to remain in custody during these proceedings, however it is unlikely that a judge would authorize a person's release while a determination on whether they pose a danger to the public is being considered.

Second, the bill would state that a finding of probable cause may be based in whole or in part on the opinion of an expert through expert's reports or on the sworn testimony of a law enforcement officer. This bill would specify that the hearsay provision shall not abrogate a person's right to cross-examination or to compel attendance of witnesses. While the expert's report is likely to contain relevant information to the question of whether there is probable cause to believe person currently poses a risk to the public, it is unclear what a law enforcement officer's testimony would provide other than facts of the underlying case that would already be known to the court.

Third, this bill would extend the time frame for a person to be brought to trial from within 30 days to within 60 days from the date of the order for trial. For comparison, other civil commitment statutes such as the MDO law requires a trial to be held no less than 30 days prior to the time the person would otherwise be released. Extending the trial timeline to within 60 days of the order, while considering that the petition must be filed no later than 90 days before expected discharge and that this bill requires a person to remain in custody until

the conclusion of these proceedings, increases the risk that the proceedings would not be concluded prior to the person's discharge date.

The bill would also add a state hospital or other appropriate adult secure institution as possible placement options for the person if continued detention is ordered. The intent of adding state hospitals as an option is so that the individual may be evaluated to determine whether due to their mental disorder or condition they could receive appropriate treatment at a state facility. "Appropriate adult secure institution" is not defined in the bill and may be interpreted to include an adult detention facility such as a county jail. It is well documented that placing a person with a severe mental health condition or disorder in jail or prisons worsens their mental health and exacerbates vulnerabilities leading to increased victimization.

One of the more controversial changes made by this bill is that it would extend the time a person may be kept in confinement based on an order from the court to prevent a person's release from SYTF from a term of up to two years to up to 5 years. For comparison, a person who is civilly committed under the MDO law may be held for one year. A person civilly committed as an SVP has an indefinite term however DSH is required to evaluate the person yearly and confirm whether the person continues to meet the definition of an SVP.

Finally, this bill would authorize the prosecuting attorney to request the county behavioral health director or Director of DSH to review any case that the probation department has not made a request to the prosecuting attorney to file a petition for continued detention. The probation department is the most fitting agency to submit a case for review based on current supervision and control over the person, whereas the prosecuting attorney would only have information about the crime and case which may have been prosecuted many years prior.

One of the concerns raised by the opposition is that extending the maximum term of confinement in addition to authorizing additional entities to petition for review taken in conjunction with the existing law that authorizes a petition to be filed based on a "physical condition" or "other problem" that causes the person to have serious difficulty controlling their behavior, risks extended confinement for a person that lacks a clinical foundation and for which there is not a treatment solution. As discussed above, other civil commitment statutes require a showing that the person has a mental disorder that requires treatment in order avoid danger to public safety to be the basis for a finding that the person needs to be further committed.

5) **Impetus for Bill**: In 2015, 8-year-old Madyson "Maddy" Middleton was raped and murdered by her 15-year-old neighbor Adrian Gonzalez in Santa Cruz. Her body was found in the apartment complex's recycling bin nearly 24 hours after she was reported missing. Gonzalez was reportedly seen watching detectives search through the bin and he was arrested the following day.[2] Due to his age, Gonzalez remained subject to the juvenile court where he was found to have committed all of the charged allegations, including murder with special circumstances, one count of kidnapping and four sexual assault-related offenses.[3] He was committed to DJJ until its closure and thereafter was transferred to an SYTF in Sonoma

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[3] *Ibid.*

County.[4] Gonzalez was set to be discharged at the age of 25, however, prosecutors filed a petition to keep him in custody arguing that due to the violent nature of Gonzalez's crime, he continued to pose a risk to the community.

The jury heard several weeks of testimony and evidence presentation in the case and found that Gonzalez should remain in custody beyond his discharge date.[5] Because the jury found Gonzalez has a mental or physical deficiency, disorder or condition that results in him being a danger to the public, he was ordered returned to the juvenile detention facility in Sonoma County, in coordination with Santa Cruz County Probation Department, where he is to undergo an updated rehabilitation treatment plan.[6]

After the trial, the district attorney and community members, including Maddy's family and friends, expressed frustration that the maximum term of continued confinement is two years unless a new petition is filed and another trial is conducted to extend Gonzalez' custody once again.[7]

6) **Committee Amendments**: This bill will be amended in committee to apply a 4-year maximum term of additional confinement, instead of a maximum of 5 years. Additionally, the term "secure" will be stricken from "appropriate adult secure institution" throughout the bill. Lastly, the bill will strike the authority for the prosecuting agency to request review of a case for which the probation department has not made a request.

7) **Argument in Support**: According to the *Santa Cruz District Attorney's Office*, the sponsor of this bill, "In 2021, Gonzalez's case was adjudicated in juvenile court. He was 21 years and six months old. Juvenile jurisdiction terminates when the offender reaches 25 years of age. Welfare and Institutions Code section 1800 allowed the Division of Juvenile Justice to trigger a process to extend detention after the age of 25, though it was infrequently-used as the most serious juvenile offenders were transferred to adult court. DJJ was closed months after Gonzalez's plea and the process was partially shifted to Welfare and Institutions Code section 876, with probation now tasked with triggering the process.

"In 2024, only three years after Gonzalez's plea, Maddy's family was back in court for the first Welfare and Institutions Code section 876 hearing in California. Maddy's family and the community – including jurors – were forced to relive Maddy's sexual assault and murder. Inmates housed with Gonzalez in the Santa Cruz County Jail were so disturbed by Gonzalez's behavior and how he described murdering Maddy that they reached out to law enforcement to testify against him. Expert witness fees alone cost $72,000. In 2025, a traumatized jury found beyond a reasonable doubt Gonzalez posed a continued danger to the public. But in two short years, Maddy's family will again be dragged back into court to again relive the crime.

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[4] See https://www.cbsnews.com/sanfrancisco/news/teen-killer-of-8-year-old-maddy-middleton-now-25-denied-parole-in-santa-cruz-county/ (Feb. 21, 2025).
[5] *Ibid.*
[6] Sleeper, *Concerns about state law raised after verdict reached in Adrian Gonzalez trial*, Santa Cruz Sentinel (Feb. 20, 2025).
[7] *Ibid.*

"AB 1902 sensibly seeks to reduce trauma to the victims and the community by turning this two-year interval to a ten-year interval. This will give Maddy's family and the community the longest period of time to heal since her murder 11 years ago.

"The ten-year interval will also give the most serious young adult offenders time to work on rehabilitation. Two years is not enough for an offender like Gonzalez to address his criminogenic needs. It is worth noting that ten years is significantly shorter than the indefinite detention the electorate put into place for sexually violent predators and the 15-year maximum parole denial period for incarcerated individuals who need significant rehabilitative work. We feel that AB 1902's ten-year interval sensibly balances victim rights, public safety, the age of the offender, and rehabilitative goals.

"AB 1902 also remedies serious procedural deficiencies that were highlighted by the first detention extension hearing. This includes a lack of clarity regarding the court's continued jurisdiction if an offender turns 25 while a detention extension petition is being actively litigated, the ability to continue a case for good cause such as critical expert witness availability, and the applicability of California's sensible mutual discovery obligations. While Gonzalez's case was the first, it unfortunately will not be the last now that the most serious 14- and 15-year-old offenders can only be adjudicated in juvenile court. This subset of cases, though small, have an outsized impact on victims, the community, and public safety. Californians deserve an airtight process to litigate such serious crimes where the gravamen is the ongoing danger to the public."

8) **Argument in Opposition**: According to *Human Rights Watch*, who has an opposed unless amended position, "AB 1902 would amend Welfare and Institutions Code (WIC) Section 876, modifying the process by which a person committed to a Secure Youth Treatment Facility (SYTF) may be detained beyond their discharge date. Under existing law, if a probation department determines that a person's discharge would be physically dangerous to the public due to a mental or physical condition, it is required to request the prosecuting attorney to petition the court for extended detention, subject to a probable cause hearing and trial. Under existing law, the period of extended detention can be up to two years. There is, however, no limit on the number of times a petition can be filed, allowing for indefinite sequential periods of detention. The bill would significantly expand that framework, extending the maximum detention period from two years to five years, authorizing district attorneys to initiate review of any case, introducing undefined commitment options that could allow detention in non-therapeutic settings, and maintaining an overly broad qualifying standard for commitment.

"We are grateful that the discussion this far with the author's office has resulted in meaningful progress. This letter addresses our remaining concerns.

"1. Five-Year Maximum Detention Period Is Too Long.

"Current law requires that if a court orders extended detention, the length of that commitment is set at two years. Thereafter, the probation department may file a new petition to extend commitment for another two years, ensuring regular judicial review of whether continued detention remains warranted. The bill as introduced proposed extending that period to ten years. The published amendments propose five years as a maximum, with the court determining the specific period. We appreciate that change, but five years is too long.

We recommend two modifications. First, the maximum detention period should be reduced. Five years cannot be justified clinically for this population — no legitimate treatment framework operates on a multi-year fixed timeline in a secure facility for a young person, and youth, including those in their mid-20s, are by definition more amenable to change and more responsive to treatment than older adults. Under the Mentally Disordered Offender (MDO) statute — the most analogous civil commitment scheme in California law — review is required annually. A two-year maximum is more consistent with that framework, the science of adolescent development, and the treatment-focused purpose the bill is otherwise working to establish. Second, the bill should require that the court-ordered period be the minimum clinically indicated for treatment of the underlying mental condition or disorder, ensuring the court cannot simply default to the maximum without clinical justification. At the end of that court-ordered period, if continued detention is deemed necessary, a new petition must be filed, ensuring that continued confinement is always grounded in a current clinical assessment.

"2. **'Other Appropriate Adult Secure Institution' Should Be Defined or Removed.**

"This phrase appears throughout the bill as a commitment option alongside secure youth treatment facilities and the Department of State Hospitals. It is undefined, has no existing legal meaning in the juvenile civil commitment context, and could encompass county jail or adult correctional facilities, which is explicitly prohibited under WIC Section 208.5. Civil commitment requires placement in a therapeutic setting — a non-therapeutic placement cannot be justified under a treatment framework.

"The language appears to contemplate cases where neither an SYTF or a state hospital is appropriate, yet no county facility that would qualify has been identified. The statute cannot leave that question unanswered. We propose two alternatives: either explicitly exclude county jails and CDCR facilities or enumerate the specific institutions intended.

"3. **Prosecutors Should No Be Able to Initiate Civil Commitment Proceedings.**

"Existing law requires the probation department, which is tasked with the care, treatment, and daily supervision of the young person, to determine whether a petition should be filed. Proposed WIC Section 876.5 seeks to authorize prosecutors to initiate a review of any case. Civil commitment proceedings should be clinician-driven, not prosecutor-initiated. A prosecutor initiating review based on a belief that someone is dangerous — with lengthy detention as the consequence — is inconsistent with the treatment framework the rest of the bill establishes. A prosecutor does not have access to independent, reliable information on which to base this decision. Probation does. In every analogous California civil commitment scheme, clinicians – those trained to assess the mental status of an individual they are working with – identify, and prosecutors respond. This provision inverts that structure. Within the SYTF, Probation and its behavior health team are the only actors with continuous, firsthand observation of the individual.

"We recommend removal of WIC Section 876.5 entirely.

"**4. 'Physical Condition' and 'Other Problem' Preserve an Overly Broad Qualifying Standard.**

"AB 1902 extends detention for people confined in a secure youth treatment facility whose discharge would be physically dangerous to the public because of a physical or mental condition, disorder, or other problem causing serious difficulty controlling dangerous behavior. The bill applies this standard at every stage — the threshold determination by probation, the probable cause hearing, and the trial. It is hard to imagine what 'physical condition' would render a person dangerous, and equally difficult to think of a mental health problem that 'other problem' would encompass and is not already covered by the existing law's 'mental condition or disorder' language.

"We propose removing 'physical' and 'other problem' and leaving the existing qualifying standard of "mental condition or disorder." This is not a narrow standard. It encompasses the full range of conditions, including autism spectrum disorder, ADHD, conduct disorder, antisocial personality disorder, paraphilic disorders, trauma-related conditions, and personality disorders. The juxtaposition of "mental condition" to "disorder" implies a broad range of mental health issues.

"'Other problem' by contrast is so broad it could capture gang affiliation, peer associations, or generalized antisocial attitudes — none of which constitute a mental condition and none of which are treatable in the clinical sense civil commitment requires. Civil commitment is only permissible as a legal matter because it is for treatment. If the qualifying condition is not treatable, there is no justification for the commitment.

"Since 2020, the WIC 876 civil commitment process has only been used once. The combination of prosecutor initiation under WIC Section 876.5 and "other problem" as the qualifying standard risks increasing this number significantly. Together, these changes create a pathway to extended detention for anyone a district attorney believes is dangerous, without a clinical foundation and without a treatment solution."

9) **Related Legislation**:

a) AB 1968 (Gallagher) would add the crime of conspiracy to commit murder to the list of specified offenses for which a person may be committed to an SYTF for an offense committed at the age of 14 or older, or transferred to adult criminal court for a crime committed at the age of 14 or 15 if they were not apprehended prior to the end of juvenile court jurisdiction. AB 1968 failed passage in this committee and was granted reconsideration.

b) AB 1647 (Bryan) would require the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. The hearing on AB 1647 was canceled at the request of the author.

c) AB 2040 (Macedo) would lower the burden of proof, from clear and convincing evidence to preponderance of the evidence, required to find a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. AB 2040 is scheduled to be heard in committee today.

10) **Prior Legislation**:

a) AB 22 (DeMaio), of the 2025-2026 Legislative Session, among other things, would have removed from the juvenile court's jurisdiction over specified crimes committed by minors, requiring those crimes to be tried in a court of criminal jurisdiction. AB 22 was held in this Committee.

b) SB 824 (Menjivar), of the 2025-2026 Legislative Session, would have required Individualized Rehabilitation Plans (IRP) for youth committed to an SYTF to contain a roadmap for their successful return to their community and requires judges to assess the juvenile's progress at each six-month review hearing. SB 824 was held in the Senate Appropriations Committee suspense file.

c) AB 102 (Ting), Chapter 38, Statutes of 2023, relevant to this bill, required county probation departments to provide the OYCR with specific juvenile justice data related to the realignment of DJJ.

d) SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, allowed counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the DJJ, as provided.

e) SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, established a process for realigning California's juvenile system by phasing out the state's youth prison system, DJJ, and transferring the responsibility for managing all youthful offenders to local jurisdictions.

f) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.

g) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.

h) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.

i) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, established a minimum age of 12 years old for a minor to come within the jurisdiction of the juvenile court, except the court would continue to have jurisdiction over a minor under 12 who committed murder or specified forcible sex crimes.

j) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a specified serious offense when he or she was 14 or 15 years of age, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

k) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.

l) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the "circumstances and gravity of the offense" for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.

m) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
California Police Chiefs Association
Capitola Police Department
Chief Probation Officers' of California (CPOC)
Santa Cruz County District Attorney's Office
Santa Cruz Police Department
Scotts Valley Police Department
Walnut Avenue Family & Women's Center
19 Private Individuals

Oppose

Alliance for Boys and Men of Color
California Coalition for Women Prisoners
California Youth Defender Center
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Coalition of California State Tribes
Communities United for Restorative Youth Justice (CURYJ)
Community Interventions
Community Works
Felony Murder Elimination Project
Freedom 4 Youth
Fresh Lifelines for Youth (FLY)
Friends Committee on Legislation of California
Human Rights Watch
In Our Care San Mateo County
Initiate Justice
Justice2jobs Coalition
LA Defensa
National Center for Youth Law (NCYL)
Peace and Justice Law Center
Peace United Church of Christ, Santa Cruz

San Francisco Public Defender's Office
San Mateo County Juvenile Justice & Delinquency Prevention Commission
Silicon Valley De-bug
Sister Warriors Freedom Coalition
The Collective for Liberatory Lawyering
The W. Haywood Burns Institute
Urban Peace Institute
Youth Alliance
Youth Justice Coalition
2 Private Individuals

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

Amended Mock-up for 2025-2026 AB-1902 (Pellerin (A))

Mock-up based on Version Number 98 - Amended Assembly 4/8/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 876 of the Welfare and Institutions Code is amended to read:

876. (a) If a probation department determines that the discharge of a person confined in a secure youth treatment facility from the control of the court at the time required by Section 875 would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior, the department shall request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department beyond that time. The petition shall be filed at least 90 days before the time of discharge otherwise required. The petition shall be accompanied by a written statement of the facts upon which the department bases its opinion that discharge at the time stated would be physically dangerous to the public, but the petition may not be dismissed and an order may not be denied merely because of technical defects in the application.

(b) The prosecuting attorney shall promptly notify the probation department of a decision not to file a petition.

(c) If a petition is filed with the court and, upon review, the court determines that the petition, on its face, supports a finding of probable cause, the court shall order that the person remain in custody in a secured youth treatment facility, state mental health hospital, or other appropriate adult ~~secure~~ institution until the conclusion of a probable cause hearing and shall order that a hearing be held. The court shall provide notification of the hearing to the person whose liberty is involved and, if the person is a minor, the minor's parent or guardian, if the minor's parent or guardian can be reached, and, if not, the court shall appoint a person to act in the place of the parent or guardian and shall afford the person an opportunity to appear at the hearing with the aid of counsel and the right to cross-examine experts or other witnesses upon whose information, opinion, or testimony the petition is based. The court shall inform the person named in the petition of their right of process to compel attendance of relevant witnesses and the production of relevant evidence. When the person is unable to provide their own counsel, the court shall appoint counsel to represent them. The probable cause hearing shall be held within 10 calendar days after the date the order is issued pursuant to this subdivision unless the person named in the petition waives this time. The

probable cause hearing shall not be continued, except upon a showing of good cause by the party requesting the continuance.

(d) (1) At the probable cause hearing, the court shall receive evidence and determine whether there is probable cause to believe that discharge of the person would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling dangerous behavior. Notwithstanding Section 1200 of the Evidence Code, the finding of probable cause may be based in whole or in part on the opinions of an expert admitted through the expert's reports provided that the report was first attached to, or incorporated by, reference in the petition. The finding of probable cause may also be based in whole or in part on the sworn testimony of a law enforcement officer or honorably retired law enforcement officer as defined in Section 872 of the Penal Code. Nothing in this section shall abrogate the person's right to cross-examination or to compel the attendance of witnesses.

(2) If the court determines there is not probable cause, the court shall dismiss the petition and the person shall be discharged from the control of a secure youth treatment facility at the time required by Section 875, as applicable. If the court determines there is probable cause, the court shall order that the person remain in custody in a secure youth treatment facility, state mental hospital, or other appropriate adult ~~secure~~ institution until the conclusion of the proceedings and the court shall order that a trial be conducted to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem.

(e) (1) If a trial is ordered, the trial shall be by jury unless the right to a jury trial is personally waived by the person, after the person has been fully advised of the constitutional rights being waived, and by the prosecuting attorney, in which case trial shall be by the court. The person shall be brought to trial within 60 days from the determination that there is probable cause, unless good cause to the contrary is shown, the person enters a general waiver of the 60-day trial requirement, or the person requests or consents to the setting of a trial date beyond the 60-day period. The court shall submit to the jury, or, at a court trial, the court shall answer, the following question: Is the person physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior? The court's previous order entered pursuant to this section shall not be read to the jury, nor alluded to in the trial. The person shall be entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings. A unanimous jury verdict shall be required in any jury trial. As to either a court or a jury trial, the standard of proof shall be that of proof beyond a reasonable doubt.

(2) If the court or jury finds that the person has a mental condition or disorder as described in paragraph (1), the court shall determine the period of continued detention informed by the evidence presented at trial and a clinical assessment by the person's treatment team at the secure youth treatment facility, State Department of State Hospitals, or other appropriate adult ~~secure~~ institution, based on the person's individual treatment needs for the underlying mental condition, disorder, or other problem. The period shall not exceed ~~5~~ *4* years. The court shall state on the record the basis for the period ordered.

(f) If an order for continued detention is made pursuant to this section, the control of the department, the State Department of State Hospitals, or other appropriate adult ~~secure~~ institution over the person shall continue, subject to the provisions of this article, but, unless the person is previously discharged as provided in Section 875, the department, the State Department of State Hospitals, or other appropriate adult ~~secure~~ institution shall, within the period ordered by the court pursuant to paragraph (2) of subdivision (e) after the date of that order in the case of persons committed by the juvenile court, or within the period ordered by the court pursuant to paragraph (2) of subdivision (e) after the date of that order in the case of persons committed after conviction in criminal proceedings, file a new application for continued detention in accordance with the provisions of this section if continued detention is deemed necessary. These applications may be repeated at intervals as often as in the opinion of the department, the State Department of State Hospitals, or other appropriate adult ~~secure~~ institution may be necessary for the protection of the public. The court shall have the power to refer the person to the State Department of State Hospitals for an evaluation and where appropriate, transfer the custody of any person over 25 years of age to the State Department of State Hospitals or other appropriate ~~secure~~ adult institution for treatment and detention. Each person shall be discharged from the control of the probation department, the State Department of State Hospitals, or other appropriate ~~secure~~ adult institution at the termination of the period stated in this section unless the probation department, the State Department of State Hospitals, or other appropriate ~~secure~~ adult institution has filed a new application and the court has made a new order for continued detention as provided above in this section.

(g) The criminal discovery process outlined in Chapter 10 (commencing with Section 1054) of Title 6 of Part 2 of the Penal Code shall apply to all proceedings in this section.

(h) An order of the committing court made pursuant to this section is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. The appellate court may affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Pending appeal, the appellant shall remain under the control of the probation department.

~~**SEC. 2.** Section 876.5 is added to the Welfare and Institutions Code, to read:~~

~~**876.5.** (a) Notwithstanding any other provision of law, the prosecuting agency may request the county behavioral health director or the Director of the State Department of State Hospitals to review any case in which the probation department has not made a request to the prosecuting attorney pursuant to Section 876 and the prosecuting agency believes that the person confined in a secure youth treatment facility would be physically dangerous to the public because of their mental or physical deficiency, disorder, or abnormality that causes the person to have serious difficulty controlling their dangerous behavior.~~

~~(b) Upon the prosecuting agency's request, a mental health professional designated by the county behavioral health director or the Director of the State Department of State Hospitals shall review the case and thereafter may affirm the decision of the probation department to not request a petition for extended detention, order additional assessment of the ward, or shall request the prosecuting~~

~~attorney petition the committing court for an order directing that the person remain subject to the control of the department beyond the time required by Section 875 pursuant to Section 876.~~

~~(c) The prosecuting agency and designated mental health professional shall have access to a copy of the ward's file and any documentation upon which the probation department relied. Any request for review pursuant to this section shall be submitted to the designated mental health professional not less than 120 days before the date of final discharge, and the review shall be completed and transmitted to the prosecuting agency and probation department not more than 15 days after the request has been received. If the prosecuting agency makes a request pursuant to this section, the person shall remain in custody in a secure facility until the conclusion of these proceedings.~~

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Date of Hearing: April 14, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2018 (Ramos) – As Amended April 7, 2026

SUMMARY: Requires the Missing Person DNA Program to be used for all cases involving the report of an unidentified person, whether living or deceased. Specifically, **this bill**:

1) Deletes existing law related to use of the Missing Person DNA Program for "high-risk missing persons.

2) Authorizes the retention of DNA extracted from a living person, as specified, if the identified human remains are incomplete and there is a reasonable expectation that additional remains requiring identification may be found in the future.

EXISTING LAW:

1) Requires the Department of Justice (DOJ) to develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person. (Pen. Code, § 14250, subd. (a)(1).)

2) Mandates the DNA database be comprised of DNA data from genetic markers that are appropriate for human identification but have no capability to predict biological function other than gender. These markers shall be selected by the DOJ and may change as the technology for DNA typing progresses. (Pen. Code, § 14250, subd. (a)(2).)

3) Requires the results of DNA typing be compatible with and uploaded into the CODIS DNA database established by the Federal Bureau of Investigation. The sole purpose of this database shall be to identify missing persons and shall be kept separate from the database established pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998. (*Ibid.*)

4) Requires the DOJ to compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons. (Pen. Code, § 14250, subd. (a)(3).)

5) Defines "high-risk missing person" as a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency. (Pen. Code, § 14250, subd. (a)(4).)

6) Requires the DOJ to develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints. (Pen. Code, § 14250, subd. (b).)

7) Mandates a coroner to collect samples for DNA testing from the remains of all unidentified persons and send those samples to the DOJ for DNA testing and inclusion in the DNA databank. After the DOJ has taken a sample from the remains for DNA analysis and completed all DNA testing, the remaining evidence shall be returned to the appropriate local coroner. (Pen. Code, § 14250, subd. (c)(1).)

8) Requires that after a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the DOJ. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample. (Pen. Code, § 14250, subd. (c)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2018 modernizes California's Missing Persons DNA Program to reflect significant technological advancements in science. By expanding and updating the state's approach to missing persons DNA analysis and identification, the bill would strengthen the Department of Justice's ability to resolve missing persons cases, deliver answers to families, and remain a national leader in the field. This modernization is particularly urgent given the disproportionate number of missing persons of color in California, particularly Indigenous communities impacted by the MMIP crisis."

2) **Missing Person DNA Database:** CODIS, the Combined DNA Index System, is a broad network of DNA databases on the local, state, and federal level. The DNA Identification Act of 1994 (42 U.S.C. § 14132) authorized the establishment of this National DNA Index. The DNA Act specifies the categories of data that may be maintained in NDIS (convicted offenders, arrestees, legal, detainees, forensic [casework], unidentified human remains, missing persons, and relatives of missing persons) as well as requirements for participating laboratories relating to quality assurance, privacy, and expungement.

   According to the U.S. Department of Justice, families of missing persons who are presumed dead face tremendous emotional turmoil when they are unable to learn about the fates of their loved ones. Despite tremendous scientific advancements, DNA technology is not routinely used in missing persons cases. According to statistics maintained by the FBI's National Crime Information Center (NCIC), there are nearly 5,000 reported unidentified persons in the United States.

The FBI's Missing Persons DNA Database Program currently provides the essential infrastructure for identifying human remains. This database maintains two indices of DNA samples. The first index contains DNA profiles of relatives of missing persons and the second contains DNA profiles of unidentified human remains.

According to the DOJ, these indices are not part of the database of profiles from crime scenes and arrested or convicted people. The Missing and Unidentified Persons Section (MUPS) works closely with the Department of Justice Division of Law Enforcement's Bureau of Forensic Services Missing Persons DNA Program (MPDP). The Missing Persons DNA Program compares DNA from unidentified persons and unidentified human remains with DNA from personal articles belonging to missing persons and DNA from relatives of missing persons. According to the DOJ:

> The Missing Persons DNA Program provides the following services related to missing and unidentified persons investigations: Autosomal STR testing, Y-STR (Y-chromosome) testing, and mitochondrial DNA testing.
>
> The DNA profiles from missing and unidentified persons investigations are uploaded to the FBI's Combined DNA Index System (CODIS) for searching and comparison with the DNA samples from missing persons cases throughout the nation, not just in California.
>
> DNA samples related to a missing person or unidentified humans remains case should be submitted to the Missing Persons DNA Program through a law enforcement agency. All samples should be submitted with the appropriate Missing Persons DNA submission paperwork which can be found in the Missing Persons DNA collection kits.

The Missing Persons DNA Program services are provided at no cost to the public or to law enforcement agencies. The sole purpose of the program is to contribute to the effort of identifying missing persons. Parents and other relatives of missing persons are neither given an incentive to provide a DNA sample, nor will they be coerced or compelled to provide a sample. Further, DNA samples from relatives of missing persons are not searched against any criminal or offender DNA databases. They are only searched against the DNA samples from unidentified persons and unidentified human remains.

3) **Forensic Genetic Genealogy (FGG) and Privacy:** FGG has been used repeatedly since 2018 following the success in identifying the Golden State Killer. FGG combines genetic testing and traditional genealogical research to identify individuals in criminal investigations. This emerging field has become particularly prominent in solving cold cases and identifying unidentified remains.

   Use of FGG in criminal investigations occurs as follows: Investigators collect a DNA sample from a crime scene. The DNA is analyzed to create a genetic profile, typically through methods like SNP (single nucleotide polymorphism) testing. The genetic profile is then compared against public databases such as GEDmatch, which contains genetic data voluntarily uploaded by users for genealogy purposes. A family tree is constructed using the matched genetic information, helping to narrow down potential suspects or identify individuals. Finally, identified individuals are verified through additional DNA testing.

Currently, the U.S. Supreme Court has not ruled whether use of FGG in the context of criminal investigations demands a warrant. However, the Court in *Carpenter v. United States* (2018) 585 U.S. 296 gave some indication of how it might rule on FGG. In *Carpenter*, the Court held the FBI conducted a "search" pursuant to the Fourth Amendment when it accessed third-party historical records of a suspect's cell-phone location.

In its decision, the Court deepened privacy protections for cell-phone usage and refused to apply the third-party doctrine since the suspect has a legitimate privacy interest in the records held by the third party. It also recounted the two "guideposts" of the Fourth Amendment: (a) securing "the privacies of life" against "arbitrary power," and (b) placing "obstacles in the way of a too permeating police surveillance." (*Id.*, 585 U.S. at 305.) Furthermore, Justice Gorsuch, in his dissent, indicated that he may vote differently on the use of the third-party doctrine when deciding on the use of FGG:

> The problem isn't with the Sixth Circuit's application of *Smith* and *Miller* but with the cases themselves. Can the government demand a copy of all your e-mails from Google or Microsoft without implicating your Fourth Amendment rights? Can it secure your DNA from 23andMe without a warrant or probable cause? *Smith* and *Miller* say yes it can—at least without running afoul of Katz. But that result strikes most lawyers and judges today—me included—as pretty unlikely. In the years since its adoption, countless scholars, too, have come to conclude that the "third-party doctrine is not only wrong, but horribly wrong."[1] (*Carpenter, supra,* 585 U.S. at 388.)

This bill relates only to the Missing Person DNA Database, as opposed to the Criminal Offender DNA database and allows the Missing Persons DNA Program to be used for both deceased and living people for purposes of identification. According to the Federal Bureau of Investigation:

4) **Argument in Support**: According to the *California District Attorneys Association*, "AB 2018 expands currently existing law related to utilizing a DNA database to identify currently unidentified human remains and locate high-risk missing persons. AB 2018 will allow the Department of Justice to utilize third parties and third-party testing methods to increase the likelihood of an identification based on DNA analysis. Additionally, this bill would allow DOJ to retain DNA from living contributors if there is a reasonable expectation that additional remains requiring identification may be found in the future.

"It is well known that DOJ is understaffed for the immense volume of work they are tasked with. In addition to DNA testing, DOJ conducts all manner of other forensic testing procedures for the majority of counties throughout the state, including fingerprint analysis, biological substance analysis, ballistics matching, and blood and physical substance analysis for the presence of alcohol and controlled substances. This work is generally for currently

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[1] *United States v. Miller* (1976) 425 U.S. 435; (no search of third-party bank records) and *Smith v. Maryland*, (1979) 442 U.S. 735 (no search of third-party phone numbers).)

active cases, which can on occasion involve time-waiver issues, so cold case, missing persons, and unidentified human remains cases are understandably often put towards the bottom of task lists for analysts.

"Allowing DOJ to share DNA information with third parties for testing purposes will relieve some of the workload from DOJ and allow for a speedier resolution to cases that have historically been ignored. As recent high-profile cases in California and elsewhere have shown, there is a vast array of untapped, highly competent third-party DNA testing laboratories willing and available to conduct this analysis. Any effort to more quickly and efficiently clear out the backlog of unidentified human remains, and high-risk missing persons cases would better serve the families of these individuals, and bring them closure."

5) **Argument in Opposition**: According to *La Defensa*, "While perhaps well-intended AB 2018 would allow for the collection of a missing person's family members' DNA with no privacy protections or guardrails. There are insufficient privacy protections and no guardrails to protect the family members' DNA samples.

"In other words, AB 2018 provides no privacy protections and essentially permits the Department of Justice to do whatever they want with DNA from a family member of a missing person. It would allow law enforcement to obtain without a judicial warrant a DNA sample from a family member of a missing person and conduct any type of testing including genealogy or even medical testing under the guise of trying to identify an individual. Moreover, there is no requirement that the DNA samples be destroyed once analyzed. These unintended consequences are not speculative. In 2022, San Francisco Police Chief Scott stated, "that he had discovered 17 crime victim profiles, 11 of them from rape kits, that were matched as potential suspects using a crime victims database during unrelated investigations."

6) **Related Legislation**:

   a) AB 1063 (Dixon) authorize the Department of Public Health (DPH) to release a physical blood test taken from a newborn to law enforcement in response to a search warrant only if the objective of the warrant is to obtain the DNA of a missing person suspected to be a victim of homicide, child abuse resulting in death, or manslaughter in order to compare the DNA to other samples in the Department of Justice Missing Persons DNA Database and to upload the sample for future identification of the person. AB 1063 was referred to, but never heard in the Assembly Health Committee.

   b) AB 2661 (Patterson) authorize the department to release a portion of the newborn blood specimen card taken from a newborn pursuant to a formal request from a coroner to identify unidentified human remains or to law enforcement in response to a search warrant if the objective of the warrant is to obtain the DNA of a missing person suspected to be a victim of homicide, kidnapping, child abuse resulting in death, or manslaughter. AB 2661 is pending hearing in the Assembly Health Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Justice
California District Attorneys Association
Riverside County District Attorney

Oppose

ACLU California Action
Initiate Justice
Justice2jobs Coalition
LA Defensa
Oakland Privacy
San Francisco Public Defender

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

Date of Hearing: April 14, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2040 (Macedo) – As Introduced February 17, 2026

SUMMARY: Lowers the burden of proof, from clear and convincing evidence to a preponderance of the evidence, to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court.

EXISTING LAW:

1) 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).)

2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)

3) States that in a case in which a minor is alleged to have committed any felony or any of the enumerated felonies, as specified, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1).)

4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, as specified, when the minor was 14 or 15 years of age, *but was not apprehended prior to the end of juvenile court jurisdiction*, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2), emphasis added.)

5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find *by clear and convincing evidence* that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:

    a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;

b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;

c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;

d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,

e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3), emphasis added.)

6) Enumerates the following offenses which permit transfer of a juvenile to adult court for a crime committed when the person 16 years of age, or was 14 or 15 years of age and was not apprehended until after the jurisdiction of the juvenile court had ended:

a) Murder;
b) Arson;
c) Robbery;
d) Rape with force, violence, or threat of great bodily harm;
e) Sodomy by force, violence, or threat of great bodily harm;
f) A lewd or lascivious act on a minor under 14 years of age by force, violence, or threat of great bodily harm;
g) Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
h) Sexual penetration by force, violence, duress, menace, or threat of great bodily harm;
i) Kidnapping for ransom;
j) Kidnapping for purposes of robbery;
k) Kidnapping with bodily harm;
l) Attempted murder;
m) Assault with a firearm or destructive device;
n) Assault by means of force likely to produce great bodily injury;
o) Discharge of a firearm into an inhabited or occupied building;
p) Causing great bodily injury in the commission of specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, a quadriplegic, or a person confined to a wheelchair;
q) Personal use of a firearm during the commission of a felony;
r) Personal use of a weapon;
s) Dissuading a witness or influencing testimony;

t) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a specified controlled substance;
u) A "violent" felony committed for the benefit of a criminal street gang;
v) Escape, by use of force or violence, from a county juvenile hall, home, ranch, camp or forestry camp if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the escape;
w) Torture;
x) Aggravated mayhem;
y) Carjacking while armed with a dangerous and deadly weapon;
z) Kidnapping for purposes of sexual assault;
aa) Kidnapping in the course of a carjacking;
bb) Drive by shooting;
cc) Exploding a destructive device with intent to commit murder; and,
dd) Voluntary manslaughter. (Welf. & Inst. Code, § 707, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Rehabilitation is part of a fair and just society; it must remain a goal of our juvenile justice system. But in the most severe cases, the system must be capable of delivering accountability that matches the seriousness of the harm committed. Families in our district have experienced the devastating consequences of violent juvenile crime and have been left feeling that California's current framework is failing to bring the most violent criminals to justice.

   "AB 2040 is driven by concerns of grieving families who see the lack of accountability in the juvenile system. When a juvenile commits a grave offense, like murder, and the case is already eligible for transfer consideration under existing law, courts should be able to make that determination under a workable evidentiary standard. Our communities deserve a system that still values rehabilitation, but also recognizes that public safety, justice for victims, and accountability matter."

2) **Juvenile Court Jurisdiction**: As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).)

Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

3) **History of Juvenile Transfer Policies**: In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior Court* (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required prosecutors to charge minors 14 years or older directly in criminal court for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*)

In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., *Roper v. Simmons* (2005) 543 U.S. 551, 569–571 [prohibited capital punishment for juveniles]; *Graham v. Florida* (2010) 560 U.S. 48, 68–75 [prohibited life without the possibility of parole (LWOP) for juveniles in non-homicide cases]; *Miller v. Alabama* (2012) 567 U.S. 460, 469–470 [prohibited mandatory LWOP sentences for juveniles].) The Court summarized those differences in *Miller*:

> *Roper* and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, "they are less deserving of the most severe punishments." *Graham*, 560 U.S., at 68, 130 S.Ct. 2011, 176 L.Ed. 2d 825. Those cases relied on three significant gaps between juveniles and adults. First, children have a "'lack of maturity and an underdeveloped sense of responsibility,'" leading to recklessness, impulsivity, and heedless risk-taking. *Roper*, 543 U.S., at 569, 125 S.Ct. 1183, 161 L.Ed. 2d 1. Second, children "are more vulnerable . . . to negative influences and outside pressures," including from their family and peers; they have limited "contro[l] over their own environment" and lack the ability to extricate themselves from horrific, crime-producing settings. Ibid. And third, a child's character is not as "well formed" as an adult's; his traits are "less fixed" and his actions less likely to be "evidence of irretrievabl[e] deprav[ity]." (*Miller*, *supra*, 567 U.S. at 570.)

The California Supreme Court, relying on *Graham* and *Miller*, found that a determinate sentence that exceeds the expected lifetime of the juvenile defendant violates the Eighth Amendment because it effectively denies a juvenile any opportunity to demonstrate rehabilitation (*People v. Caballero* (2012) 55 Cal.4th 262, 267) and that a law that provides a

presumption in favor of LWOP for juveniles also violates the Eighth Amendment (*People v. Gutierrez* (2014) 58 Cal.4th 1354, 1375-1376).

Following this body of research and case law, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.)

The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

4) **Transfer Criteria:** The issue in a juvenile transfer hearing "is not whether the minor committed a specified act, but rather whether [they are] amendable to the care, treatment and training program available through the juvenile court facilities...." (*People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717, disapproved on another point in *People v. Green* (1980) 27 Cal.3d 1, 33.) Under current law, the prosecution may move to transfer to adult criminal court any minor 16 years of age or older who is alleged to have committed a felony criminal offense. (Welf. & Inst. Code, § 707, subd. (a)(1).) The prosecution may also move to transfer to adult court a person who was 14 or 15 years of age at the time the person was alleged to have committed a specified serious or violent felony, but who was not apprehended prior to the end of juvenile court jurisdiction. (Welf. & Inst. Code, §§ 707, subds. (a)(2) & (b).) Existing law requires the juvenile court to find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to adult criminal court. (Welf. & Inst. Code § 707, subd. (a)(3).)

In making its transfer decision, the court must consider the following: the minor's degree of criminal sophistication, whether the minor can be rehabilitated in the time before the juvenile court would lose jurisdiction over the minor, the minor's prior history of delinquency, the success of prior attempts by the juvenile court to rehabilitate the minor, and the circumstances and gravity of the charged offense. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)-(E).) Existing law provides guidance to the juvenile court when considering each of these criteria. Existing law specifies that when evaluating the degree of criminal sophistication exhibited by the minor, the juvenile court may give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor's actions, and the effect of the minor's family and community environment and childhood trauma on the minor's criminal sophistication. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)(ii).) Existing law additionally specifies that when evaluating the minor's previous delinquent history, the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior. (Welf. & Inst. Code, § 707, subd. (a)(3)(C)(ii).) Existing law states that in evaluating the circumstances and gravity of the

offense alleged in the petition to have been committed by the minor, the juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3)(E).)

In 2022, the Legislature passed AB 2361, which, among other things, raised the legal standard for transfer hearings from preponderance of evidence to clear and convincing evidence.[1] "Clear and convincing" means that the evidence is highly and substantially more likely to be true than untrue; the trier of fact must have an abiding conviction that the truth of the factual contention is highly probable. (*Colorado v. New Mexico* (1984) 467 U.S. 310.) Prior to 2023, the law required the court to make this finding by a *preponderance of the evidence*. The "preponderance of the evidence standard" is met if the trier of fact (judge or jury) believes the evidence shows that a fact is more likely than not—more than 50% likely to be—true. (*Braud v. Kinchen* (1975) 310 So.2d 657.) The bill passed out of both Legislative houses without any registered opposition. According to a committee analysis of AB 2361[2]:

> The California Supreme Court has called the transfer of a minor from juvenile court for prosecution in adult court "the worst punishment the juvenile system is empowered to inflict." (*Ramona R. v. Superior Court* (1985) 37 Cal.3d 802, 810.) Despite the enormous consequence of the transfer decision, current statutory provisions provide insufficient guidance as to how the juvenile court should make its determination.
>
> Over 50 years ago, the California Supreme Court held that "the dispositive question [at a transfer hearing] is the minor's amenability to treatment through the facilities available to the juvenile court." (*Jimmy H. v. Superior Court* (1970) 3 Cal.3d 709, 714; see also *People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717 (holding that the issue at a transfer hearing "is not whether the minor committed a specified act, but rather whether he is amenable to the care, treatment and training program available through juvenile court facilities"); *J.N. v. Superior Court* (2018) 23 Cal.App.5th 706, 714 ("There must be substantial evidence adduced at the hearing that the minor is not a fit and proper subject for treatment as a juvenile before the court may certify him to the superior court for prosecution.") However, current statutory provisions do not explicitly reflect this principle, nor do they direct how the juvenile court should exercise its discretion.
>
> By providing a clear legal standard, AB 2361 will reduce arbitrary determinations, ensure that youth amenable to treatment and rehabilitation will be retained in juvenile court, and will allow appellate courts more effectively to review the lower court's

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[1] AB 2361 (Bonta), Chapter 330, Statutes of 2022.
[2] Sen. Comm. On Pub. Safety, Analysis of Assem. Bill No. 2361 (2021-2022 Reg. Sess.) as amended Mar. 31, 2022, p. 4.

holdings to determine whether the transfer was based on clear and convincing evidence.

This bill would undo the recent change in the law made by AB 2361 by lowering the standard of proof by which the juvenile court is to make the determination that a minor should be transferred to adult criminal court, from clear and convincing evidence to a preponderance of the evidence, that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.

Reducing the burden of proof would likely result in more youth transferred to adult court which studies show have negative impacts on the youth including likelihood of victimization, behavioral issues, recidivism and rehabilitation than youth who are retained in the juvenile system.[3]

The reversal back to a lower burden of proof after only three years of implementation raises questions of how this may be applied to cases that required retroactive review under the *Estrada* rule[4] after the standard was increased by AB 2361 in 2022. *Estrada's* inference of retroactivity has been applied when the Legislature creates "a concrete avenue for certain individuals charged with a criminal offense to be treated more leniently or to avoid punishment altogether." (*People v. Burgos* (2024)16 Cal.5th 1, 13 *citing People v. Frahs* (2020) 9 Cal.5th 618, 624; see also *People v. Wright* (2006) 40 Cal.4th 81 [newly enacted affirmative defense applies retroactively].) Because the change made by AB 2361 arguably made it harder to transfer juveniles to adult criminal court, this would be considered an ameliorative change in the law,[5] thus *Estrada's* inference of retroactivity would apply to nonfinal cases without specific direction from the Legislature.

Following the change in the law, courts ordered new fitness hearings for nonfinal cases to apply the higher standard. (See *In re E.P.* (2023) 89 Cal.App.5th 409, 416.) It is unclear how many of cases may still be pending transfer hearings or received new transfer hearings with a different result than under the lower standard.

5) **Juvenile Justice Data**: In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice (DJJ), and transferring the responsibility for managing all youthful offenders to local jurisdictions.[6] SB 823 established the Office of Youth and Community Restoration (OYCR) within the California of Health and Human Services Agency to guide the transition from state-run youth incarceration to the counties by providing support and technical assistance.

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[3] *Technical Assistance: Maintaining Youth in Juvenile Court: Published Research*, OYCR (May 2023).
[4] If a defendant's case is still pending at the time of the change and the law seeks to lessen a criminal penalty, they may be eligible for application of the new law. (*In re Estrada* (1965) 63 Cal.2d 740, 746.)
[5] See *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299, 302 where California Supreme Court held that "[t]he possibility of being treated as a juvenile in juvenile court—where rehabilitation is the goal—rather than being tried and sentenced as an adult can result in dramatically different and more lenient treatment," and concluded "[f]or this reason, *Estrada's* inference of retroactivity applies."
[6] See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

SB 823 also stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish secure youth treatment facilities (SYTFs) for the placement of wards who were adjudicated for specified serious offenses, listed in Welfare and Institutions Code section 707, subdivision (b), when the juvenile was age 14 or older, and after the court has determined a less restrictive alternative disposition is unsuitable. (Welf. & Inst. Code, § 875, subd. (a).)

Following juvenile justice realignment, AB 102 (Ting), Chapter 38, Statutes of 2023, was enacted to require county probation department to provide the Office of Youth and Community Restoration (OYCR), within the California Health and Human Services Agency, with data regarding: the number of youth and their commitment offense or offenses committed to an SYTF; the number of individual youth in the county who were adjudicated for a Section 707(b) or a registerable sex offense; the number of youth and their commitment offense or offenses transferred from an SYTF to a less restrictive program; and the number of youth who had a transfer hearing as well as the number of youth whose jurisdiction was transferred to adult criminal court. The data requirements are designed to provide a better understanding of the impacts of the state's juvenile justice realignment.

According to the most recent OYCR data, in fiscal year 2023-2024, 130 transfer hearings were held and 50 youth were transferred to adult court (38.46%). In fiscal year 2022-2034, 117 transfer hearings were held and 35 youth were transferred to adult court (29.9%). In fiscal year 2021-2022, which would include numbers prior to the enactment of AB 2361 in 2022, 102 transfer hearings were held and 48 youth were transferred (47.05%).[7] Comparatively, the Department of Justice's juvenile justice data for 2021 reports 78 fitness hearings reported and 28 were transferred (35.9%).[8]

The data also indicates that both Black and Latino youth are consistently overrepresented at multiple decision points in the juvenile justice system. Over the three-year period for which OYCR reported data under AB 102[9]:

> [A]pproximately 61% of youth transferred to adult court were Hispanic/Latino, 23% were Black, 6% were White, and 10% were some other race or unknown (4% were Asian American, 3% were AI/AN [American Indian/Alaskan Native], and less than 1% were Pacific Islander). Among youth transferred to adult court, Black and AI/AN youth are vastly overrepresented relative to their population size (5% and less than 1% respectively). Hispanic/Latino youth are also overrepresented, while White and Asian American youth are underrepresented relative to their youth population sizes in California.

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[7] AB 102 Report, OYCR (2025), pp. 40 & 43, see https://oycr.ca.gov/wp-content/uploads/sites/346/2025/09/2025-AB-102-Report_FINAL.pdf.
[8] *Juvenile Justice in California, 2021*, CA Department of Justice, p. 38, see https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/Juvenile%20Justice%20In%20CA%202021_0.pdf.
[9] *Id.* at p. 45.

Notably, the proportion of Black youth rose from 17% of transfers to adult court in FY 2021/22 and FY 2022/23, to 36% of youth transferred to adult court in FY 2023/24.

6) **Argument in Support**: According to the *Chief Probation Officers of California*, the sponsor of this bill, "When voters passed Proposition 57 (2016), which retained court discretion in making transfers for serious and violent juvenile offenders, the standard of proof was preponderance of the evidence - the lowest burden of proof - a standard that guaranteed the court pathway was still an option for serious and violent juvenile offenses. Subsequent legislation in 2022 changed what the standard was at the time voters approved the other limitations for moving a juvenile case to adult court and increased the standard to clear and convincing evidence.

"It is important to note within the context of this bill that our support for this change should not be construed as opining on whether youth should be transferred to adult court; in fact, as a profession we have supported judicial discretion and frameworks to work with youth in the juvenile system to balance all factors."

7) **Argument in Opposition**: According to the *Children's Law Center of California*, "Under current law, a juvenile court may transfer a young person to adult criminal court only upon clear and convincing evidence that the youth is not amenable to rehabilitation within the juvenile system. AB 2040 would lower that evidentiary standard, requiring only that the court find by a preponderance of the evidence that a young person is not amenable to rehabilitation. The preponderance of the evidence standard is the lowest burden of proof used in the legal system. It requires only a showing that something is "more likely than not" to be true (essentially just over a 50% likelihood). Because it sets such a minimal threshold, this standard is typically reserved for ordinary civil disputes where the consequences do not involve severe deprivations of liberty. AB 2040 proposes a significant regression that would increase racial disparities, expose more youth to the documented harms of adult incarceration, and undermine public safety.

"Transfer to adult court is the most severe sanction available in the juvenile system and warrants a high evidentiary standard.

"The California Supreme Court described transfer to adult court as "the worst punishment the juvenile system is empowered to inflict." (Ramona R. v. Superior Court (1985)). Transfer forecloses a young person's opportunity for rehabilitation, exposes them to adult prosecution and sentencing, and carries lifelong collateral consequences that cannot be undone.

"What makes that severity especially significant here is what transfer hearings actually require courts to decide. They do not ask what a young person did. They ask who that young person will become— whether they are capable of rehabilitation within the juvenile system. That is an inherently uncertain, predictive judgment about future development, made about a person whose brain is still developing and whose capacity for growth science tells us is routinely underestimated. Compounding this problem, transfer hearings take place before the alleged offense has been proven under any legal standard. Courts may therefore rely on unproven allegations when deciding whether to send a young person to the very system that will later determine their guilt. Lowering the evidentiary standard to preponderance would

make that threshold decision even easier to reach based in part on conduct the law has not yet found true.

"Standards of proof exist to allocate the risk of erroneous outcomes. When a determination is both irreversible in consequence and uncertain by nature, the need for a high evidentiary standard is strongest. A preponderance standard — "more likely than not" — means a court could transfer a young person even when the evidence is nearly evenly balanced. That is not a standard commensurate with "the worst punishment" the juvenile court can impose."

8) **Related Legislation**:

a) AB 1647 (Bryan) would require the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court. The hearing on AB 1647 was canceled at the request of the author.

b) AB 1902 (Pellerin) would make various changes to the process that authorizes a court to order extended detention of a person confined in an SYTF. AB 1902 is pending hearing by this Committee.

c) AB 1959 (Patel) would authorize a prosecuting attorney to file a transfer motion for a person who was previously convicted in adult criminal court for a crime committed at the age of 14 or 15 who is now subject to resentencing by the juvenile court as specified. AB 1959 is pending hearing in Assembly Appropriations Committee.

d) AB 1968 (Gallagher) would add the crime of conspiracy to commit murder to the list of specified offenses for which a person may be committed to an SYTF for an offense committed at the age of 14 or older, or transferred to adult criminal court for a crime committed at the age of 14 or 15 if they were not apprehended prior to the end of juvenile court jurisdiction. AB 1968 failed passage in this committee and was granted reconsideration.

9) **Prior Legislation**:

a) AB 22 (DeMaio), of the 2025-2026 Legislative Session, among other things, would have removed from the juvenile court's jurisdiction over specified crimes committed by minors, requiring those crimes to be tried in a court of criminal jurisdiction. AB 22 was held in this Committee.

b) AB 2361 (Bonta), Chapter 330, Statutes of 2022, increased the burden of proof from preponderance of the evidence to clear and convincing evidence for a court to find that a minor should be transferred to adult criminal court.

c) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.

d) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.

e) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.

f) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, prohibited the prosecution of a minor under the age of 12, unless the minor is alleged to have committed specified violent crimes.

g) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in specified cases, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

h) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.

i) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the "circumstances and gravity of the offense" for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.

j) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC) (Sponsor)
California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Crime Victims United of California
Peace Officers Research Association of California (PORAC)
3 Private Individuals

Opposition

A New Way of Life Reentry Project
ACLU California Action
All of US or None (HQ)
Alliance for Boys and Men of Color
Alliance for Children's Rights
Arts for Healing and Justice Network
Bridges of Hope CA

California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California for Safety and Justice
California Public Defenders Association
California Tribal Families Coalition
California Youth Defender Center
Californians United for a Responsible Budget
Care First California
Center on Juvenile and Criminal Justice
Children's Law Center of California
Communities United for Restorative Youth Justice (CURYJ)
Community Works West
Dignity and Power Now
Disability Rights California
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Fresh Lifelines for Youth (FLY)
Fresno County Public Defender's Office
Friends Committee on Legislation of California
Hang Out Do Good
Haywood Burns Institute
Immigrant Legal Resource Center
Initiate Justice
Integral Community Solutions Institute
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
Milpa Collective
National Institute for Criminal Justice Reform
Peace and Justice Law Center
San Francisco Public Defender's Office
Smart Justice California, a Project of Beyond Impact
The California Youth Justice Project
The Collective for Liberatory Lawyering
The Translatin@ Coalition
Urban Peace Institute
Urban Peace Movement
Wonder Wood Ranch
Young Women's Freedom Center
Youth Justice Coalition
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School
1 Private Individual

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

Date of Hearing: April 14, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2052 (Stefani) – As Introduced February 18, 2026

As Proposed to be Amended in Committee

SUMMARY: Expands the list of crimes for which a court must consider good cause for purposes of granting a prosecutor's request for continuance beyond a defendant's statutory speedy trial right to include any case pertaining to elder or dependent adult abuse and specifies that the prosecutor may only receive such a good cause continuance once per case.

EXISTING LAW:

1) States that in order to continue any hearing in a criminal proceeding, including the trial, a written notice shall be filed and served on all parties to the proceeding at least two court days before the hearing sought to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary. (Pen. Code, § 1050, subd. (b)(1).)

2) Requires that within two court days of learning that a person has a conflict in the scheduling of any court hearing, including a trial, an attorney must notify the calendar clerk of each court involved, in writing, indicating which hearing was set first. (Pen. Code, § 1050, subd. (b)(2).)

3) Provides that a party shall not be deemed to have been served until that party actually receives a copy of the documents to be served, unless the party, after receiving actual notice of the request for continuance, waives the right to have the documents served in a timely manner. Regardless of the proponent of the motion, the prosecuting attorney must notify the people's witnesses, and the defense attorney shall notify the defense's witnesses of the notice of motion, the date of the hearing, and the witnesses' right to be heard by the court. (Pen. Code, § 1050, subd. (b)(2).)

4) Mandates that continuances be granted only upon a showing of good cause. Neither the convenience of the parties nor a stipulation of the parties is in and of itself good cause. (Pen. Code, § 1050, subd. (d).)

5) Mandates that when deciding whether or not good cause for a continuance has been shown, the court consider the general convenience and prior commitments of all witnesses, including peace officers. Both the general convenience and prior commitments of each witness also shall be considered in selecting a continuance date if the motion is granted. The facts as to inconvenience or prior commitments may be offered by the witness or by a party to the case. (Pen. Code, § 1050, subd. (g)(1).)

6) Defines "good cause" to include, but is not limited to, those cases involving murder, stalking related to a specified sex offense, domestic violence, a case being handled in the Career

Criminal Prosecution Program, or a hate crime, has occurred and the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court. A continuance under this paragraph shall be limited to a maximum of 10 additional court days. (Pen. Code, § 1050, subd. (g)(2).)

7) States that only one continuance per case may be granted to the prosecutor for cases involving stalking, hate crimes, or cases handled under the Career Criminal Prosecution Program. Any continuance granted to the people in a case involving stalking or handled under the Career Criminal Prosecution Program shall be for the shortest time possible, not to exceed 10 court days. (Pen. Code, § 1050, subd. (g)(3).)

8) States that the court, unless good cause to the contrary is shown, shall order the action to be dismissed in the following cases:

    a) When a person has been held to answer for a public offense and an information is not filed against the person within 15 days.

    b) In a felony case, when a defendant is not brought to trial within 60 days of the defendant's arraignment or an indictment or information, or reinstatement of criminal proceedings after a declaration of doubt of defendant's mental competency, or if a case is to be retried following a mistrial or an order granting a new trial, as specified.

    c) When a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after being arraigned or enters their plea, whichever occurs later, if the defendant is in custody, or within 45 days if the defendant is out of custody. (Pen. Code, § 1382, subd. (a)(1)-(3).)

9) Provides that a felony case shall not be dismissed if the defendant enters a general waiver of the 60-day trial requirement or if the defendant requests or consents to the setting of trial beyond the 60-day period. (Pen. Code, § 1382, subd. (a)(2)(A)-(B).)

10) States that a misdemeanor or infraction shall not be dismissed if the defendant enters a general time waiver of the 30-day or 45-day trial requirement, the defendant requests or consents to the setting of the trial beyond the 30-day or 45-day period, or the defendant fails to appear at a hearing prior to trial and a bench warrant has been issued, then the defendant will be deemed to have been arraigned on the date of their subsequent arraignment on their bench warrant. (Pen. Code, § 1382, subd. (a)(3)(A)-(C).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2052 strengthens California's response to crimes against children, older adults, and adults with developmental or cognitive disabilities by ensuring greater continuity in prosecution for these vulnerable victims. Too often, cases involving vulnerable victims are handed from one prosecutor to another, forcing victims and their caregivers to repeatedly relive traumatic experiences while navigating an already difficult justice system without consistent support. AB 2052 allows prosecutors to use vertical prosecution, meaning the same attorney can handle a case from beginning to end,

so prosecutors can develop the expertise and sensitivity needed to work effectively with vulnerable victims and build the trust necessary for children and older adults, particularly those with cognitive impairments, to fully participate in the justice process. It also provides victims and their caregivers with a single, consistent point of contact as they navigate complex court proceedings. As California's population ages and crimes against older adults, including abuse, neglect, and financial exploitation, continue to rise, it is critical that our justice system is equipped to support victims and hold perpetrators accountable. AB 2052 helps ensure prosecutors have the tools to deliver justice for those who need our protection most."

2) **Right to a Speedy Trial:** Generally, the U.S. and State Constitutions and California state law provide for the right to a speedy trial. (U.S. Const., 6th Amend.; Cal. Const., art. I, sec. 15; Pen. Code, § 1382.) The right to a speedy trial is "an important safeguard to prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation and to limit the possibilities that long delay will impair the ability of an accused to defend himself." (*United States v. Ewell* (1966) 383 U.S. 116, 120.)

   The speedy trial time frame is stated in Penal Code section 1382 and has been determined to be 60 days for a felony trial and either 30 or 45 days for a misdemeanor trial. (See *People v. Shane* (2004) 115 Cal.App.4th 196, 203.) Failure to bring a case to trial within the statutory speedy trial deadline will result in dismissal, unless defendant has entered a general time waiver or the defendant has consented to the extension, or if good cause is shown. (*Baustert v. Superior Court (People)* (2005) 129 Cal.App.4th 1269, 1275.)

   The general time waiver entitles the superior court "to set or continue a trial date without the sanction of dismissal should the case fail to proceed on the date set for trial." (Pen. Code, § 1382, subd. (a)(2)(A), (a)(3)(A).) If the defendant, after proper notice to all parties, withdraws the waiver in the superior court, the defendant must be brought to trial within 60 days of the date of that withdrawal. (*Ibid.*) If the defendant requests or consents to a trial date beyond the statutory deadline, the defendant must be brought to trial on the agreed-upon date or within 10-calendar days thereafter. (Pen. Code, § 1382, subd. (a)(2)(B), (a)(3)(B).)

   A continuance beyond the statutory periods without a defendant entering a limited or general time waiver may only be issued by a court for a maximum of 10 days and only for good cause. "Good cause" can be based on witness availability, judge or courtroom availability, illness or emergency, or a specific class of cases. (*Mendoza v. Superior Court (People)* (2024) 103 Cal.App.5th 865, 870.)[1]

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[1] *Mendoza* is a case out of the San Francisco Superior Court where, despite no demonstrable good cause from the prosecutor, the trial court still continued the defendant's DUI trial beyond the statutory period for good cause. The trial court cited and relied on Hernandez-Valenzuela v. Superior Court (2022) 75 Cal.App.5th 1108 (Hernandez-Valenzuela), a decision in which a divided panel of Division Three of this court found good cause to continue felony cases past their statutory deadline due to the impact of the COVID-19 pandemic. Although the trial court acknowledged the statement in Hernandez-Valenzuela that it cannot "'perpetually'" rely on the COVID-19 pandemic "'to avoid dismissal under section 1382'" (*id.* at p. 1135), the court nevertheless found good cause for continued delay attributable to the COVID-19 pandemic. The court found that, given the circumstances, the "limit of good cause" for delaying misdemeanor cases would be June 2024. The court concluded the delay was not caused by "chronic court congestion" but was instead the result of a "global pandemic, the ongoing effects of which constitute exceptional and extraordinary circumstances warranting a finding of good cause."

A broad variety of unforeseen events may establish good cause under section 1382. However, delay attributable to court congestion or improper court administration does not constitute good cause. The appellate court reviews the court's good cause determination for abuse of discretion. When the superior court denies a motion to dismiss under section 1382, the defendant may seek pretrial writ review without demonstrating prejudice from the delay of trial. (*Id.*)

It is settled that, although a broad variety of unforeseen events may establish good cause under section 1382, the unavailability of a number of judges or courtrooms sufficient to handle the court's caseload, due to chronic congestion of the court's docket, does not establish good cause, absent exceptional circumstances. (*People v. Engram* (2010) 50 Cal.4th 1131,1163; see *Stroud v. Superior Court* (2000) 23 Cal.4th 952, 969.)

The view we expressed 30 years ago in *Johnson*, *supra,* 26 Cal.3d 557, holds true today, as we confirmed in *Engram*: "'A defendant's right to a speedy trial may be denied simply by the failure of the state to provide enough courtrooms or judges to enable defendant to come to trial within the statutory period. … '[U]nreasonable delay in run-of-the mill criminal cases cannot be justified by simply asserting that the public resources provided by the State's criminal-justice system are limited and that each case must await its turn.'" (*Engram, supra,* 50 Cal.4th at p. 1163, quoting *Johnson, supra*, 26 Cal.3d at pp. 571–572; (*People v. Hajjaj* (2010) 50 Cal.4th 1184, 1198.)

Any legislation that allows the prosecutor to continue a case beyond the statutory and constitutional speedy trial right must be rooted in more than convenience. Continuances in complex cases or in cases where the victim is especially vulnerable have been approved by the courts. (See generally, *Barron v. Superior Court* (2023) 90 Cal.App.5th 628; Pen. Code, § 1050, subd. (g)(2).)

3) **Good Cause Continuances:** Penal Code section 1050 generally requires any party seeking to continue any hearing in a criminal proceeding to demonstrate good cause. Neither the convenience of the parties nor a stipulation of the parties is, in and of itself, good cause. (See Pen. Code, § 1050, subd. (e).) Added to the Penal Code in 1959, the introduction to Penal Code section 1050 states the intent of the Legislature, as follows:

> The welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time. To this end, the Legislature finds that the criminal courts are becoming increasingly congested with resulting adverse consequences to the welfare of the people and the defendant. Excessive continuances contribute substantially to this congestion and cause substantial hardship to victims and other witnesses. Continuances also lead to longer periods of presentence confinement for those defendants in custody and the concomitant overcrowding and increased expenses of local jails. It is therefore recognized that the people, the defendant, and the victims and other witnesses have the right to an expeditious disposition, and to that end it shall be the duty of all courts and judicial officers and of all counsel, both for the prosecution and

> the defense, to expedite these proceedings to the greatest degree that is consistent with the ends of justice. (Pen. Code, § 1050, subd. (a).)

Despite the intent of the 1959 amendment, over time the Legislature has added additional exceptions to the general rule that criminal trials must occur at the "earliest possible time." Specifically, the convenience of witnesses, including peace officers, may constitute good cause. (Pen. Code, § 1050, subd. (g)(1).) Moreover, Penal Code section 1050, subdivision (g)(2) states certain types of cases necessarily constitute "good cause" including, homicide, stalking, child abuse, specific sex offenses, domestic violence, hate crimes, or cases being handled by the Career Criminal Prosecution Program.

Several factors are relevant in determining good cause: (a) the nature and strength of the justification for the delay; (b) the duration of the delay; and (c) the prejudice to either the defendant or the prosecution that is likely to result from the delay. In making its good-cause determination, a trial court must consider all the relevant circumstances of the particular case, applying principles of common sense to the totality of the circumstances." (*People v. Engram* (2010) 50 Cal.4th 1131, 1163.)

Additionally, in determining "good cause," the court will consider whether the party seeking a continuance demonstrated it has prepared for the hearing or trial with due diligence. If the party is seeking a continuance to secure a witness's testimony, the party must show that they exercised due diligence to secure the witness's attendance, that the witness would be available to testify within a reasonable time, and that the testimony was material and not cumulative. (*People v. Johnson* (2013) 218 Cal.App.4th 938, 942.) If the court grants a good cause continuance, the district attorney may only continue the case for 10 days.

Good cause continuances interfere with a defendant's right to a speedy trial. As a result, the court must make specified findings on the record to grant a good cause continuance. It usually requires time out of the court's calendar to hear the party on the merits and may uniquely hamper the defendant's right to fair trial. This is particularly true given that public defenders are not granted the same right as prosecutors in obtaining good cause continuances.

District attorneys and public defenders handle multiple trials and hearings at one time. Expanding the crimes forming the basis of a good cause continuance means a district attorney may get a continuance of preliminary hearing or trial if they must appear at a proceeding elsewhere. Public defenders and private defense counsel are not granted the same right even though the specialization of specific kinds of cases should apply to both the prosecution and the defense. (*People v. Johnson* (1980) 26 Cal.3d 557, 562 ["We conclude that, at least in the case of an incarcerated defendant, the asserted inability of the public defender to try such a defendant's case within the statutory period because of conflicting obligations to other clients does not constitute good cause to avoid dismissal of the charges."].)

The consequence of this is that the prosecutor may continue a case beyond the statutory period designed to ensure a speedy trial to ensure they are present (meaning they are not fungible); defense counsel, on the other hand, must arrange for another, possibly less knowledgeable or experienced attorney to step in if they must appear elsewhere. Defendants are only entitled to competent counsel, not the counsel they have known or worked with for

weeks or months. If a prosecutor is granted a good cause continuance simply because the victim is elderly or a dependent adult, as specified, their defense attorney would not get the same benefit if they had to appear at another trial.

4) **Argument in Support**: According to the *California District Attorneys Association*, "Currently, the law limits vertical prosecution to cases involving charges of homicide, sexual assault, and domestic violence, among others. And even though prosecutions with a vulnerable victim who is either a minor, dependent adult, or older adult are just as complex, the law does not recognize or allow for vertical prosecution.

   "AB 2052 remedies this shortfall and allows one prosecutor to handle the case from arraignment to trial. Through vertical prosecution, prosecutors can hone their skills and better serve the most vulnerable in our community."

5) **Argument in Opposition**: According to the *San Francisco Public Defender's Office*, "AB 2052 would expand the list of crimes primarily murder and domestic violence that may support a finding of good cause to continue a case overriding the defendant's right to a speedy trial to cases where a minor is detained as a material witness, and any crime where an alleged victim is a minor, greater than sixty-five years of age, or a dependent adult as defined by Penal Code § 368, subd. (h).

   "In other words, if a prosecutor was in trial on a case expected to last two months and the defendant was in jail awaiting trial on a misdemeanor petty theft of a cell phone from a minor, the defendant's trial would be postponed two months until the prosecutor finished the first case. Additionally, AB 2052 would lead to unnecessarily prolonged incarceration for minors who are detained as material witnesses, and will cause more jail overcrowding, more expense to taxpayers, more court congestion, and more individuals being detained pretrial."

6) **Related Legislation**: AB 1656 (Davies) would expand the list of crimes that may support a finding of good cause to continue a case to include human trafficking, as specified and specifies that a good cause continuance in a human trafficking case may only be granted once per case. AB 1656 is pending referral in the Senate.

7) **Prior Legislation**: AB 501 (Nakanishi), Chapter 382, Statutes of 1999, expanded the grounds for good cause for a continuance of a trial to include a case prosecuted pursuant to the Career Criminal Prosecution Program where the prosecuting attorney assigned to the case has a hearing in that court or another court on a different case

REGISTERED SUPPORT / OPPOSITION:

Support

Alzheimer's Association
Alzheimer's Greater Los Angeles
Alzheimer's Orange County
Alzheimer's San Diego
California Advocates for Nursing Home Reform
California District Attorneys Association
California Long Term Care Ombudsman Association (CLTCOA)

California Police Chiefs Association
California State Sheriffs' Association
Riverside County District Attorney
The Arc and United Cerebral Palsy California Collaboration

Oppose

ACLU California Action
California Attorneys for Criminal Justice
California Coalition for Women's Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Initiate Justice
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

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

Amended Mock-up for 2025-2026 AB-2052 (Stefani (A))

Mock-up based on Version Number 99 - Introduced 2/18/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 1050 of the Penal Code is amended to read:

1050. (a) The welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time. To this end, the Legislature finds that the criminal courts are becoming increasingly congested with resulting adverse consequences to the welfare of the people and the defendant. Excessive continuances contribute substantially to this congestion and cause substantial hardship to victims and other witnesses. Continuances also lead to longer periods of presentence confinement for those defendants in custody and the concomitant overcrowding and increased expenses of local jails. It is therefore recognized that the people, the defendant, and the victims and other witnesses have the right to an expeditious disposition, and to that end it shall be the duty of all courts and judicial officers and of all counsel, both for the prosecution and the defense, to expedite these proceedings to the greatest degree that is consistent with the ends of justice. In accordance with this policy, criminal cases shall be given precedence over, and set for trial and heard without regard to the pendency of, any civil matters or proceedings. In further accordance with this policy, death penalty cases in which both the prosecution and the defense have informed the court that they are prepared to proceed to trial shall be given precedence over, and set for trial and heard without regard to the pendency of, other criminal cases and any civil matters or proceedings, unless the court finds in the interest of justice that it is not appropriate.

(b) To continue any hearing in a criminal proceeding, including the trial, (1) a written notice shall be filed and served on all parties to the proceeding at least two court days before the hearing sought to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary and (2) within two court days of learning that they have a conflict in the scheduling of any court hearing, including a trial, an attorney shall notify the calendar clerk of each court involved, in writing, indicating which hearing was set first. A party shall not be deemed to have been served within the meaning of this section until that party actually has received a copy of the documents to be served, unless the party, after receiving actual notice of the request for continuance, waives the right to have the documents served in a timely manner. Regardless of the proponent of the motion, the prosecuting attorney shall notify the people's witnesses and the defense attorney shall notify the defense's witnesses of the notice of motion, the date of the hearing, and the witnesses' right to be heard by the court.

(c) Notwithstanding subdivision (b), a party may make a motion for a continuance without complying with the requirements of that subdivision. However, unless the moving party shows good cause for the failure to comply with those requirements, the court may impose sanctions as provided in Section 1050.5.

(d) When a party makes a motion for a continuance without complying with the requirements of subdivision (b), the court shall hold a hearing on whether there is good cause for the failure to comply with those requirements. At the conclusion of the hearing, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. A statement of the finding and a statement of facts proved shall be entered in the minutes. If the moving party is unable to show good cause for the failure to give notice, the motion for continuance shall not be granted.

(e) Continuances shall be granted only upon a showing of good cause. Neither the convenience of the parties nor a stipulation of the parties is in and of itself good cause.

(f) At the conclusion of the motion for continuance, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. A statement of facts proved shall be entered in the minutes.

(g) (1) When deciding whether or not good cause for a continuance has been shown, the court shall consider the general convenience and prior commitments of all witnesses, including peace officers. Both the general convenience and prior commitments of each witness also shall be considered in selecting a continuance date if the motion is granted. The facts as to inconvenience or prior commitments may be offered by the witness or by a party to the case.

(2) For purposes of this section, "good cause" includes, but is not limited to, those cases involving murder, as defined in subdivision (a) of Section 187, allegations that stalking, as defined in Section 646.9, a violation of one or more of the sections specified in subdivision (a) of Section 11165.1 or Section 11165.6, or domestic violence as defined in Section 13700, or a case being handled in the Career Criminal Prosecution Program pursuant to Sections 999b through 999h, ***elder or dependent adult abuse, as defined in Section 368*** ~~a case where a minor is detained as a material witness or is the victim of the alleged offense, a case where the victim is 65 years of age or older at the time of the alleged offense or is a dependent adult, as defined in subdivision (h) of Section 368~~, or a hate crime, as defined in Title 11.6 (commencing with Section 422.6) of Part 1, has occurred and the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court. A continuance under this paragraph shall be limited to a maximum of 10 additional court days.

(3) Only one continuance per case may be granted to the people under this subdivision for cases involving stalking, hate crimes, ***abuse of elder or dependent adults***, or cases handled under the Career Criminal Prosecution Program. Any continuance granted to the people in a case involving stalking or handled under the Career Criminal Prosecution Program shall be for the shortest time possible, not to exceed 10 court days.

(h) Upon a showing that the attorney of record at the time of the defendant's first appearance in the superior court on an indictment or information is a Member of the Legislature of this state and that the Legislature is in session or that a legislative interim committee of which the attorney is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to a reasonable continuance not to exceed 30 days.

(i) A continuance shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion. Whenever any continuance is granted, the court shall state on the record the facts proved that justify the length of the continuance, and those facts shall be entered in the minutes.

(j) Whenever it shall appear that any court may be required, because of the condition of its calendar, to dismiss an action pursuant to Section 1382, the court must immediately notify the Chair of the Judicial Council.

(k) This section shall not apply when the preliminary examination is set on a date less than 10 court days from the date of the defendant's arraignment on the complaint, and the prosecution or the defendant moves to continue the preliminary examination to a date not more than 10 court days from the date of the defendant's arraignment on the complaint.

(l) This section is directory only and does not mandate dismissal of an action by its terms.

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2073 (Johnson) – As Introduced February 18, 2026

SUMMARY: Exempts from prosecution, for willfully omitting from a child certain necessities of life, among other defined crimes against children, an individual who voluntarily places a child 72 hours old or younger in an infant safety device at a safe-surrender site. Specifically, **this bill**:

1) States that a parent or other individual having lawful custody of a minor child 72 hours old or younger shall not be prosecuted for specified violations of the Penal Code, if that parent or individual voluntarily places the child in an infant safety device at a safe-surrender site.

2) Provides that personnel at a safe surrender site generally shall not have liability for a child surrendered at a safe surrender site, however, immunity is not conferred for injury resulting from acts or omissions constituting gross negligence or willful or wanton misconduct.

3) Requires a safe-surrender site that installs an infant safety device to ensure that the alarm system described is tested at least one time per week, and that the device is visually checked at least two times per day.

4) Defines "infant safety device" as a device that meets all of the following criteria:

   a) It is voluntarily installed by a safe-surrender site;

   b) It is physically located inside a safe-surrender site that is staffed 24 hours a day by medical or emergency personnel;

   c) It is placed in a conspicuous location that is visible to personnel on duty at the safe-surrender site;

   d) It is equipped with an adequate dual alarm system that is connected to the physical location of the device and that alerts staff immediately when a child is placed inside;

   e) It is climate-controlled and locks automatically upon closure; and,

   f) It provides for a process or mechanism that maintains the anonymity of an individual who is surrendering a minor child to a safe-surrender site.

EXISTING LAW:

1) States that a parent of a minor child who willfully omits to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, he or she is guilty of

a misdemeanor punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. This statute shall not be construed so as to relieve such parent from the criminal liability defined herein for such omission merely because the other parent of such child is legally entitled to the custody of such child nor because the other parent of such child or any other person or organization voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child or undertakes to do so. (Pen. Code, § 270.)

2) Provides that proof of abandonment or desertion of a child by such parent, or the omission by such parent to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his or her child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse. (Pen. Code, § 270.)

3) Establishes that every parent who refuses to accept his or her minor child into the parent's home, or, failing to do so, to provide alternative shelter, upon being requested to do so by a child protective agency and after being informed of the duty imposed by this statute to do so, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500). (Pen. Code, § 270.5, subd. (a).)

4) States that every parent of any child under the age of 14 years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent to abandon it, is punishable by a wobbler. (Pen. Code, § 271.)

5) States that every person who knowingly and willfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of 14 years, or who falsely, knowing the same to be false, represents to any manager, officer or agent of any orphan asylum or charitable institution for the care of orphans, that any child for whose admission into that asylum or institution application has been made is an orphan, is punishable by as a wobbler. (Pen. Code, § 271a.)

6) Provides that no parent or other individual having lawful custody of a minor child 72 hours old or younger may be prosecuted for defined violations if he or she voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site. (Pen. Code, § 271.5, subd. (a).)

7) States that a hospital and a safe-surrender site designated by the county board of supervisors or by a local fire agency, upon the approval of the appropriate local governing body of the agency, shall post a sign displaying a statewide logo that has been adopted by the State Department of Social Services (DSS) that notifies the public of the location where a minor child 72 hours old or younger may be safely surrendered. (Health & Saf. Code, § 1255.7, subd. (a)(4).)

8) Requires personnel on duty at a safe-surrender site shall accept physical custody of a minor child 72 hours old or younger pursuant to this section if a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to personnel who are on duty at the safe-surrender site. Safe-surrender site personnel shall ensure that a qualified person does all of the following:

a) Places a coded, confidential ankle bracelet on the child;

b) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a copy of a unique, coded, confidential ankle bracelet identification in order to facilitate reclaiming the child. However, possession of the ankle bracelet identification, in and of itself, does not establish parentage or a right to custody of the child; and,

c) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a medical information questionnaire, which may be declined, voluntarily filled out and returned at the time the child is surrendered, or later filled out and mailed in the envelope provided for this purpose. This medical information questionnaire shall not require identifying information about the child or the parent or individual surrendering the child, other than the identification code provided in the ankle bracelet placed on the child. (Health & Saf. Code, § 1255.7, subd. (b).)

9) Requires personnel of a safe-surrender site that has physical custody of a minor child to ensure that a medical screening examination and any necessary medical care is provided to the minor child. (Health & Saf. Code, § 1255.7, subd. (c).)

10) Provides that as soon as possible, but in no event later than 48 hours after the physical custody of a child has been accepted, personnel of the safe-surrender site that has physical custody of the child shall notify child protective services or a county agency providing child welfare services, as specified, that the safe-surrender site has physical custody of the child. (Health & Saf. Code, § 1255.7, subd. (d)(1).)

11) States that any personal identifying information that pertains to a parent or individual who surrenders a child that is obtained pursuant to the medical information questionnaire is confidential and shall be exempt from disclosure by the child protective services or county agency under the California Public Records Act. (Health & Saf. Code, § 1255.7, subd. (d)(2).)

12) Personal identifying information that pertains to a parent or individual who surrenders a child shall be redacted from any medical information provided to child protective services or the county agency providing child welfare services. (Health & Saf. Code, § 1255.7, subd. (d)(2).)

13) Requires child protective services or the county agency providing child welfare services to assume temporary custody of the child immediately upon receipt of notice. (Health & Saf. Code, § 1255.7, subd. (e).)

14) Requires child protective services or the county agency providing child welfare services to immediately investigate the circumstances of the case and file a petition. (Health & Saf. Code, § 1255.7, subd. (e).)

15) Requires child protective services or the county agency providing child welfare services to immediately notify the DSS of each surrendered child upon taking temporary custody of the child. (Health & Saf. Code, § 1255.7, subd. (e).)

16) Provides that, as soon as possible, but no later than 24 hours after temporary custody is assumed, child protective services or the county agency providing child welfare services shall report all known identifying information concerning the child, except personal identifying information pertaining to the parent or individual who surrendered the child, to the California Missing Children Clearinghouse and to the National Crime Information Center. (Health & Saf. Code, § 1255.7, subd. (e).)

17) States that if, prior to the filing of a petition, a parent or individual who has voluntarily surrendered a child requests that the safe-surrender site that has physical custody of the child return the child and the safe-surrender site still has custody of the child, personnel of the safe-surrender site shall either return the child to the parent or individual or contact a child protective agency if any personnel at the safe-surrender site knows or reasonably suspects that the child has been the victim of child abuse or neglect. The voluntary surrender of a child is not in and of itself a sufficient basis for reporting child abuse or neglect. (Health & Saf. Code, § 1255.7, subd. (f).)

18) Provides that subsequent to the filing of a petition, if, within 14 days of the voluntary surrender, the parent or individual who surrendered custody returns to claim physical custody of the child, the child welfare agency shall verify the identity of the parent or individual, conduct an assessment of that person's circumstances and ability to parent, and request that the juvenile court dismiss the petition for dependency and order the release of the child, if the child welfare agency determines that none of the specified conditions currently exist. (Health & Saf. Code, § 1255.7, subd. (g).)

19) States that a safe-surrender site, or the personnel of a safe-surrender site, shall not have liability of any kind for a surrendered child prior to taking actual physical custody of the child, and shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that action is required or authorized. (Health & Saf. Code, § 1255.7, subd. (h).)

20) States that in order to encourage assistance to persons who voluntarily surrender physical custody of a child, no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to or death of the minor child as a result of the person's acts or omissions. This immunity does not apply to an act or omission constituting gross negligence, recklessness, or willful misconduct. (Health & Saf. Code, § 1255.7, subd. (i)(1).)

21) Provides that any identifying information that pertains to a parent or individual who surrenders a child, that is obtained as a result of the questionnaire or in any other manner, is confidential, shall be exempt from disclosure, and shall not be disclosed by any personnel of a safe-surrender site that accepts custody of a child pursuant to this section. (Health & Saf. Code, § 1255.7, subd. (k).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "I am proud to author AB 2073, which will provide local governments with a new legal mechanism to reduce unsafe abandonments and

custody surrenders. This bill modernizes California's Safely Surrendered Baby Law by authorizing the optional installation of regulated infant safety devices to address a critical deficiency in current law: the requirement for a face-to-face handoff. While existing statutes provide legal confidentiality, the lack of a truly anonymous option remains a significant barrier for parents in extreme crisis who are deterred by the fear of judgment or a lack of privacy. This fear often leads to infants being abandoned in unsafe environments like dumpsters or parks. By authorizing climate-controlled, alarm-equipped devices, this bill provides a 100% anonymous and legal last-resort option that prevents illegal abandonment and ensures newborns are retrieved by medical personnel within minutes."

2) **Effect of the Bill**: AB 2073 would provide for optional safe surrender sites with infant safety devices, which are colloquially known as "baby boxes."

   A safe surrender site is generally defined as a location designated by a local governing agency, established in consultation with local fire departments and child welfare agencies that may provide services for surrendered infants. (Health & Saf. Code, § 1255.7, subd. (a)(5)(A).) A public or private hospital with the responsibility and capacity to take in a surrendered infant is also permissible. (Health & Saf. Code, § 1255.7, subd. (a)(5)(B).) Safe surrender sites shall post signage notifying the public of its location and qualified personnel must be on duty at safe surrender sites. (Health & Saf. Code, § 1255.7, subds. (b) & (c).)

   AB 2073 would make installment of defined infant safety devices optional for localities that choose to use them. Should a locality choose to install an infant safety device, the person or individual surrendering a child in an infant safety device would be immune from prosecution for certain acts prohibited by law that harm children (See Pen. Code, §§ 270-271a.). It is unclear whether these devices would improve on the existing system California has implemented for safe surrender of children.

3) **Need for the Bill**: AB 2073 would provide another option for surrendering infants in designated infant safety devices. The bill does not mandate installation of infant safety devices but instead permits them. By offering installation of infant safety devices only as an option, this bill offers localities the ability to decide for themselves what best suits the needs of their communities. California has relatively well-established surrender laws, however, so it is unclear whether there is a need for this legislation.

   There may be a concern that the "overwhelming majority of the more than 200 active baby boxes currently in place in at least 15 states are provided by one company: a nonprofit called Safe Haven Baby Boxes Inc."[1] This article notes the recent growth of baby boxes in states that have more restrictive abortion laws.[2] At least 19 states permit newborn drop-off boxes, though more than half of those devices installed are in Indiana, which is the home state of the company that makes them.[3]

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[1] Vollers, A.C. *More places install drop-off boxes for surrendered babies. Critics say they're a gimmick.* (Feb. 26, 2024) Stateline <https://stateline.org/2024/02/26/more-places-install-drop-off-boxes-for-surrendered-babies-critics-say-theyre-a-gimmick/> [as of Mar. 18, 2026].
[2] *Ibid.*
[3] *Ibid.*

It is similarly unclear whether these boxes are as effective relative to different remedies for individuals in crisis who feel they need to surrender their infant. One bioethicist at Yale School of Medicine describes baby boxes as a "poor solution to infant abandonment because we know things like prenatal care are more integral to the health of an infant, as well as to the birthing parent."[4] Rather than baby boxes, she suggests states should consider authorizing women to deliver at hospitals anonymously, which would provide for relinquishing their newborns in a safer setting.[5] Certain experts are also concerned by the inability to establish informed consent or medical histories.[6] Some scholars question whether surrender is truly voluntary in the context of baby box drop-offs.[7]

There does not appear to be much uniformity in safe surrender laws across the country making data collection and analysis difficult.[8] One of the few recognized evidence-based approaches is led by Dr. Micah Orliss, who leads safe surrender program at the Children's Hospital Los Angeles.[9] In one study led by Dr. Orliss, his team found over half of surrendered infants had medical issues, while the majority were surrendered in communities with low median incomes.[10] The National Safe Haven Alliance, however, estimates more than 4,500 babies have been surrendered pursuant to safe haven laws since 1999.[11] They additionally estimate another roughly 1,600 babies were illegally abandoned, of which fewer than 50% were found alive.[12]

There appears to be genuine controversy over the need for this type of intervention. Bipartisan votes have been taken in many states supporting installation of these infant safety devices, but some experts caution that votes funding these baby boxes are poor replacements for investing in evidence-based prenatal and postnatal care.[13] California is a national leader in prenatal and postnatal services, according to the March of Dimes, ranking seventh nationally.[14] According to Forbes, California ranks third in the nation in best states to have a baby.[15] Given the available data, it is difficult to establish a clear need for this bill.

4) **Argument in Support**: According to the *California Family Council*, "On behalf of tens of thousands of constituents, allied organizations, and more than 2,000 churches across

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[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] Lewis, C and Oberman, M. *Wildly Inconsistent Safe Haven Laws Put Surrendered Infants, Parents at Risk* (Jan. 17, 2023) Governing < https://www.governing.com/now/wildly-inconsistent-safe-haven-laws-put-surrendered-infants-parents-at-risk> [as of Mar. 18, 2026] (The author of this analysis attended law school where one author of this article, Professor Michelle Oberman, teaches courses. However, the analysis' author did not have a class taught by Professor Oberman.).
[9] *Ibid.*
[10] Orliss, M, et al. *Safely surrendered infants in Los Angeles County: A medically vulnerable population* (July 30, 2019) National Institute of Health (NIH) <https://pubmed.ncbi.nlm.nih.gov/31322754/> [as of Mar. 18, 2026].
[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*
[14] *2025 Report Card for California* <https://www.marchofdimes.org/peristats/reports/california/report-card> [as of Mar. 18, 2026].
[15] Galan, F. *What's the best state in the US to have a baby? Here's where California ranked* (Sep. 17, 2024) https://www.sacbee.com/news/california/article292451854.html#storylink=cpy> [as of Mar. 18, 2026].

California, the California Family Council proudly supports AB 2073, legislation that strengthens California's commitment to protecting vulnerable newborns.

"California's Safe Surrender law was established to provide a compassionate, life-affirming option for women in crisis. AB 2073 builds on that foundation by helping ensure safe surrender is as safe, accessible, and effective as possible for mothers facing overwhelming circumstances.

"AB 2073 allows designated Safe Surrender locations to install regulated infant safety devices commonly known in other states as "baby boxes." These devices place surrendered infants in a secure, climate-controlled environment and immediately alert on-site staff to respond. This rapid notification system increases response speed, ensuring that trained personnel attend to the infant within minutes. These devices are designed to work in tandem with, not replace, in-person Safe Surrender options.

"According to Safe Haven Baby Boxes, over 300 boxes have been installed across 20 states as of January 2025, each equipped with cutting-edge technology to ensure the safety and immediate care of surrendered infants.

"For some parents overwhelmed by fear, trauma, or stigma, directly approaching personnel may feel unthinkable. Infant safety devices provide a critical last resort alternative for those in desperate situations who might otherwise abandon a child in an unsafe location. AB 2073 upholds and reinforces the intent of California's Safe Surrender law: to protect life, reduce unsafe abandonment, and give every newborn the opportunity for safety and care. For these reasons, California Family Council respectfully urges a yes vote on AB 2073."

5) **Argument in Opposition**: According to *Bastard Nation: The Adoption Rights Organization* and *Stop Safe Haven Baby Boxes Now*, "Safe Haven Baby Box advocates claim that traditional Safe Haven laws, with their anonymous personal hand-off 'relinquishment' provisions, are tricky and dangerous. 'Women demand anonymity' leading proponents insist--granted total anonymity in child relinquishment, in order to be protected from shame and guilt. But what says more about shame and guilt than promoting a program where women are taught how to hide pregnancy and childbirth, skip pre-and post- natal care, and encouraged to skulk around dark obscure (but "prominent") spots outside of hospitals and fire or police stations to drop their babies into a box, like trash, and walk away. 'No one will ever have to know.' But people will know!

"Under AB2073, babies up to 3 days of age can be dropped off at state-designated locations such as hospitals and fire stations or just left in a box. These babies potentially have known identities parent(s), families, medical providers, social connections, birth certificates, Social Security cards, and any number of other ties to their families and communities. With passage of AB2073, they will be unceremoniously disappeared inside a box. And no one will ask 'Where's the baby?'???? Seriously!

"This personal hand-off practice that occurs currently in California offers but does not force interventions: crisis counseling services, support, family preservation options. In other words, decompression and reconsideration. Traditional safe haven advocates, in fact, report that about 30% of mothers who initially plan to use their state's safe haven law, change their minds and retain custody, transfer custody to a family member, or place their babies in open

adoptions. According to the Office of Child Abuse Prevention see above link) 65 babies have reclaimed by their parents.

"The secret Safe Haven Baby Box procedure makes retrieval nearly impossible."

6) **Related Legislation**: AB 1628 (M. Rodriguez) would establish a parent or other individual with lawful custody of a minor child 30 days of age or younger, who voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site, cannot be prosecuted for child abandonment. AB 1628 is currently set for a later hearing in this committee.

7) **Prior Legislation**:

   a) AB 1048 (Torrico), Chapter 567, Statutes of 2010, requires a designating entity to consult with the governing body of a city, if the site is within city limits, and with representatives of the applicable fire department and child welfare agency, as specified. The bill would permit a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site.

   b) AB 81 (Torrico), of the 2007-2008 Legislative Session, would have permitted a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site. The bill would have specified certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child. AB 81 was vetoed by the Governor.

   c) AB 2262 (Torrico), of the 2007-2008 Legislative Session, would have permitted a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site. The bill would have specified certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child. AB 81 was vetoed by the Governor.

   d) SB 116 (Dutton), Chapter 625, Statutes of 2005, repealed the sunset date for laws that made it a crime, among other things, for a parent of a minor child, without lawful excuse, to not furnish necessary clothing, food, shelter, or medical or remedial care for the child, or to refuse, without lawful excuse, to accept the child in his or her home or provide alternate shelter.

   e) AB 1873 (Torrico), of the 2005-2006 Legislative Session, would have designated certain locations as safe-surrender sites for the safe surrender of newborn children who are 30 days of age or younger. AB 1873 was vetoed by the Governor.

   f) SB 1413 (Brulte), Chapter 103, Statutes of 2004, provides that no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to, or the death of, the minor child as a result of any of his or her acts or omissions.

   g) SB 139 (Brulte), Chapter 139, Statutes of 2003, eliminated the requirement that the child be surrendered to a designated employee on duty in the emergency room of a hospital or location designated by the board of supervisors. SB 139 allows the surrender of the child

to a safe-surrender site, as defined, at a hospital or location designated for this purpose by a county board of supervisors.

REGISTERED SUPPORT / OPPOSITION:

Support

California Baptist for Biblical Values
California Family Council
Concerned Women for America
Real Impact.
San Joaquin County Republican Assembly
The California Baptist Capitol Ministry
1 Private Individual

Opposition

Adoptee Advocates of Michigan
Bastard Nation: the Adoptee Rights Organization

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

Date of Hearing: April 14, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2108 (Sharp-Collins) – As Amended March 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires a prosecuting attorney, whenever a defendant is charged with specified theft-related offenses, to review a defendant's file to determine whether they are eligible for the theft diversion program established by this bill. Specifically, **this bill**:

1) Provides that consideration for theft diversion shall apply whenever a case is before any court where the defendant is charged with shoplifting, forgery, grand theft, petty theft, petty theft under $50, receiving stolen property, or vandalism.

2) Makes a defendant eligible for diversion if both of the following apply to the defendant:

   a) The offense charged did not involve a crime of violence or threatened violence; and,

   b) There is no evidence of a contemporaneous violation related to theft other than a violation of the offenses listed above.

3) States that a declaration of a determination of defendant's eligibility pursuant to the above factors shall be filed with the court, or stated for the record providing the grounds for whether the defendant is eligible and that information shall be made available to the defendant and their attorney.

4) Specifies that this procedure is intended to allow the court to set the hearing for pretrial diversion at the arraignment.

5) Provides that the only remedy for a defendant who is found ineligible for pretrial diversion pursuant to this bill's provisions is a postconviction appeal.

6) Authorizes a court to order a defendant referred to pretrial diversion to comply with terms conditions, or programs that the court deems appropriate.

7) States that if the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the court shall dismiss the action against the defendant.

8) Provides that upon successful completion, the arrest upon which diversion was imposed shall be deemed to have never occurred and the defendant may indicate in response to any question concerning their prior record that they were not arrested.

9) Prohibits a record pertaining to an arrest resulting in successful completion of diversion shall not, without the defendant's consent, be used in any way that could result in the denial of any

employment, benefit, license, or certificate, except for an application for a position as a peace officer.

10) Prohibits diversion for persons who have been charged with petty theft or shoplifting with a prior offense.

11) Provides that this bill does not limit diversion eligibility under any other law.

12) Makes conforming changes.

EXISTING LAW:

1) Divides theft into two degrees, petty theft and grand theft. (Pen. Code, § 486.)

2) States that petty theft is punishable by a fine not exceeding $1,000, by imprisonment in the county jail not exceeding six months, or both. (Pen. Code, § 490.)

3) Punishes grand theft as an alternate felony-misdemeanor ("wobbler"). (Pen. Code, § 487.)

4) Defines grand theft as when the money, labor, or real or personal property taken is of a value exceeding $950 dollars, except as specified; other cases of theft are petty theft. (Pen. Code, §§ 487-488.)

5) Defines "shoplifting" as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed $950 dollars. (Pen. Code, § 459.5, subd. (a).)

6) States that every person who prohibits buying or receiving any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, and punishes the offense as an alternate felony-misdemeanor when the value of the property exceeds $950, or as a misdemeanor when the value of the property is $950 or less. (Pen. Code, § 496.)

7) States that every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

   a) Defaces with graffiti or other inscribed material;

   b) Damages; or,

   c) Destroys. (Pen. Code, § 594, subd. (a).)

8) Punishes vandalism as follows:

   a) If the amount of defacement, damage, or destruction is $400 or more, vandalism is punishable by as a county jail-eligible felony or in a county jail not exceeding one year, or by a fine of not more than $10,000, or if the amount of defacement, damage, or

destruction is $10,000 or more, by a fine of not more than $50,000, or by both that fine and imprisonment.

b) If the amount of defacement, damage, or destruction is less than $400, vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than $1,000, or by both that fine and imprisonment, unless the defendant has specified priors then the vandalism may be punished by imprisonment and a fine of up to $5,000. (Pen. Code, § 594, subd. (a).)

9) Authorizes a judge of the superior court in which a misdemeanor case is being prosecuted, at the judge's discretion and over the objection of a prosecuting attorney, to offer diversion to a defendant except if the defendant is charged with any of the following offenses:

a) Any offense for which the defendant, if convicted, would be required to register as a sex offender;

b) Any offense involving domestic violence; or,

c) An offense of stalking. (Pen. Code, § 1001.95., subds. (a) & (e).)

10) States that a judge may continue a diverted case for a period not to exceed 24 months and order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's situation. (Pen. Code, § 1001.95., subd. (b).)

11) States that if the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the judge shall dismiss the action against the defendant. (Pen. Code, § 1001.95., subd. (c).)

12) States that if it appears that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, the court shall hold a hearing to determine whether the criminal proceedings should be reinstituted. If the court finds that the defendant has not complied with the terms and conditions of diversion, the court may end the diversion and order resumption of the criminal proceedings. (Pen. Code, § 1001.95, subd. (d).)

13) Authorizes, until January 1, 2031, the city or county prosecuting attorney or county probation department to create a diversion or deferred entry of judgment (DEJ) program for persons who commit a theft offense or repeat theft offenses. The program may be conducted by the prosecuting attorney's office or the county probation department. (Pen. Code, § 1001.81, subd. (a).)

14) States that if a county creates a theft diversion or DEJ program, on receipt of a case or at arraignment, the prosecuting attorney shall either refer the case to the county probation department to conduct a prefiling investigation report to assess the appropriateness of program placement or, if the prosecuting attorney's office operates the program, determine if the case is one that is appropriate to be referred to the program. (Pen. Code, § 1001.81, subd. (c).)

15) Provides that in determining whether to refer a case to the program, the probation department or prosecuting attorney shall consider, but is not limited to, all of the following factors:

a) Any prefiling investigation report conducted by the county probation department or nonprofit contract agency operating the program that evaluates the individual's risk and needs and the appropriateness of program placement;

b) If the person demonstrates a willingness to engage in community service, restitution, or other mechanisms to repair the harm caused by the criminal activity and address the underlying drivers of the criminal activity;

c) If a risk and needs assessment identifies underlying substance abuse or mental health needs or other drivers of criminal activity that can be addressed through the diversion or DEJ program;

d) If the person has a violent or serious prior criminal record or has previously been referred to a diversion program and failed that program; and,

e) Any relevant information concerning the efficacy of the program in reducing the likelihood of participants committing future offenses. (Pen. Code, § 1001.81, subd. (c)(1)-(5).)

16) Authorizes the prosecuting attorney to enter into a written agreement with the person to refrain from, or defer, prosecution on the offense or offenses on the following conditions:

a) Completion of the program requirements such as community service or courses reasonably required by the prosecuting attorney.

b) Making adequate restitution or an appropriate substitute for restitution to the establishment or person from which property was stolen at the face value of the stolen property, if required by the program. (Pen. Code, § 1001.81, subd. (e).)

17) Specifies that repeat theft offenses for purposes of the above diversion or DEJ program means being cited or convicted for misdemeanor or felony theft from a store or from a vehicle two or more times in the previous 12 months and failing to appear in court when cited for these crimes or continuing to engage in these crimes after release or after conviction. (Pen. Code, § 1001.81, subd. (f).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Voters passed Proposition 36 to address individuals caught in cycles of repeat theft and more serious criminal activity by increasing penalties, including the possibility of state prison sentences. That measure was aimed at chronic and organized offenders. However, Proposition 36 did not establish a tailored approach for people accused of less serious, non-recurrent shoplifting.This bill fills that gap by ensuring the justice system can identify who would be better served by early intervention and targeted programming."

2) **Diversion Generally**: Diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions. A defendant may not be required to admit guilt as a prerequisite for placement in a pretrial diversion program. If diversion is successfully completed, the criminal charges are dismissed and the defendant may, with certain exceptions, legally answer that he or she has never been arrested or charged for the diverted offense. If diversion is not successfully completed, the criminal proceedings resume, however, a hearing to terminate diversion is required.

   Diversion programs may be pre-plea or post-plea (often called deferred entry of judgement). Pre-plea programs allow a defendant to participate in the program without admitting guilt. In post-plea programs, the defendant must first admit guilt before participating in the program. The main difference between the two types of diversion is that in a pre-plea program, if the defendant does not successfully complete the program, criminal proceedings resume and the defendant has the option to plead guilty or pursue a defense against their case. In a post-plea diversion program, if a defendant does not successfully complete the program, the defendant having already plead guilty, would be sentenced.

   In recent years, the Legislature has enacted several pre-plea diversion programs such as military diversion (SB 1227 (Hancock), chapter 658, statutes of 2013), mental health diversion (SB 215 (Beall), chapter 1005, statutes of 2017), diversion for primary caretakers (SB 394 (Skinner), chapter 593, statutes of 2019), and court-initiated misdemeanor diversion (AB 3234 (Ting), chapter 334, statutes of 2020). Drug diversion was enacted as a pre-plea program and changed to a post-plea program in 1997 (SB 1369 (Kopp), chapter 1132, statutes of 1996), then in 2017 changed back to a pre-plea program (AB 208 (Eggman), chapter 778, statutes of 2017).

   Existing law also authorizes a city or county prosecuting attorney or county probation department, until January 1, 2031, to create a diversion or deferred entry of judgment program for persons who commit a theft offense or repeat theft offenses and specifies that the prosecuting attorney is to determine who to refer to the program and who is appropriate for placement in the program. For purposes of the program, "repeat theft offenses" means being cited or convicted for misdemeanor or felony theft from a store or vehicle two or more times in the previous 12 months and failing to appear in court when cited for these crimes or continuing to engage in these crimes after release or after conviction. (Pen. Code, § 1001.81.)

   This bill would create a new diversion program specific to theft-related and vandalism offenses for defendants who meet the statutory eligibility requirements. Specifically, the prosecuting attorney is required to review a defendant's file to determine whether a defendant meets the eligibility requirements, specifically that the crime does not involve violence or threatened violence or any other pending theft-related or vandalism violations. The court would have discretion to grant discretion and to order the defendant to comply with terms, conditions and programs the court deems appropriate. The proponents of the bill argue that since the theft diversion statute in Penal Code section 1001.81 is permissive, it is inconsistently applied among counties.

   The bill is intended to flag certain non-violent, non-organized, theft-related and vandalism offenses for potential diversion but to leave courts' discretion to grant diversion intact. Similar to other diversion programs, if a person is successful in completing the ordered terms, conditions or programs the charges would be dismissed and the arrest cannot be used

against the person, except for in an application as a peace officer. Unlike some of the more recently enacted diversion programs, there is not a specified maximum term of diversion nor any language on what is to occur if a person does not successfully complete the terms.

3) **Background on Theft Laws**: Existing law punishes theft in a variety of ways. Theft itself is generally classified into two categories: either grand theft, meaning the value of the property exceeds $950 unless a lower threshold is otherwise specified, or petty theft which refers to all other types of theft that do not meet the $950 threshold, with specified exceptions. (Pen. Code, § 487.) Petty theft is punishable as a misdemeanor; grand theft is generally punishable as either a felony or misdemeanor. (Pen. Code, § 489.) Burglary generally involves entry into a location to commit larceny or other felony. This crime is punishable as either a felony or misdemeanor depending on the circumstances. (Pen. Code, § 459.) Buying or receiving stolen property knowing the property to be stolen is also a separate offense. The punishment can be either punished as misdemeanor or felony based on the value of the property. (Pen. Code, § 496.)

   Proposition 47, approved by voters on November 4, 2014, directed that theft crimes of $950 or less shall be considered petty theft and be punished as a misdemeanor, with limited exceptions for individuals with specified prior convictions. Among the theft crimes made misdemeanors by Proposition 47, where the value of the property is $950 or less, are forgery (Pen. Code, § 473), making or delivering a check with insufficient funds (Pen. Code, § 476a), petty theft (Pen. Code, § 490.2), and receiving stolen property (Pen. Code, § 496). (See *People v. Rivera* (2015) 233 Cal.App.4th 1085, 1091.) Proposition 47 also created the new offense of shoplifting, a misdemeanor, where the value of the property taken or intended to be taken is $950 or less (Pen. Code, § 459.5; *People v. Sherow* (2015) 239 Cal.App.4th 875, 879); and, pertinent to this bill, limited the application of petty theft with a prior theft conviction. (Pen. Code, § 666; *People v. Rivera*, *supra*, 233 Cal.App.4th at p. 1091.)

   Prior to Proposition 47, Penal Code section 666 (the petty theft with a prior provision) provided that every person who has been convicted three or more times of petty theft, grand theft, financial crimes against elders, vehicle theft, burglary, carjacking, robbery, or a felony violation of receiving stolen property and has served any time in custody for those offenses, upon a new conviction for petty theft may be punished alternatively with either a felony or misdemeanor, also known as a wobbler. Proposition 47 repealed this part of Penal Code section 666 and limited its application to persons who have previously been convicted of a "super strike," financial abuse of an elder, or an offense requiring sex offender registration.

   After the passage of Proposition 47, the Legislature created the crime of "organized retail theft" which includes shoplifting schemes undertaken by two or more persons who have organized themselves to commit shoplifting for financial gain. (Pen. Code, § 490.4; AB 1065 (Jones-Sawyer), Ch. 803, Stats. 2018.) The punishment ranges from one year in the county jail (misdemeanor) to 16 months, or two, or three years in the county jail (felony), depending on the specific circumstances. The Legislature also clarified when offenses could be aggregated to meet the $950 threshold for grand theft to require the acts to be motivated by one intention, one impulse, and one plan. (Pen. Code, § 487, subd. (e); AB 2356 (Rodriguez), Ch. 22, Stats. 2022.)

   In 2024, Proposition 36 was approved by voters which made several changes to theft laws. First, the initiative targeted repeat theft offenders, by making a conviction for petty theft,

where that person has two prior theft convictions, punishable by imprisonment in county jail for up to one year or by 16 months, or two or three years; and it made a second or subsequent conviction of petty theft with two priors punishable by imprisonment in the county jail not exceeding one year or by imprisonment in state prison. (Pen. Code, § 666.1, subd. (a).) Second, the initiative made it easier to aggregate the value of stolen property in order to trigger the $950 grand theft threshold. As discussed above, prior law authorized the value of stolen property to be aggregated to charge grand theft where the acts were motivated by one intention, one impulse, and one plan. (Pen. Code, § 487, subd. (e).) However, Proposition 36 authorized a more generous method of aggregation by stating that, in multiple cases of theft, the value of property may be aggregated into a single charge, with the sum of the value of all property or merchandise being the value considered in determining the degree of theft. (Pen. Code, § 490.3.)

This bill specifies that for specified theft offenses, including shoplifting, forgery, grand theft, petty theft, petty theft under $50, receiving stolen property, and vandalism, the prosecuting attorney shall determine whether a person is eligible for the diversion program created by this bill. If the district attorney determines that the person meets the eligibility requirements, they would be required to file a declaration with the court stating the grounds for eligibility. If the prosecuting attorney determines the defendant to be ineligible, that information shall also be made available to the defendant and their attorney. Upon a declaration that the defendant is eligible, the court would be authorized to set a hearing for pretrial diversion at arraignment. If the court grants diversion, the court may order the defendant to comply with terms conditions, or programs that the court deems appropriate. If the defendant successfully completes diversion, the court is required to dismiss the charge and the defendant would generally be granted similar benefits received in other diversion cases.

A person who is charged with petty theft with a prior, as enacted by Proposition 36, would be ineligible for diversion. Opposition argues that exclusion still erodes Proposition 36 because it would allow the dismissal of priorable offenses for purposes of petty theft with a prior.

4) **Committee Amendments**: The bill will be amended in committee to specify that a court may consider all available workforce programs, including, but not limited to, workforce development, vocational training and employment placement programs.

5) **Argument in Support**: According to *Californians for Safety and Justice*, the sponsor of this bill, "Under current law, there is not a consistent framework across all 58 counties for theft diversion. This inconsistency allows for an inequitable diversion consideration process that lacks equal opportunity for defendants to be considered for diversion on a case-by-case basis. AB 2108 mirrors and builds upon the success seen with drug diversion through Penal Code § 1000 and brings a familiar structure and needed uniformity to the use of diversion in appropriate theft cases. This bill provides more access for defendants to be connected with appropriate resources or programs to help foster their success in the community.

"AB 2108 is a smart public safety solution that builds upon existing successful diversion infrastructure, while establishing appropriate guardrails and maintaining the discretion of the court. "

6) **Argument in Opposition**: According to *California District Attorneys' Association*, "Proposition 36 passed statewide with approximately 67% of the vote and received majority

approval in every California county (with 65% in San Diego County). Voters were clear: repeat theft offenders should face meaningful consequences, and the cycle of endless, consequence-free theft needed to end. AB 2108 moves in the opposite direction.

"The bill creates a sweeping and overly broad diversion eligibility scheme for theft-related offenses, including petty theft, shoplifting, grand theft, receiving stolen property, and vandalism, while conspicuously failing to disqualify individuals with prior theft convictions. This omission is not incidental. It directly conflicts with the core purpose of Proposition 36, which specifically targets repeat offenders. By ignoring prior theft history, AB 2108 reopens the very loopholes voters sought to close.

"While the bill attempts to preserve Proposition 36 by excluding individuals "charged pursuant to Section 666.1," this protection is illusory. AB 2108 does not exclude individuals who qualify as repeat offenders under Proposition 36—it only excludes those actually charged under that section. This creates a clear pathway to avoid Proposition 36 entirely through charging decisions, thereby diverting repeat offenders rather than holding them accountable. In practice, this bill invites the erosion of Proposition 36 on a case-by-case basis across the state."

7) **Related Legislation**:

a) AB 2582 (Schultz) would require a person who commits prostitution with intent to receive compensation, money, or anything of value from another person to, for a first or second violation of those provisions, be offered a diversion program, if a program for which the defendant is eligible is available. AB 2582 is pending a hearing in the Assembly Appropriations Committee.

b) AB 2217 (Zbur) would reauthorize, upon appropriation by the Legislature, law enforcement assisted prebooking diversion for specified offenses. AB 2217 is pending a hearing in the Assembly Appropriations Committee.

c) AB 1231 (Elhawary) would authorize a court to exercise its discretion to grant pretrial diversion for felony offenses, except as specified. AB 1231 is pending vote on the Assembly Floor.

d) AB 2297 (Stefani) would apply the general restitution statute applicable to defendants who are convicted of crimes to also apply to defendants who enter a diversion program. AB 2297 is pending a hearing in Assembly Appropriations Committee.

e) AB 2698 (Ellis) would authorize the Office of Youth and Community Restoration to establish a grant program subject to appropriation by the Legislature, for counties to establish youth peer courts. AB 2698 is pending a hearing in the Assembly Appropriations Committee.

8) **Prior Legislation**:

a) SB 1282 (Smallwood-Cuevas), of the 2023-2024 Legislative Session, would have authorized felony pretrial diversion, with specified exceptions. SB 1282 failed passage on the Senate Floor.

b) AB 2294 (Jones-Sawyer), Chapter 856, Statutes of 2022, re-authorized until January 1, 2031, the prosecuting attorney's office or county probation department to create a diversion or DEJ program for persons who commit theft offenses.

c) AB 1065 (Jones-Sawyer), Chapter 803, Statutes of 2018, relevant to this bill, authorized until January 1, 2021, the prosecuting attorney's office or county probation department to create a diversion or DEJ program for persons who commit theft offenses.

d) AB 3234 (Ting), Chapter 334, Statutes of 2020, authorized a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, except as specified.

e) AB 994 (Lowenthal), of the 2013-2014 Legislative Session, would have required each county to establish and maintain a pretrial diversion program, to be administered by the district attorney of that county, and authorizes either the district attorney or the superior court to offer diversion to a defendant. AB 994 was vetoed.

f) AB 1844 (Fletcher), Chapter 219, Statutes of 2010, amended petty theft with a prior to require three prior theft-related convictions.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
All of US or None (HQ)
California Public Defenders Association
California Retailers Association
Californians for Safety and Justice
Center on Juvenile and Criminal Justice
Legal Services for Prisoners With Children
Los Angeles Regional Reentry Partnership (LARRP)
San Francisco Public Defender
San Quentin Skunkworks
Smart Justice California, a Project of Beyond Impact

Oppose

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association

Culver City Police Officers' Association
Fullerton Police Officers' Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

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

Amended Mock-up for 2025-2026 AB-2108 (Sharp-Collins (A))

Mock-up based on Version Number 98 - Amended Assembly 3/19/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 1001.81 of the Penal Code is amended to read:

1001.81. (a) (1) The city or county prosecuting attorney or county probation department may create a diversion or deferred entry of judgment program pursuant to this section for persons who commit a theft offense or repeat theft offenses. The program may be conducted by the prosecuting attorney's office or the county probation department.

(2) If a county creates a diversion program pursuant to this section, and the accusatory pleading is for a violation of Section 459.5, subdivision (b) of Section 473, or Section 476, 487, 488, 489, 490.1, 490.2, 496, or 594, the prosecuting attorney's office or the county probation department shall evaluate whether the defendant is eligible for diversion pursuant to Section 1001.91.

(b) Except as provided in subdivision (e), this chapter does not limit the power of the prosecuting attorney to prosecute theft or repeat theft.

(c) Except as provided in paragraph (2) of subdivision (a), if a county creates a diversion or deferred entry of judgment program for individuals committing a theft offense or repeat theft offenses, on receipt of a case or at arraignment, the prosecuting attorney shall either refer the case to the county probation department to conduct a prefiling investigation report to assess the appropriateness of program placement or, if the prosecuting attorney's office operates the program, determine if the case is one that is appropriate to be referred to the program. In determining whether to refer a case to the program, the probation department or prosecuting attorney shall consider, but is not limited to, all of the following factors:

(1) Any prefiling investigation report conducted by the county probation department or nonprofit contract agency operating the program that evaluates the individual's risk and needs and the appropriateness of program placement.

(2) If the person demonstrates a willingness to engage in community service, restitution, or other mechanisms to repair the harm caused by the criminal activity and address the underlying drivers of the criminal activity.

(3) If a risk and needs assessment identifies underlying substance abuse or mental health needs or other drivers of criminal activity that can be addressed through the diversion or deferred entry of judgment program.

(4) If the person has a violent or serious prior criminal record or has previously been referred to a diversion program and failed that program.

(5) Any relevant information concerning the efficacy of the program in reducing the likelihood of participants committing future offenses.

(d) On referral of a case to the program, a notice shall be provided, or forwarded by mail, to the person alleged to have committed the offense with both of the following:

(1) The date by which the person must contact the diversion program or deferred entry of judgment program in the manner designated by the supervising agency.

(2) A statement of the penalty for the offense or offenses with which that person has been charged.

(e) The prosecuting attorney may enter into a written agreement with the person to refrain from, or defer, prosecution on the offense or offenses on the following conditions:

(1) Completion of the program requirements such as community service or courses reasonably required by the prosecuting attorney.

(2) Making adequate restitution or an appropriate substitute for restitution to the establishment or person from which property was stolen at the face value of the stolen property, if required by the program.

(f) For the purposes of this section, "repeat theft offenses" means being cited or convicted for misdemeanor or felony theft from a store or from a vehicle two or more times in the previous 12 months and failing to appear in court when cited for these crimes or continuing to engage in these crimes after release or after conviction.

SEC. 2. Chapter 2.955 (commencing with Section 1001.91) is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.955. Theft Diversion

1001.91. (a) This section shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 459.5, subdivision (b) of Section 473, Section 476, 487, 488, 489, 490.1, 490.2, 496, or 594, and it appears to the prosecuting attorney that both of the following apply to the defendant:

(1) The offense charged did not involve a crime of violence or threatened violence.

(2) There is no evidence of a contemporaneous violation relating to theft other than a violation of the offenses listed in this subdivision.

(b) (1) The prosecuting attorney shall review a defendant's file to determine whether subdivision (a) applies to the defendant. If the defendant is found eligible, the prosecuting attorney shall file a declaration with the court, or state for the record the grounds for whether the defendant is eligible. That information shall be made available to the defendant and their attorney.

(2) This procedure is intended to allow the court to set the hearing for pretrial diversion at the arraignment.

(3) If the defendant is found ineligible for diversion based on the criteria in subdivision (a), the prosecuting attorney shall file a declaration with the court, or state for the record the grounds for the determination that the defendant is ineligible. That information shall be made available to the defendant and their attorney.

(c) The sole remedy for a defendant who is found ineligible for pretrial diversion pursuant to this chapter is a postconviction appeal.

(d) If the defendant is referred to pretrial diversion by the court pursuant to this section, the court may order the defendant to comply with terms, conditions, or programs that the court deems appropriate.

(e) The court may consider all available workforce programs, including, but not limited to, workforce development, vocational training and employment placement programs.

~~(e)~~ ***(f)*** If the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the court shall dismiss the action against the defendant.

~~(f)~~ ***(g)*** Upon successful completion of the terms, conditions, or programs ordered by the court pursuant to this section, the arrest upon which diversion was imposed shall be deemed to have never occurred. The defendant may indicate in response to any question concerning their prior criminal record that they were not arrested. A record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

~~(g)~~ ***(h)*** The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (a), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Section 830.

~~(h)~~ ***(i)*** This section does not apply to a person who has been charged pursuant to Section 666.1.

(i) ***(j)*** This section does not limit diversion eligibility under any other law.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2122 (Kalra) – As Introduced February 18, 2026

As Proposed to be Amended in Committee

SUMMARY: Eliminates certain processes and penalties if an individual is subject to an infraction, including: issuing a bench warrant for the person's arrest within 20 days of the failure to appear, a misdemeanor charge and conviction reported to the Department of Motor Vehicles (DMV), imposition of a civil fine for failing to appear or failing to make an installment payment on a bail contract, and authorizing the court to declare the bail forfeited and requiring the court to issue a bench warrant for the arrest of the person charged, as specified. Specifically, **this bill**:

1) Exempts the issuance of a bench warrant for an infraction, but permits citation and release, from the general rule that all laws relating to misdemeanors apply to infractions.

2) Prohibits the issuance of a bench warrant, but permits citation and release, for the failure to pay an infraction ticket.

3) Prohibits the issuance of a bench warrant, but permits citation and release, for the failure to appear in court on a written promise to appear when the underlying charge is an infraction.

4) Removes the requirement that a court inform the DMV of a willful failure to pay bail in installments or pay the fine for a Vehicle Code infraction, as specified.

5) Eliminates the requirement that a misdemeanor shall be issued for failure to pay a bail installment.

6) Makes conforming changes to other provisions of law.

7) Includes legislative findings and declarations.

EXISTING LAW:

1) Establishes that it is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available. (Pen. Code, § 17.2, subd. (a).)

2) States that specified wobblettes are infractions subject to defined procedures in the following cases:

   a) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they are arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor.

b) The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint. (Pen. Code, § 17, subd. (d).)

3) Provides that all provisions of law relating to misdemeanors shall apply to infractions, as specified. (Pen. Code, § 19.7.)

4) States that except where a lesser maximum fine is expressly provided, an infraction is punishable by a fine not exceeding two hundred fifty dollars ($250) (Pen. Code, § 19.8, subd. (a)(2).)

5) States that except for specified violations based upon failure to appear, a conviction for an offense made an infraction is not grounds for the suspension, revocation, or denial of a license or for the revocation of probation or parole of the person convicted. (Pen. Code, § 19.8, subd. (c).)

6) Establishes that except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to procedures for a misdemeanor. (Pen. Code, § 853.5, subd. (a).)

7) Provides that any person who willfully violates his or her written promise to appear or a lawfully granted continuance of his or her promise to appear in court is guilty of a misdemeanor. (Pen. Code, § 853.7.)

8) Establishes that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail, the magistrate shall issue and have delivered for execution a warrant for their arrest within 20 days after their failure to appear as promised or within 20 days after their failure to appear after a lawfully granted continuance. (Pen. Code, § 853.8.)

9) States that a bench warrant of arrest may be issued when a defendant fails to appear in court. (Pen. Code, § 978.5, subd. (a).)

10) States that a trial of an infraction shall be by the court, but when a defendant has been charged with an infraction and with a public offense for which there is a right to jury trial and a jury trial is not waived, the court may order that the offenses be tried together by jury or that they be tried separately. (Pen. Code, § 1042.5.)

11) States that a person willfully failing to comply with a condition of a court order for a violation of this code, other than for failure to appear or failure to pay a fine, is guilty of a misdemeanor, regardless of their subsequent compliance with the order. (Veh. Code, § 40508, subd. (c).)

12) Provides that if any person has willfully failed to comply with a court order, except a failure to appear, to pay a fine, or to attend traffic violator school, which was issued for a specified violation, the magistrate or clerk of the court may give notice of the fact to the DMV. (Veh. Code, § 40509.1.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Infraction bench warrants have functioned as a debtor's prison, creating a system where people who have money for fines never have to appear in court, while those who cannot pay face potential for arrest for what are otherwise non-jailable, minor offenses. AB 2122 addresses the disparate punishment of low-income people that has done little to further public safety by prohibiting the issuance of a bench warrant if the underlying charge is an infraction. This bill will save millions of dollars annually from not having to execute bench warrants or detain people in county jails, and will remove an ineffective, overly punitive punishment for what is essentially a crime of poverty."

2) **Effect of the Bill:** AB 2122 would eliminate bench warrants, but permit citation and release, for multiple violations when the underlying offense is an infraction. This bill would prohibit the issuance of a bench warrant of arrest when the underlying crime is an infraction. Citation and release by a law enforcement officer would be permitted, however, which should help address concerns with enforcement of certain infractions. While existing law requires the court to report a conviction of certain Vehicle Code provisions to the DMV, AB 2122 would eliminate that requirement. AB 2122 additionally would repeal issuance of a misdemeanor for failure to pay a bail installment or fine and the authorization to issue an arrest warrant for failure to pay a bail installment.

   An infraction is an offense that is not punishable with incarceration. (Pen. Code, § 19.6.) Because the punishment for an infraction does not implicate the same loss of liberty, the same constitutional rights that apply to other criminal offenses do not apply to infractions. (*Ibid.*; see also *People v. Prince* (1976) 55 Cal.App.3d 19.) All provisions of law applicable to misdemeanors, however, also largely apply to infractions. (Pen. Code, § 19.7.) Generally, a person arrested for an infraction must be released upon signing a written notice to appear. (Pen. Code, § 853.6, subd. (a).) After a person has been released on a promise to appear, a bench warrant for arrest can be issued if the person fails to appear in court or fails to deposit the bail. (Pen. Code §§ 853.6, subd. (f), 853.8; see also Veh. Code, § 40514.) A willful violation of a promise to appear is a misdemeanor, even if the original offense was an infraction. (Pen. Code, § 853.7.)

   The intent of AB 2122 appears laudable, but this bill may have unintended impacts on the enforcement of infractions. Restricting the ability to hold individuals to personally account who are subject to infraction penalties could lead to dismissive treatment of those subject to the penalties, in addition to the expected benefits gained by interrupting the cycle of poverty and contact with the criminal justice system. Permitting officers to cite and release a person on scene should help address some of the enforcement concerns. Other impacts are possible here, too, as individuals at higher risk for indiscriminate immigration enforcement may be less likely to encounter Immigration and Customs Enforcement (ICE) agents if they are able to limit contact with California's criminal justice system.

   Additionally, by limiting enforcement of infractions there may be a perverse incentive created for prosecutors to charge woblettes almost or entirely exclusively as misdemeanors. Prosecutorial discretion could be consciously or unconsciously guided by frustration with the

state of the law rather than an honest brokering of the charges warranted for the individual's conduct. Prosecutors overcharging woblettes as misdemeanors could create further public safety harm. The Sentencing Project found that declining to charge individuals for non-violent misdemeanors reduces their likelihood for future offending.[1] They further noted that research on "prosecutorial reforms seeking to decriminalize poverty through dismissing, declining to prosecute, or diverting people charged with nonviolent misdemeanors like disorderly conduct and shoplifting," has discovered a decline in subsequent arrests for those impacted by the reform and no increase in crime rates for nonviolent misdemeanor offenses.[2] Declining to pursue certain misdemeanor charges can prevent the stigma and lifelong effects associated with a criminal record.[3] The certainty of these unintended outcomes occurring following implementation of this bill, however, is unclear.

3) **The Impact of Infractions**: AB 2122 would create potentially significant impacts on infractions, which themselves seem to have outsized roles in our lives and the broader criminal justice system.

The Judicial Council's 2021 Court Statistics Report notes that in FY 2019-20, out of all criminal case filings comprised of felonies, misdemeanors, and infractions, the overwhelming majority were infractions.[4] During this same time period, there were 174,553 felony cases filings, 636,112 misdemeanor filings, and a massive 3,243,819 infraction cases.[5] The majority of infractions were traffic infractions.[6] There were over 1,000,000 bail forfeitures for traffic infractions and over 19,000 bail forfeitures for non-traffic infractions.[7] Infractions require a huge investment of time and resources, not just for the system, but for system-impacted individuals and families.

The Sentencing Project released a four-part report that undertook a comprehensive analysis of persisting racial and economic inequities in the American criminal justice system. The report found one driver of carceral disparity relates to the damaging consequences of criminal legal contact, which are disproportionately experienced by communities of color.[8] Fines, fees, and predatory practices are inequitably experienced by justice-involved Americans and families.[9] The Consumer Financial Protection Bureau (CFPB) found predatory monetary practices exist in every phase of the criminal legal process.[10] By reducing criminal justice system contact for minor offenses, AB 2122 could have a positive socioeconomic impact on already overburdened and underresourced individuals.

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[1] Ghandnoosh, N. *One in Five: Disparities in Crime and Policing* (Nov. 2, 2023) The Sentencing Project <https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/> [as of Mar. 18, 2026].
[2] *Ibid.*
[3] *Ibid.*
[4] 2021 Court Statistics Report: Statewide Caseload Trends, at pp. 3-4 (2021) Judicial Council of California <https://courts.ca.gov/sites/default/files/courts/default/2024-12/2021-court-statistics-report.pdf> [as of Mar. 18, 2026].
[5] *Ibid.*
[6] *Id.* at p. 55.
[7] *Id.* at p. 84.
[8] Ghandnoosh, N and Trinka, L. *One in Five: How Mass Incarceration Deepens Inequality and Harms Public Safety* (Nov. 2, 2023) The Sentencing Project <https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/> [as of Mar. 18, 2026].
[9] *Ibid.*
[10] *Ibid.*

Traffic stops are an extraordinarily common means of getting an infraction. Police officers undertake millions of minor traffic stops annually, with many used as a pretext to investigate drivers for criminal activity, which disproportionately impacts motorists of color.[11] Police officers initiated contact with nearly 29 million U.S. residents aged 16 and older in 2018.[12] Traffic stops account for a staggering four-fifths of police-initiated contact.[13] There are clear racial disparities in traffic law enforcement with the Stanford Open Policing Project finding Black drivers disproportionately stopped relative to Latino/a/x and White drivers.[14] Criminal convictions too often create lifelong disadvantage, particularly for African Americans.[15] Employers discriminate against job candidates who have criminal histories, especially against those who are Black, and application questions about criminal histories deter some people from applying to certain jobs and colleges altogether.[16] One study found discovered nearly half of unemployed men had a criminal conviction.[17]

Criminal justice involvement often begins with system contact stemming, at least initially, from an infraction. Under current law, infractions can produce unpayable fees for some that can then balloon into crippling, life-altering debt. Moreover, system contact can quickly turn into a misdemeanor if the charged individual is unable to comply with established legal processes. While some individuals may be negligent or unwilling to abide by these processes, far too often justice-involved individuals are simply faced with impossible choices, like complying with a legal order or risk losing their job(s) and being unable to provide for those counting on them. The provisions of AB 2122 could provide a meaningful step towards slowing the ongoing cycle of poverty, inequality, and criminal justice system contact.

4) **Argument in Support**: According to the *Felony Murder Elimination Project*, "This bill would amend the penal and vehicle code to eliminate bench warrants for minor infractions. Felony Murder Elimination Project is a national nonprofit organization working to end felony murder laws and extreme accomplice liability, and to create meaningful pathways for resentencing and release for people serving excessive sentences. We support AB 2122 because eliminating bench warrants for low-level infractions will help prevent avoidable entries and re-entries into the criminal legal system, reduce the risk of escalation into more serious charges and detention, and promote more proportional and effective responses to minor conduct.

"Under California law, an individual's failure to pay for an infraction or appear in traffic court can result in a bench warrant, or a judge-issued order that authorizes law enforcement to arrest an individual and bring them before the court.1 People who miss court dates may be jailed for an otherwise non-jailable offense.

"Infraction bench warrants are disproportionately issued to communities of color and low-income individuals. In San Francisco, Black people only make up 5.8% of the local

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[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*

population, but through systemic racism and targeted, unjust policing, they make up 48.7% of those arrested for "failure to appear or pay" traffic court warrants. Bench warrants have recently been used as a pretext for immigration enforcement, meaning that people may face ICE arrest and subsequent removal proceedings for a non-jailable offense.

"Research shows that punitive measures are ineffective in compelling people to pay or appear in court.4 Common sense, non-punitive practices like text message reminders and follow-ups help get people to appear in court. Furthermore, courts have other, less punitive means to address failure to pay an infraction, like bank levies, wage garnishment, and tax intercepts. Finally, the MyCitations tool allows individuals to pay their infractions online and permits those individuals to request an infraction reduction in cases of financial need from the safety of their home, substantially decreasing the need to resolve unpaid court debt in person.

"Eliminating bench warrants for infractions will help end an unnecessary pipeline to incarceration and allow families to focus on what matters—devoting their already limited time and resources to meeting their critical needs."

5) **Argument in Opposition**: According to the *California District Attorneys Association (CDAA)*, "This bill would prohibit the issuance of an arrest warrant, bench warrant, or the filing of a new misdemeanor whenever the underlying offense is an infraction, and the offender violates a written promise to appear. This bill eliminates any consequence for the numerous offenders who simply ignore appearing in court and prevents their underlying infraction from being adjudicated.

"Requested Amendments**:** AB 2122 should either limit its application to the Vehicle Code (or any local ordinance adopted pursuant to the Vehicle Code) or propose an analogous provision to Vehicle Code § 40903 that is applicable to all California codes. If a mechanism were added to allow adjudication of the underlying infractions, AB 2122 could at least hold individuals accountable while, at the same time, doing so without the threat of incarceration or arrest.

"Although AB 2122 would apply to all California codes, only infractions currently identified in the Vehicle Code may be adjudicated by declaration and, in the event the offender fails to appear, in the offender's absence. Pursuant to Vehicle Code § 40903, "[a]ny person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of this code or any local ordinance adopted pursuant to this code." Therefore, the underlying vehicle code infraction may be adjudicated in the offender's absence and, if found guilty, any associated penalty could be sent to civil collections without the need for the court to issue a warrant or the prosecutor to file a misdemeanor charge for failing to appear. This is not the case, however, for the hundreds of infractions that are contained in other California codes.

"Because there is no analogous provision to Vehicle Code § 40903 in other California codes, eliminating the court's authority to bring persons to court ensures that numerous infractions will never be adjudicated, and offenders will not be held accountable. Oftentimes, these infractions directly impact public safety or public health.

"In addition, AB 2122 may result in several unintended consequences that run contrary to the purpose of the bill:

"Currently numerous violations provide prosecutors with the discretion to file misdemeanor charges instead of an infraction (commonly known as a "wobblette"). Without a mechanism to adjudicate underlying infractions, AB 2122 would incentivize the filing of misdemeanor charges over unenforceable infractions.

"Several infractions currently contain an escalating penalty structure in which multiple infraction violations will ultimately lead to a misdemeanor offense. AB 2122 would nullify any graduated penalty schemes.

"Certain infractions currently involve the imposition of community service hours or other probation obligations, such as restitution, if convicted. By prohibiting courts from issuing a warrant, AB 2122 would deprive courts of their ability to monitor and ensure that offenders are in compliance with their post-conviction obligations."

6) **Related Legislation**: SB 1218 (Arreguin) would require the DMV to refuse to renew the registration of a vehicle if the registered owner or lessee has been mailed a notice of delinquent illegal dumping violation. This bill is pending hearing in the Senate Transportation Committee.

7) **Prior Legislation**:

   a) SB 76 (Seyarto) would have required the DMV to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the DMV determines that the fees became due or the penalties accrued before the purchase of the vehicle. SB 76 would have required the DMV to create a system to collect these delinquent fees and penalties from the seller or transferor. SB 76 would have repealed the provision authorizing the DMV to collect the waived fees and penalties in a civil action. SB 76 was vetoed by the Governor and sustained by the Legislature.

   b) AB 632 (Hart) would have, for specified administrative fines or penalties, authorized a local agency to, subject to specified requirements, file a certified copy of a final administrative order or decision that directs payment of the administrative fine or penalty with the clerk of the superior court of any county, as specified, and require the clerk to enter judgment immediately in conformity with the decision or order. AB 632 would also authorize a local agency to, by ordinance, establish a procedure to collect administrative fines or penalties by lien upon the parcel of land on which the violation occurred if the ordinance meets specified requirements. AB 632 was vetoed by the Governor.

   c) AB 1125 (Hart), Chapter 356, Statutes of 2023, eliminates the court's authorization to impound a person's driver's license or limit the person's driving when the person fails to pay the bail in installments.

   d) SB 932 (Seyarto), of the 2023-24 Legislative Session, would have required the DMV to waive delinquent registration fees and penalties when a transferee or purchaser of a vehicle applies for a transfer of registration if the DMV determines that the fees became due or the penalties accrued before the purchase of the vehicle. SB 932 would have

required the DMV to create a system to collect these delinquent fees and penalties from the seller or transferor. SB 932 was held in the Senate Appropriations Committee.

e) AB 3243 (Ta), of the 2023-24 Legislative Session, would have, notwithstanding any law, prohibited a person who is subject to specified delinquency penalties and has been determined to have a current income level that meets the eligibility requirements for specified public social services programs, including, among others, the California Work Opportunity and Responsibility to Kids (CalWORKs) program, from being required to pay the delinquency penalty in order to renew the registration of their vehicle. AB 3243 would have instead authorized the person to delay payment of their penalty until after the vehicle is registered, but by no later than the expiration date of the vehicle's registration. AB 3243 was held in the Assembly Appropriations Committee.

f) AB 1266 (Kalra), of the 2023-24 Legislative Session, would have done what this bill, AB 2122, purports to do. AB 1266 was held in the Senate Appropriations Committee.

g) AB 491 (Wallis), of the 2023-24 Legislative Session, would have authorized for specified administrative fines or penalties, a local agency, after the exhaustion of the defined administrative and appeal procedures, to file with the clerk of the superior court of any county a certified copy of a final administrative order or decision of the local agency that directs the payment of an administrative fine or penalty and, if applicable, a copy of an order of the superior court rendered on an appeal from the local agency's decision. AB 491 was held in the Senate Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ) (Co-Sponsor)
Communities United for Restorative Youth Justice (CURYJ) (Co-Sponsor)
Corporation for Supportive Housing (Co-Sponsor)
Legal Services for Prisoners With Children (Co-Sponsor)
San Francisco Public Defender (Co-Sponsor)
The Maven Collaborative (Co-Sponsor)
A New Path
A New Way of Life Reentry Project
ACLU California Action
Alliance for Boys and Men of Color
Anti Police-terror Project
Bridges of Hope CA
California Attorneys for Criminal Justice
California for Safety and Justice
California Immigrant Policy Center
California Public Defenders Association
Californians United for a Responsible Budget
Care First California
Center on Juvenile and Criminal Justice
Coalition of California State Tribes

Community Legal Services in East Palo Alto
Community Works West
Courage California
Debt Free Justice California
Destination: Home
Dignity and Power Now
Disability Rights California
Drug Policy Alliance 1
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Felony Murder Elimination Project
Fresh Lifelines for Youth
Friends Committee on Legislation of California
Glide
Grace Institute - End Child Poverty in CA
Homeless United for Friendship and Freedom
Housing California
Indivisible CA Statestrong
Initiate Justice
Justice2jobs Coalition
LA Defensa
Legal Aid of Marin
Local 148 Los Angeles County Public Defender's Union
Mill Valley Force for Racial Equity and Empowerment
National Alliance to End Homelessness
National Consumer Law Center, INC.
Pillars of the Community
Public Advocates
Reuniting Families Contra Costa
Rubicon Programs
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
Surj Marin - Showing Up for Racial Justice
The People Concern
The W. Haywood Burns Institute
Transitions Clinic Network
University of the Pacific McGeorge School of Law Homeless Advocacy Clinic
Vera Institute of Justice
Viet Voices
Western Center on Law & Poverty, INC.
3 Private Individuals

Opposition
California District Attorneys Association
California State Sheriffs' Association
Child Support Directors Association of California

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

Amended Mock-up for 2025-2026 AB-2122 (Kalra (A) , Lowenthal (A))

Mock-up based on Version Number 99 - Introduced 2/18/26
Submitted by: Staff Name, Office Name

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Each year California processes over 3 million infractions.

(b) Infractions are low-level violations, enforced by tickets, and punishable only by a fine. Court appearances are not required for infractions so long as a person pays their ticket. When people fail to pay the ticket or alternatively appear in court, however, state law currently authorizes courts to issue bench warrants for their arrest. This sets up a two-tiered system of justice. Those who can afford to pay avoid further punishment, while those who cannot may face incarceration.

(c) An infraction bench warrant converts an otherwise nonjailable offense into the basis for a person's incarceration. The punishment for failing to pay or appear is thus much more severe than the initial ticket or fine. A person's arrest and incarceration on an infraction bench warrant, resulting from nonpayment of a fine, is effectively a form of debtor's prison.

(d) Many people who are issued infraction tickets have good reasons for failing to pay or appear in court. Many do not receive notice, cannot afford to pay the ticket, were not able to get off work or get childcare, are experiencing mental or physical health issues, or understandably are fearful of appearing in court.

(e) Many people issued infraction tickets cannot afford to pay. A 2022 Debt Free Justice California survey of people exiting traffic courts found that over 70 percent of people could not afford to pay a $300 assessment. The Federal Reserve Board's Survey of Household Economics and Decisionmaking found that over 40 percent of families do not have enough money saved to cover a $400 emergency expense.

(f) Black, Brown, and Indigenous people are disproportionately stopped, cited, and arrested by law enforcement for infractions. According to the Racial and Identity Profiling Advisory Board, Black people are nearly 10 times as likely to receive a citation for an infraction as White individuals. Data from the county of San Francisco show that, though Black people only make up 5.8 percent

of the local population, due to systemic racism and targeted, unjust policing, 48.7 percent of those arrested for "failure to appear or pay" traffic court warrants are Black. Data obtained from the Los Angeles County Sheriff's Department through a Public Records Act request show that nearly 90 percent of the thousands of people arrested by the Sheriff's Department on traffic infraction bench warrants were Black or Latinx.

(g) A substantial body of social science research, including the research documented in the Ella Baker Center report "Who Pays? The True Cost of Incarceration on Families," shows that an arrest can have adverse and long-term consequences, such as negative impacts on one's ability to secure housing, employment, and higher education opportunities, and that even short periods of detention may make people more likely to become involved with the legal system again.

(h) Existing law provides courts with other tools to respond to nonpayment of infraction tickets, which do not involve arrest and incarceration, such as civil collections. Research from ideas42 and the University of Chicago CrimeLab shows that alternatives to warrants such as improved notices and reminders and common sense collections practices are more effective at generating timely court appearances and payments.

SEC. 2. It is the intent of the Legislature to eliminate arrest warrants for infractions as a step towards ending debtor's prisons in California.

SEC. 3. Section 19.7 of the Penal Code is amended to read:

19.7. Except as otherwise provided by law, all laws relating to misdemeanors, except for the authority to issue bench warrants, shall apply to infractions, including, but not limited to, powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial, and burden of proof.

SEC. 4. Section 853.6 of the Penal Code is amended to read:

(a) (1) When a person is arrested for an offense declared to be a misdemeanor, including a violation of a city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter, however an officer may first book an arrestee pursuant to subdivision (g). If the person is released, the officer or the officer's superior shall prepare, in duplicate, a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court. If, pursuant to subdivision (i), the person is not released prior to being booked and the officer in charge of the booking or the officer's superior determines that the person should be released, the officer or the officer's superior shall prepare a written notice to appear in a court.

(2) When a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, as defined in subdivision (b) of Section 13700, or arrested pursuant to a policy described in Section 13701, the person shall be taken before a magistrate instead of being

released according to the procedures set forth in this chapter, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested. Prior to adopting these provisions, each city, county, or city and county shall develop a protocol to assist officers to determine when arrest and release is appropriate, rather than taking the arrested person before a magistrate. The county shall establish a committee to develop the protocol, consisting of, at a minimum, the police chief or county sheriff within the jurisdiction, the district attorney, county counsel, city attorney, representatives from domestic violence shelters, domestic violence councils, and other relevant community agencies.

(3) This subdivision shall not apply to the crimes specified in Section 1270.1, including crimes defined in each of the following:

(A) Paragraph (1) of subdivision (e) of Section 243.

(B) Section 273.5.

(C) Section 273.6, if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party.

(D) Section 646.9.

(4) This subdivision does not affect a defendant's ability to be released on bail or on their own recognizance, except as specified in Section 1270.1.

(b) Unless waived by the person, the time specified in the notice to appear shall be at least 10 days after arrest if the duplicate notice is to be filed by the officer with the magistrate.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by that court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give their written promise to appear in court as specified in the notice by signing the duplicate notice, which shall be retained by the officer. The officer may require the arrested person, if the arrested person has no satisfactory identification, to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the notice to appear. Except for law enforcement purposes relating to the identity of the arrestee, a person or entity may not sell, give away, allow the distribution of, include in a database, or create a database with, this print. Upon the person signing the duplicate notice, the arresting officer shall immediately release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice, as follows:

(1) It shall be filed with the magistrate if the offense charged is an infraction.

(2) It shall be filed with the magistrate if the prosecuting attorney has previously directed the officer to do so.

(3) (A) The duplicate notice and underlying police reports in support of the charge or charges shall be filed with the prosecuting attorney in cases other than those specified in paragraphs (1) and (2).

(B) If the duplicate notice is filed with the prosecuting attorney, the prosecuting attorney, within their discretion, may initiate prosecution by filing the notice or a formal complaint with the magistrate specified in the duplicate notice within 25 days from the time of arrest. If the prosecution is not to be initiated, the prosecutor shall send notice to the person arrested at the address on the notice to appear. The failure by the prosecutor to file the notice or formal complaint within 25 days of the time of the arrest shall not bar further prosecution of the misdemeanor charged in the notice to appear. However, any further prosecution shall be preceded by a new and separate citation or an arrest warrant.

(C) Upon the filing of the notice with the magistrate by the officer, or the filing of the notice or formal complaint by the prosecutor, the magistrate may fix the amount of bail that in the magistrate's judgment, in accordance with Section 1275, is reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by the magistrate in the form set forth in Section 815a. The defendant may, prior to the date upon which the defendant promised to appear in court, deposit with the magistrate the amount of bail set by the magistrate. When the case is called for arraignment before the magistrate, if the defendant does not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may, in the magistrate's discretion, order that no further proceedings shall be had in the case, unless the defendant has been charged with a violation of Section 374.3 or 374.7 of this code or of Section 11357, 11360, or 13002 of the Health and Safety Code, or a violation punishable under Section 5008.7 of the Public Resources Code, and the defendant has previously been convicted of a violation of that section or a violation that is punishable under that section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring the defendant to appear, the magistrate may declare the bail forfeited and order that no further proceedings be had in the case.

(D) Upon the making of the order that no further proceedings be had, all sums deposited as bail shall immediately be paid into the county treasury for distribution pursuant to Section 1463.

(f) A warrant shall not be issued for the arrest of a person who has given a written promise to appear in court, unless and until the person has violated that promise or has failed to deposit bail,

to appear for arraignment, trial, or judgment or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer may book the arrested person at the scene or at the arresting agency prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested person appears in court. **A person arrested for a warrant issued pursuant to subdivision (d) of Section 978.5 may not be booked at the arresting agency and must be released at the scene.** If it is indicated on the citation that the arrested person shall be booked or fingerprinted prior to the date of the person's court appearance, the arresting agency, at the time of booking or fingerprinting, shall provide the arrested person with verification of the booking or fingerprinting by making an entry on the citation. If it is indicated on the citation that the arrested person is to be booked or fingerprinted, the magistrate, judge, or court shall, before the proceedings begin, order the defendant to provide verification that the defendant was booked or fingerprinted by the arresting agency. If the defendant cannot produce the verification, the magistrate, judge, or court shall require that the defendant be booked or fingerprinted by the arresting agency before the next court appearance, and that the defendant provide the verification at the next court appearance unless both parties stipulate that booking or fingerprinting is not necessary.

(h) A peace officer shall use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person without a warrant pursuant to Section 836 or in which the officer has taken custody of a person pursuant to Section 847.

(i) When a person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for nonrelease, in which case the arresting officer may release the person, except as provided in subdivision (a), or the arresting officer shall indicate, on a form to be established by the officer's employing law enforcement agency, which of the following was a reason for the nonrelease:

(1) The person arrested was so intoxicated that they could have been a danger to themselves or to others.

(2) The person arrested required medical examination or medical care or was otherwise unable to care for their own safety.

(3) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.

(4) There were one or more outstanding arrest warrants for the person**, other than a warrant issued pursuant to subdivision (d) of Section 978.5.**

(5) The person could not provide satisfactory evidence of personal identification.

(6) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.

(7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

(8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.

(9) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

(10) (A) The person was subject to Section 1270.1.

(B) The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release the arrested person from custody before trial.

(11) The reasons for nonrelease set forth in this subdivision do not apply to arrests for warrants issued pursuant to subdivision (d) of Section 978.5.

(j) (1) Once the arresting officer has prepared the written notice to appear and has delivered a copy to the person arrested, the officer shall deliver the remaining original and all copies as provided by subdivision (e).

(2) A person, including the arresting officer and any member of the officer's department or agency, or any peace officer, who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed, the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate to receive deposit of bail, is guilty of a misdemeanor.

(3) If, after an arrested person has signed and received a copy of a notice to appear, the arresting officer determines that, in the interest of justice, the citation or notice should be dismissed, the arresting agency may recommend, in writing, to the magistrate that the charges be dismissed. The recommendation shall cite the reasons for the recommendation and shall be filed with the court.

(4) If the magistrate makes a finding that there are grounds for dismissal, the finding shall be entered in the record and the charges dismissed.

(5) A personal relationship with any officer, public official, or law enforcement agency shall not be grounds for dismissal.

(k) (1) A person contesting a charge by claiming under penalty of perjury not to be the person issued the notice to appear may choose to submit a right thumbprint, or a left thumbprint if the person has a missing or disfigured right thumb, to the issuing court through the person's local law enforcement agency for comparison with the one placed on the notice to appear. A local law enforcement agency providing this service may charge the requester no more than the actual costs. The issuing court may refer the thumbprint submitted and the notice to appear to the prosecuting attorney for comparison of the thumbprints. When there is no thumbprint or fingerprint on the notice to appear, or when the comparison of thumbprints is inconclusive, the court shall refer the notice to appear, or a copy thereof, back to the issuing agency for further investigation, unless the court finds that referral is not in the interest of justice.

(2) Upon initiation of the investigation or comparison process by referral of the court, the court shall continue the case and the speedy trial period shall be tolled for 45 days.

(3) Upon receipt of the issuing agency's or prosecuting attorney's response, the court may make a finding of factual innocence pursuant to Section 530.6 if the court determines that there is insufficient evidence that the person cited is the person charged and shall immediately notify the Department of Motor Vehicles of its determination. If the Department of Motor Vehicles determines the citation or citations in question formed the basis of a suspension or revocation of the person's driving privilege, the department shall immediately set aside the action.

(4) If the prosecuting attorney or issuing agency fails to respond to a court referral within 45 days, the court shall make a finding of factual innocence pursuant to Section 530.6, unless the court finds that a finding of factual innocence is not in the interest of justice.

(5) The citation or notice to appear may be held by the prosecuting attorney or issuing agency for future adjudication should the arrestee who received the citation or notice to appear be found.

(l) For purposes of this section, the term "arresting agency" includes any other agency designated by the arresting agency to provide booking or fingerprinting services.

(m) This section shall become operative on January 1, 2031.

SEC. ~~4.~~ 5. Section 853.7 of the Penal Code is amended to read:

853.7. Any person who willfully violates their written promise to appear or a lawfully granted continuance of their promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which they were originally arrested. This section shall not apply where the underlying charge is an infraction.

SEC. ~~5.~~ 6. Section 853.8 of the Penal Code is amended to read:

853.8. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.6, the magistrate shall issue and have delivered for execution a warrant for their arrest within 20 days after their failure to appear as promised or within 20 days after their failure to appear after a lawfully granted continuance of their promise to appear. This section does not permit a warrant to issue if the underlying charge is an infraction.

SEC. ~~6.~~ 7. Section 978.5 of the Penal Code, as added by Section 4 of Chapter 856 of the Statutes of 2022, is amended to read:

978.5. (a) A bench warrant of arrest may be issued when a defendant fails to appear in court as required by law, including, but not limited to, any of the following situations:

(1) If the defendant is ordered by a judge or magistrate to personally appear in court at a specific time and place.

(2) If the defendant is released from custody on bail and is ordered by a judge or magistrate, or other person authorized to accept bail, to personally appear in court at a specific time and place.

(3) If the defendant is released from custody on their own recognizance and promises to personally appear in court at a specific time and place.

(4) If the defendant is released from custody or arrest upon citation by a peace officer or other person authorized to issue citations and the defendant has signed a promise to personally appear in court at a specific time and place.

(5) If a defendant is authorized to appear by counsel and the court or magistrate orders that the defendant personally appear in court at a specific time and place.

(6) If an information or indictment has been filed in the superior court and the court has fixed the date and place for the defendant personally to appear for arraignment.

(b) The bench warrant may be served in any county in the same manner as a warrant of arrest.

(c) This section does not apply to infractions **issued pursuant to the Vehicle Code.**

(d) For infractions charged under any provision of state law other than the Vehicle Code, or under any Local Ordinance, a bench warrant issued pursuant to this section shall be limited to authorizing arrest and booking at the scene followed by immediate release according to the procedures outlined in section 853.6 of this Code.

SEC. ~~7.~~ 8. Section 1043 of the Penal Code is amended to read:

1043. (a) Except as otherwise provided in this section, the defendant in a felony case shall be personally present at the trial.

(b) The absence of the defendant in a felony case after the trial has commenced in their physical presence shall not prevent continuing the trial to, and including, the return of the verdict in any of the following cases:

(1) Any case in which the defendant, after being warned by the judge that they will be removed if they continue their disruptive behavior, nevertheless insists on acting in a manner so disorderly, disruptive, and disrespectful of the court that the trial cannot be carried on with the defendant present in the courtroom.

(2) Any prosecution for an offense which is not punishable by death in which the defendant is voluntarily absent.

(c) Any defendant who is absent from a trial pursuant to paragraph (1) of subdivision (b) may reclaim the right to be present at the trial as soon as they are willing to act consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

(d) Subdivisions (a) and (b) shall not limit the right of a defendant to waive the right to be present in accordance with Section 977.

(e) If the defendant in a misdemeanor case fails to appear in person at the time set for trial or during the course of trial, the court shall proceed with the trial, unless good cause for a continuance exists, if the defendant has authorized their counsel to proceed in their absence pursuant to subdivision (a) of Section 977.

If there is no authorization pursuant to subdivision (a) of Section 977 and if the defendant fails to appear in person at the time set for trial or during the course of trial, the court, in its discretion, may do one or more of the following, as it deems appropriate:

(1) Continue the matter.

(2) Order bail forfeited or revoke release on the defendant's own recognizance.

(3) Issue a bench warrant.

(4) (A) If the defendant is in custody, proceed with the trial in the defendant's absence as authorized in subdivision (f).

(B) If the defendant is out of custody, proceed with the trial if the court finds the defendant has absented themselves voluntarily with full knowledge that the trial is to be held or is being held.

(f) (1) A trial shall be deemed to have commenced in the presence of the defendant for purposes of subdivision (b), or may proceed pursuant to paragraph (4) of subdivision (e), if the court finds, by clear and convincing evidence, all of the following to be true:

(A) The defendant is in custody and is refusing, without good cause, to appear in court on that day for that trial.

(B) The defendant has been informed of their right and obligation to be personally present in court.

(C) The defendant has been informed that the trial will proceed without the defendant being present.

(D) The defendant has been informed that they have the right to remain silent during the trial.

(E) The defendant has been informed that their absence without good cause will constitute a voluntary waiver of any constitutional or statutory right to confront any witnesses against them or to testify on their own behalf.

(F) The defendant has been informed whether or not defense counsel will be present.

(2) The court shall state on the record the reasons for the court's findings and shall cause those findings and reasons to be entered into the minutes.

(3) If the trial lasts for more than one day, the court is required to make the findings required by this subdivision anew for each day that the defendant is absent.

(4) This subdivision does not apply to any trial in which the defendant was personally present in court at the commencement of trial.

(g) This section does not limit the right of the court to order the defendant to be personally present at the trial for purposes of identification unless counsel stipulate to the issue of identity.

(h) ~~This section does not apply~~ **Paragraph (3) of subdivision (e) of this section does not apply when the underlying charge is an infraction.**

SEC. ~~8.~~ 9. Section 1803 of the Vehicle Code, as added by Section 9 of Chapter 226 of the Statutes of 2024, is amended to read:

1803. (a) (1) (A) The clerk of a court in which a person was convicted of a violation listed in subparagraph (B) shall prepare an abstract of the record of the court covering the case within five days after conviction and immediately forward that abstract to the department at its office at Sacramento.

(B) Pursuant to subparagraph (A), the clerk of the court shall prepare an abstract of the record of the court covering the case for a violation of any of the following:

(i) This code.

(ii) Subdivisions (a) to (f), inclusive, of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating a water ski, an aquaplane, or similar device.

(iii) Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation Code.

(iv) Subdivision (a) of Section 192.5 of the Penal Code.

(v) Subdivision (b) of Section 5387 of the Public Utilities Code.

(vi) An offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(vii) A felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in, or incidental to, the commission of the offense.

(viii) Any other statute relating to the safe operation of vehicles.

(C) If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within five days after sentencing, and the abstract shall be certified by the person so required to prepare it to be true and correct.

(2) For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a):

(1) Division 3.5 (commencing with Section 9840).

(2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11, except Section 22526.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) A violation for which a person was cited as a pedestrian or while operating a bicycle or a motorized scooter.

(7) Division 16.5 (commencing with Section 38000), except Sections 38301, 38301.3, 38301.5, 38304.1, and 38504.1.

(8) Subdivision (b) of Section 23221, subdivision (b) of Section 23223, subdivision (b) of Section 23225, and subdivision (b) of Section 23226.

(9) Section 40508.

(c) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(d) Within five days of an order terminating or revoking probation under Section 23602, the clerk of the court in which the order terminating or revoking probation was entered shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.

SEC. ~~9.~~ 10. Section 40508 of the Vehicle Code is amended to read:

40508. (a) A person willfully violating their written promise to appear or a lawfully granted continuance of their promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which the person was originally arrested. This subdivision does not apply where the original charge was an infraction.

(b) A person willfully failing to pay bail in installments as agreed to under Section 40510.5 or a lawfully imposed fine for a violation of a provision of this code or a local ordinance adopted pursuant to this code within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the bail or fine is due is guilty of a misdemeanor regardless of the full payment of the bail or fine after that time. This subdivision does not apply where the original charge was an infraction.

(c) A person willfully failing to comply with a condition of a court order for a violation of this code, other than for failure to appear or failure to pay a fine, is guilty of a misdemeanor, regardless of their subsequent compliance with the order.

~~(b) A person willfully failing to comply with a condition of a court order for a violation of this code, other than for failure to appear or failure to pay a fine, is guilty of a misdemeanor, regardless of subsequent compliance with the order.~~

~~(c) If a person convicted of an infraction fails to pay bail in installments as agreed to under Section 40510.5, or a fine or an installment thereof, within the time authorized by the court, the court may, except as otherwise provided in this subdivision, impound the person's driver's license and order the person not to drive for a period not to exceed 30 days. Before returning the license to the person, the court shall endorse on the reverse side of the license that the person was ordered not to~~

~~drive, the period for which that order was made, and the name of the court making the order. If a defendant with a class C or M driver's license satisfies the court that impounding their driver's license and ordering the defendant not to drive will affect their livelihood, the court shall order that the person limit their driving for a period not to exceed 30 days to driving that is essential in the court's determination to the person's employment, including the person's driving to and from the place of employment if other means of transportation are not reasonably available. The court shall provide for the endorsement of the limitation on the person's license. The impounding of the license and ordering the person not to drive or the order limiting the person's driving does not constitute a suspension of the license, but a violation of the order constitutes contempt of court.~~

SEC. ~~10.~~ 11. Section 40510.5 of the Vehicle Code is amended to read:

40510.5. (a) The clerk of the court may accept a payment and forfeiture of at least 10 percent of the total bail amount for each infraction violation of this code prior to the date on which the defendant promised to appear, or prior to the expiration of any lawful continuance of that date, or upon receipt of information that an action has been filed and prior to the scheduled court date, if all of the following circumstances exist:

(1) The defendant is charged with an infraction violation of this code or an infraction violation of an ordinance adopted pursuant to this code.

(2) The defendant submits proof of correction, when proof of correction is mandatory for a correctable offense.

(3) The offense does not require an appearance in court.

(4) The defendant signs a written agreement to pay and forfeit the remainder of the required bail according to an installment schedule as agreed upon with the court. The Judicial Council shall prescribe the form of the agreement for payment and forfeiture of bail in installments for infraction violations.

(b) When a clerk accepts an agreement for payment and forfeiture of bail in installments, the clerk shall continue the appearance date of the defendant to the date to complete payment and forfeiture of bail in the agreement.

(c) Except for subdivisions (b) and (c) of Section 1269b and Section 1305.1, the provisions of Chapter 1 (commencing with Section 1268) of Title 10 of Part 2 of the Penal Code do not apply to an agreement to pay and forfeit bail in installments under this section.

(d) For the purposes of reporting violations of this code to the department under Section 1803, the date that the defendant signs an agreement to pay and forfeit bail in installments shall be reported as the date of conviction.

(e) When the defendant fails to make an installment payment according to an agreement under subdivision (a) above, the court may impose a civil assessment as provided in Section 1214.1 of the Penal Code.

(f) Payment of a bail amount under this section is forfeited when collected and shall be distributed by the court in the same manner as other fines, penalties, and forfeitures collected for infractions.

SEC. ~~11.~~ 12. Section 40512 of the Vehicle Code is amended to read:

40512. (a) (1) Except as specified in paragraph (2) and subdivision (b), if at the time the case is called for arraignment before the magistrate the defendant does not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in the magistrate's discretion, order that no further proceedings be had in the case, unless the defendant has been charged with a violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and the defendant has been previously convicted of the same offense, except if the magistrate finds that undue hardship will be imposed upon the defendant by requiring the defendant to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in the case.

(2) If the defendant has posted surety bail and the magistrate has ordered the bail forfeited and that no further proceedings shall be had in the case, the bail retains the right to obtain relief from the forfeiture as provided in Section 1305 of the Penal Code if the amount of the bond, money, or property deposited exceeds seven hundred dollars ($700).

(b) (1) If, at the time the case is called for a compliance appearance before the magistrate, the defendant has entered into a bail installment agreement pursuant to Section 40510.5 but has not made an installment payment as agreed and does not appear, either in person or by counsel, the court may continue the arraignment to a date beyond the last agreed upon installment payment, or impose a civil assessment as provided in Section 1214.1 of the Penal Code for the failure to appear.

(2) If, at the time the case is called for a compliance appearance before the magistrate, the defendant has paid all required bail funds and the defendant does not appear, either in person or by counsel, the court may order that no further proceedings shall be had in the case, unless the defendant has been charged with a violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and the defendant has been previously convicted of the same offense, except that if the magistrate finds that undue hardship will be imposed upon the defendant by requiring them to appear, the magistrate may order that no further proceedings shall be had in the case.

(c) Upon the making of the order that no further proceedings shall be had, all sums deposited as bail shall be paid into the city or county treasury, as the case may be.

(d) If a guaranteed traffic arrest bail bond certificate has been filed, the clerk of the court shall bill the issuer for the amount of bail fixed by the uniform countywide schedule of bail required under subdivision (c) of Section 1269b of the Penal Code.

(e) Upon presentation by a court of the bill for a fine or bail assessed against an individual covered by a guaranteed traffic arrest bail bond certificate, the issuer shall pay to the court the amount of the fine or forfeited bail that is within the maximum amount guaranteed by the terms of the certificate.

(f) The court shall return the guaranteed traffic arrest bail bond certificate to the issuer upon receipt of payment in accordance with subdivision (d).

SEC. ~~12.~~ 13. Section 40512.5 of the Vehicle Code is amended to read:

40512.5. (a) Except as specified in subdivision (b), if at the time the case is called for trial the defendant does not appear, either in person or by counsel, and has not requested in writing that the trial proceed in their absence, the court may declare the bail forfeited and may, in its discretion, order that no further proceedings be had in the case, or the court may act pursuant to Section 1043 of the Penal Code.

(b) If the defendant has posted surety bail and the magistrate has ordered the bail forfeited and that no further proceedings shall be had in the case, the bail retains the right to obtain relief from the forfeiture as provided in Section 1305 of the Penal Code if the amount of the bond, money, or property deposited exceeds seven hundred dollars ($700).

SEC. ~~13.~~ 14. Section 40514 of the Vehicle Code is amended to read:

40514. A warrant shall not issue on the charge for the arrest of a person who has given a written promise to appear in court or before a person authorized to receive a deposit of bail, unless the person has violated the promise, the lawfully granted continuance of the promise, or has failed to deposit bail, to appear for arraignment, trial, or judgment, or to comply with the terms and provisions of the judgment, as required by law. This section does not permit a warrant to issue if the underlying offense is an infraction.

SEC. ~~14.~~ 15. Section 40515 of the Vehicle Code is amended to read:

40515. (a) When a person signs a written promise to appear or is granted a continuance of their promise to appear at the time and place specified in the written promise to appear or the continuance thereof, and has not posted full bail or has failed to pay an installment of bail as agreed to under Section 40510.5, the magistrate may issue and have delivered for execution a warrant for the person's arrest within 20 days after the failure to appear before the magistrate or pay an installment of bail as agreed, or if the person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which they promised to appear, then, within 20 days after the delivery of the written promise to appear by the officer to a magistrate having jurisdiction over the offense.

(b) When the person violates their promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to a magistrate having jurisdiction

over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

(c) This section does not apply if the underlying charge is an infraction.

Date of Hearing: April 14, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2164 (Bauer-Kahan) – As Amended April 9, 2026

SUMMARY: Prohibits, except when required by federal law, the Governor from recognizing any demand for extradition of any person who receives, assists, or materially supports, as specified, any legally protected health care activity unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged crime, and that thereafter such accused fled from that state. Specifically, **this bill**:

1) Applies protections for legally protected healthcare activities, as specified, to any person who has previously undertaken one or more protected healthcare activities, as specified, in another state to aid or encourage any other person in the exercise and enjoyment of their legally protected healthcare activities that would have been protected by this state if they had been undertaken in this state, and if the activity was permissible under the laws of the state where the person providing the aid was located.

2) Provides that legally protected health care activity includes reproductive healthcare services, as defined, and gender affirming healthcare services, as defined.

EXISTING LAW:

1) Defines "legally protected health care activity" as any of the following:

   a) The exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California or the provision by a health care service plan contract or a policy, or a certificate of health insurance, that provides for such services.

   b) An act or omission undertaken to aid or encourage, or attempt to aid or encourage, a person in the exercise and enjoyment or attempted exercise and enjoyment of rights to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services secured by the Constitution or laws of California.

   c) The provision of reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services by a person duly licensed under the laws of California or the coverage of, and reimbursement for, those services or care by a health care service plan or a health insurer, if the service or care is lawful under the laws of California, regardless of the patient's location. (Pen. Code, § 1549.15, subd. (b)(1)(A)-(C).)

2) Provides that "gender-affirming health care" and "gender-affirming mental health care" shall have the same meaning as medically necessary health care that respects the gender identity of the patient, as experienced and defined by the patient, and may include, but is not limited to, interventions to suppress the development of endogenous secondary sex characteristics; interventions to align the patient's appearance or physical body with the patient's gender identity; and intervention to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition. (Pen. Code, § 1549.15, subd. (a).)

3) States that "reproductive health care services" means and includes all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception. (Pen. Code, § 1549.15, subd. (c).)

4) Defines "anti-reproductive-rights crime" to mean a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. (Pen. Code, § 13776, subd. (a).

5) Requires the Department of Justice (DOJ) to direct local law enforcement agencies to report annually to the DOJ specified information related to anti-reproductive-rights crimes. (Pen. Code, § 13777, subd. (a)(2).)

6) Requires the DOJ to carry out certain functions relating to anti-reproductive-rights crimes in consultation with the Governor, the Commission on Peace Officer Standards and Training (POST), and other subject matter experts. (Pen. Code, § 13777, subd. (b).)

7) Requires POST to develop an interactive training course on anti-reproductive-rights crimes and make the telecourse available to all California law enforcement agencies though an online portal or platform. (Pen. Code, §13778, subd. (a).)

8) Mandates that every law enforcement agency in this state develop, adopt, and implement written policies and standards for officers' responses to anti-reproductive-rights calls by January 1, 2023. (Pen. Code, § 13778.1.)

9) Prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion in this state, or obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (a).)

10) Prohibits a state or local public agency, or any employee thereof acting in their official capacity, from cooperating with or providing information to any individual or agency or department from another state or, to the extent permitted by federal law, to a federal law enforcement agency regarding an abortion that is lawful under the laws of this state and that is performed in this state. (Pen. Code, § 13778.2, subd. (b).)

11) Provides that a law of another state that authorizes the imposition of civil or criminal penalties related to an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state, is against the public policy of this state. (Pen. Code, § 13778.2, subd. (c)(1).)

12) Prohibits a state court, judicial officer, or court employee or clerk, or authorized attorney from issuing a subpoena pursuant to any state law in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful under the laws of this state. (Pen. Code, § 13778.2, subd. (c)(2).)

13) Provides that the investigation of any criminal activity in this state that may involve the performance of an abortion is not prohibited, provided that information relating to any medical procedure performed on a specific individual is not shared with an agency or individual from another state for the purpose of enforcing another state's abortion law. (Pen. Code, § 13778.2, subd. (d).)

14) Prohibits a person shall from posting on the internet or social media, with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, the personal information or image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. (Gov. Code, § 6218.01, subd. (a)(1).)

15) Provides that the above is punishable by a fine of up to $10,000 per violation, imprisonment of either up to one year in a county jail or by imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)

16) Provides that a violation of the above that leads to the bodily injury of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address, is a felony punishable by a fine of up to $50,000, imprisonment for 16 months, two years, or three years, or by both that fine and imprisonment. (Gov. Code, § 6218.01, subd. (a)(2).)

17) Provides that the state may not deny or interfere with a person's right to choose or obtain an abortion prior to viability of the fetus or when the abortion is necessary to protect the life or health of the person. (Health & Safe. Code, § 123462, subd. (c); 123466.)

18) Prohibits under the Confidentiality of Medical Information Act (CMIA), providers of health care, health care service plans, or contractors, as defined, from sharing medical information without the patient's written authorization, subject to certain exceptions. (Civ. Code § 56, et seq.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Despite California's strong protections, laws in states across the nation penalizing access to abortion pose a threat to our California

providers. Under other state's laws, anyone aiding or assisting someone in obtaining an abortion could face arrest. These bills are not empty threats; Louisiana has sued and sought extradition of California reproductive health care providers.

"The increase of restrictive laws passing around the country has resulted in more patients relying on California providers for reproductive and gender affirming care, and California has the unique opportunity to protect this right for the millions in need. The current laws that protect California doctors from extradition to other states with punitive health care laws allow the California Governor discretion over when an extradition request is denied or accepted. While the current Governor has been a strong ally in the fight to protect patients and providers in California, the individuals providing these lifesaving services should not be subject to potentially shifting political winds. One gubernatorial candidate has already stated that they would accept future extradition requests if elected. AB 2164 prohibits future Governors from recognizing a request for extradition of a person providing or aiding reproductive health care services or gender affirming care that is legal in California and further strengthens our shield laws in alignment with other states.'"

2) **Attacks on Gender Affirming Care and Reproductive Rights**: In the past few years, numerous states have introduced legislation targeting transgender individuals in an attempt to prohibit or limit their ability to obtain gender-affirming care. More recently, on the first day of President Trump's second term, he issued an executive order titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government" which states that "the United States recognizes two sexes, male and female."[1]

In 2025, the federal DOJ announced that it had sent more than 20 subpoenas to doctors and clinics providing gender-affirming health care to minors.[2] Along with other states, California's Attorney General has worked to prevent the federal government and out-of-state officials from obtaining these kinds of records.[3] However, our DOJ's ability to successfully prevent disclosure is directly tied to the Attorney General having the authority to intervene in disputes regarding the provision of this information, and having notice of an inquiry in the first instance. Steve Hilton, a Republican running for Governor in 2026 stated that if he wins, he plans to extradite California medical providers for assisting women with reproductive care if it is illegal in states like Louisiana.[4]

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[1] Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 20, 2025), available at <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal.

[2] U.S. Department of Justice, Department of Justice Subpoenas Doctors and Clinics Involved in Performing Transgender Medical Procedures on Children, (Jul. 9, 2025) available at: https://www.justice.gov/opa/pr/department-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical.

[3] See California Department of Justice, Attorney General Bonta Joins Multistate Opposition to U.S. DOJ's Attempt to Subpoena Gender-Affirming Care Records, (Oct. 22, 2025) available at: https://oag.ca.gov/news/press-releases/attorney-general-bonta-joins-multistate-opposition-us-doj%E2%80%99s-attempt-subpoena.

[4] https://www.kqed.org/news/12071206/gop-candidate-steve-hilton-would-extradite-california-abortion-doctor-to-louisiana [last visited in April 7, 2026.]

Since then, the President has issued an executive order banning transgender girls and women from participating in women's sports, and another one banning the use of federal funding for youth gender affirming care, including funding for research on gender affirming care.[5] Although some of these orders are currently being challenged in court, the outcome of those cases is uncertain.

In response to these executive orders, the Trump Administration has taken several actions, including rescinding all existing federal policies protecting transgender people from sex and disability discrimination; revoking the ability to obtain passports and federal documents reflecting their gender identity; denying transition-related healthcare to federal employees; and directing federal prisons to deny medical treatment and house transgender people according to sex assigned at birth.[6]

Some California healthcare providers are beginning to scale back care for transgender youth, following efforts by the Trump administration to restrict access to such care. Stanford is the second provider in this state that has begun restricting gender-affirming health care because of the recent actions of the Trump administration. Stanford recently issued the following statement on the matter:

> After careful review of the latest actions and directives from the federal government and following consultations with clinical leadership, including our multidisciplinary LGBTQ+ program and its providers, Stanford Medicine paused providing gender-related surgical procedures as part of our comprehensive range of medical services for LGBTQ+ patients under the age of 19, effective June 2, 2025.[7]

In 2022, the U.S. Supreme Court published its opinion in *Dobbs v. Jackson Women's Health* (2022) 597 U.S. 215.), overturning 50 years of precedent and revoking, for the first time, a constitutional right. Prior to *Dobbs*, the Supreme Court had continuously upheld the holding of *Roe v. Wade*, that found the implied constitutional right to privacy extended to a person's decision whether to terminate a pregnancy, while allowing some state regulation of abortion access as permissible. (*Roe v. Wade* (1973) 410 U.S. 113.)

In the wake of *Dobbs*, numerous states now have laws prohibiting or severely limiting abortion and have enacted laws attempting to punish those who seek safe and reliable reproductive healthcare in states where it is still legal to seek abortion care. According to the Guttmacher Institute, 16 states have effectively banned abortion and another 10 have become very restrictive or restrictive.

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[5] See Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 5, 2025), available at <http://www.federalregister.gov/documents/2025/02/11/2025-02513/keeping-men-out-of-womens-sports; Exec. Order No. 14187, 90 Fed. Reg. 8771 (Jan. 28, 2025), available at <https://www.federalregister.gov/documents/2025/02/03/2025-02194/protecting-children-from-chemical-and-surgical-mutilation.

[6] Jennifer Levi, GLAD Law, *From the Front Lines: The Fight for Transgender Rights Is a Fight for Democracy*, (Feb. 10, 2025), available at <https://www.glad.org/the-fight-for-transgender-rights-is-a-fight-for-democracy/.

[7] See <https://www.ktvu.com/news/stanford-no-longer-providing-gender-affirming-surgeries-children, June 26, 2025.

In 1969, the California Supreme Court held that the state constitution's implied right to privacy extends to an individual's decision about whether or not to have an abortion. (*People v. Belous* (1969) 71 Cal.2d 954.) This was the first time an individual's right to abortion was upheld in a court. In 1972 the California voters passed a constitutional amendment that explicitly provided for the right to privacy in the state constitution. (Prop. 11, Nov. 7, 1972 gen. elec.)

The Reproductive Privacy Act includes findings and declarations that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy; therefore, it is the public policy of the State of California that every individual has the fundamental right to choose or refuse birth control, and every individual has the fundamental right to choose to bear a child or to choose to obtain an abortion. (Health & Saf. Code, § 123462.)

In 2019, Governor Newsom issued a proclamation reaffirming California's commitment to making reproductive freedom a fundamental right in response to the numerous attacks on reproductive rights across the nation. In September 2021, more than 40 organizations came together to form the California Future Abortion Council (CA FAB) to identify barriers to accessing abortion services and to recommend policy proposals to support equitable and affordable access for not only Californians but all who seek care in the state.

In response to the *Dobbs* decision, California enacted a comprehensive package of legislation expanding, protecting, and strengthening access to reproductive health care, including abortions, for all Californians and people seeking such care in our state. One such law, SB 345 (Skinner, Ch. 260, Stats. 2023) provided safeguards for professional licenses of California healthcare providers from out-of-state statutes attempting to punish these professionals for providing care legal in the state. Additionally, the voters overwhelmingly approved Proposition 1 (Nov. 8, 2022 gen. elec.), and enacted an express constitutional right in the state constitution that prohibits the state from interfering with an individual's reproductive freedom in their most intimate decisions.

3) **Extradition Generally**: The right to extradition is established by the United States Constitution.

> A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime. (U.S. Const. Art. IV, sec. 2, cl. 2.)

Extradition is designed to provide a summary executive process by which states may promptly aid one another in bringing to trial persons accused of crime who have sought asylum (fled to another state) against the processes of justice (*Biddinger* v. *Commissioner of Police* (1917) 245 U.S. 128, 132.) The constitutional provision for extradition is in the nature of a treaty stipulation entered into for the purpose of securing a prompt and efficient administration of the criminal laws of the states (*Appleyard* v. *Massachusetts* (1906) 203

U.S. 222, 227.) Under this constitutional provision, extradition is not a matter of mere comity, but an absolute right of the demanding state and duty of the asylum state. (*In re Russell, supra*, 12 Cal.3d at p. 234; *In re Morgan* (1966) 244 Cal.App.2d 903, 910. Therefore, an asylum state does not refrain from undertaking an examination of a fugitive's guilt merely to avoid procedural delays or complications in the rendition procedure. (*In re Golden* (1977) 65 Cal.App.3d 789, 795-796.)

The legality of a fugitive's arrest under a governor's warrant for extradition may be tested by an application for a writ of habeas corpus in the appropriate superior court. Although the extradition statutes specifically refer to habeas corpus relief only following an arrest under a governor's warrant, an earlier petition for a writ is not prohibited. (Pen. Code, § 1550.1.)

If the accused or their attorney informs the judge at the arraignment on the governor's warrant that they intend to challenge the arrest, the magistrate must designate a reasonable time period within which the accused may apply for a writ of habeas corpus. When an application is filed, a copy must be served on the district attorney of the county in which the accused is in custody and on the agent of the demanding state. (*Id.*) If the habeas corpus petition is denied or the accused is remanded to custody, and there appears to be probable cause for an application to another court, the order denying the writ or remanding the accused must designate a reasonable time period for the accused to file a second petition. If the writ is granted, the accused must be released. In such a case, he or she remains vulnerable to the institution of new extradition proceedings by the demanding state. (*Id.*)

The focus of a judicial inquiry in habeas corpus proceedings challenging extradition is on the fugitive status of the accused and not on the substantive crime charged. (*In re Golden* (1977) 65 Cal. App. 3d 789, 796.) Extradition is a summary procedure, and an asylum state court is limited to ascertaining whether or not the extradition requirements have been met.

The extradition inquiry, therefore, is limited to the sole consideration of whether or not: (a) the extradition documents are in order on their face; (b) the accused is charged with a crime, (c) the accused is the person named in the extradition request, and (d) the accused is a fugitive. (*California v. Superior Court (Smolin)* (1987) 482 U.S. 400, 408.) A judicial determination of probable cause on the issue of guilt is prohibited. (Penal Code, § 1553.2; *see also California v. Superior Court supra*, at 408; *Michigan v. Doran* (1978) 439 U.S. 282; *In re Golden, supra,* at 795, cert. denied, 434 U.S. 805.)

An accused's claim of denial of due process or other constitutional deprivation in the demanding state cannot be raised in habeas corpus proceedings in the asylum state. (*Pacileo v. Walker* (1980) 449 U.S. 86, 88 (whether conditions of confinement in demanding state would constitute cruel and unusual punishment in violation of Eighth Amendment cannot be raised as an issue in asylum state); *In re Backstron* (1950) 98 Cal. App. 2d 500, 502; see *Ross v. Middlebrooks* (9th Cir. 1951) 188 F.2d 308, 309, cert. denied, 342 U.S. 862 (1951).)

The extradition clause of the United States Constitution creates a demanding state's constitutional right to extradition and the corresponding asylum state's duty to extradite the requested person without judicial inquiry into matters exceeding the asylum state's jurisdiction. (*In re Fabricate* (1981) 118 Cal. App. 3d 115, 119-120; see U.S. Const. art. IV, § 2.)

For example, the asylum state may not judicially inquire into whether the defendant is a refugee from injustice; rather, that type of query must be decided in the demanding state. Nor may the asylum state consider a circumstance such as whether a defendant's health and physical well-being will be endangered by being extradited to another state. Nor may the asylum state consider any waiver or estoppel assertion. (*New Mexico ex rel. Ortiz v. Reed* (1998) 524 U.S. 151.) However, if the accused has been denied due process in the asylum state, habeas corpus relief may be available. (See *Price v. Pitchess* (9th Cir. 1977) 556 F.2d 926, 929, cert. denied, 434 U.S. 965 (1978).

It is, as yet, untested whether another state may sue California for enforcement of an extradition warrant for providing abortion services or gender affirming care either from this state or in another state. As explained below, requesting states may also allege a violation of the Full Faith and Credit Clause.

4) **Full Faith and Credit Clause:** The Full Faith and Credit Clause of the United States Constitution states:

> Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (U.S. Const. art. IV, sec. 1.)

Because this bill prohibits government actors in this state from cooperating with another state for the purpose of enforcing another state's laws on what we characterize as "legally protected healthcare activity," it potentially implicates the Full Faith and Credit Clause. Generally, the laws of the state regulate conduct that occurs within that state. However, situations may arise where more than one state's laws may apply such as collection of income taxes or child support obligations from another state.

The purpose of the Full Faith and Credit Clause "is to alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation throughout which a remedy upon a just obligation might be demanded as of right, irrespective of the state of its origin." (*Baker v. General Motors Co.* (1998) 522 U.S. 222, 232 *citing Milwaukee County v. M. E. White Co.* (1935) 296 U.S. 268, 277.)

The Full Faith and Credit Clause may be implicated when there is a conflict between the laws of the different states. At least one court has held that any effort by a state to apply its criminal laws beyond state borders to criminalize activity that is otherwise lawful in the other state. (*Bigelow v. Virginia* (1975) 421 U.S. 809.) *Bigelow* involved a Virginia newspaper editor who was convicted in Virginia for printing an advertisement for an abortion referral service in New York. The Supreme Court overturned the conviction stating:

> "The Virginia Legislature could not have regulated the advertiser's activity in New York, and obviously could not have proscribed the activity in that State. Neither could Virginia prevent its residents from traveling to New York to obtain those services, or as the state conceded, prosecute them for going

> there. Virginia possessed no authority to regulate the services provided in New York . . ." (*Id.* at p. 822-824.)

However, other cases do not follow a strict prohibition on the application of one state's laws on another state. The Supreme Court has also held that even when criminal conduct takes place outside of the state, extraterritorial jurisdiction may be property when the conduct was intended to produce or did produce harmful effects within the state. (*Strassheim v. Daily* (1911) 221 U.S. 280.)

The Supreme Court has also made a distinction between the strength of the Full Faith and Credit Clause's applications to judgments versus state law.

> "The Full Faith and Credit Clause does not compel "a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate. Regarding judgments, however, the full faith and credit obligation is exacting. A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land." (*Baker v. General Motors Co., supra,* 522 U.S. at 232-233.)

This concept is often referred to as the "public policy exception" meaning statutes in one state is given effect only if they do not contravene the public policy of the other state. If this bill were challenged based on the Full Faith and Credit Clause, California would argue that enforcing the anti-reproductive criminal statutes of other states is contrary to the public policy of the State which is supported by case law.

5) **Argument in Support**: According to *Equality California*, "While California has remained a national leader in protecting access to reproductive health care and gender-affirming care, states across the country have enacted laws that criminalize this care and penalize those who provide it. Under these laws, individuals may face investigation and arrest for engaging in care that is lawful in California. These threats are not theoretical—Louisiana has sued and sought extradition of California reproductive health care providers. Although such extradition requests have been denied by Governor Newsom, current protections rely on gubernatorial discretion.

"At the same time, the increase in restrictive laws nationwide has led more patients to rely on California providers for both abortion care and gender-affirming care. California has a unique and urgent responsibility to ensure that providers can continue delivering this care—and that patients can continue accessing it—without fear of legal retaliation from other states. AB 2164 addresses a critical gap in current law by removing that uncertainty. The bill prohibits future Governors from recognizing extradition requests related to legally protected health care provided in California. This ensures that patients and providers are not subject to the personal views of future administrations. At a time when access to abortion care and gender-affirming care is under coordinated attack nationwide, AB 2164 reinforces California's role as a safe haven and provides the certainty patients and providers need."

6) **Argument in Opposition**: According to *Californians United for Sex-Based in Policy and Law*, "What is ostensibly to be protected includes psychologically harmful, medically unnecessary, function destroying and irreversible psychiatric and medical interventions given to minors for the sole purpose of making them believe they can become the opposite sex via harm to their body. Shielding these providers would prevent California law enforcement from cooperating with other jurisdictions investigating such conduct.

"AB 2164 comes just as the human costs of those interventions are becoming undeniable; when people harmed by these interventions as children are filing lawsuits in growing numbers, within weeks of the first major jury award to a young woman in New York found to have been harmed by her psychologist and surgeon who gave her a cosmetic double mastectomy, and days after the publishing of a major longitudinal study from Finland that explodes the myth these interventions are helpful for promoting mental wellness. At such a moment, it is madness for the California legislature to cement into law an extension of legal cover to providers of physical and psychological health care who ignore the evidence and continue to cause irreversible harm to their patients.

"AB 2164 is an attempt to create a permanent extradition shield by sidelining the normal case by case extradition discretion of the Governor of California. This new law appears aimed at shielding individuals involved in what the bill calls "Legally protected activities"- a misleading term without adequate definition for such a serious step, which is best understood as a euphemism for treatments so potentially harmful or ethically questionable, other states have chosen to significantly limit their use. Sex-rejecting use of "affirm only" psychiatric intervention, puberty blockers, opposite sex hormone dosing and surgeries are already illegal or likely to become illegal in other states at least for minors, due to the distinct lack of evidence for their efficacy and safety. Rather than respecting those states' rights to protect their own citizens, AB 2164 is an attempt to help those who break legitimate state law.

"But AB 2164 is so confusing with its written exceptions for when the state will or will not extradite, it is not at all clear from the initial and only draft as of today, April 8, 2026, what the bill will do in practice. States are obligated to honor one another's lawful legal processes. Selectively nullifying extradition based on ideological alignment sets a dangerous precedent for interstate legal disintegration.

"By eliminating legal accountability pathways for providers operating across state lines, AB 2164 removes the very mechanisms by which patients, including minors psychologically or physically harmed by irresponsible care, could seek legal recourse. Consumer protection, medical accountability, and informed consent standards exist to protect patients. This bill weakens all three. The medical and legal reckoning for irreversible interventions on gender-dysphoric or simply unhappy and confused minors has arrived. The informed consent failures that produced a generation of injured young people are being adjudicated. This Legislature should not, at this critical moment, extend retroactive legal cover to those who may bear responsibility for those injuries. Those harmed by ideologically based psychological and medical treatments deserve the functioning legal system that this bill would deny them."

7) **Related Legislation**:

a) AB 1854 (Krell) requires, inter alia, any person or entity headquartered, located, or incorporated in California and receives, is served with, or is subject to a civil, criminal, or

regulatory inquiry, investigation, subpoena, or summons, as specified, for information regarding legally protected health care activity not comply with or provide information in response to that inquiry, unless specific conditions are met, as specified. AB 1854 will be heard in this committee at the same time as this bill.

b) AB 1930 (Zbur) limits when a person or entity may provide information regarding another's legally protected health care activities in response to various types of inquiries. AB 1930 is pending hearing in this committee.

8) **Prior Legislation**:

a) SB 497 (Weiner), Chapter 764, Statutes of 2025 enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

b) AB 82 (Ward), Chapter 679, Statutes of 2025, expanded safe haven protections against adverse action for aiding and assisting the access of legally protected health care activities in California, prohibits the reporting of testosterone and mifepristone to California's Prescription Drug Monitoring Program (PDMP), and required bail to be set at zero dollars for an individual who has been arrested in connection with a proceeding in another state regarding the individual performing, supporting, or aiding in the performance of "a legally protected health care activity."

c) SB 107 (Wiener), Chapter 810, Statutes of 2022, enacted various safeguards against the enforcement of other states' laws that purport to penalize individuals from obtaining gender-affirming care that is legal in California.

d) AB 2091 (Bonta), Chapter 628, statutes of 2022, prohibited providers, health care service plans, contractors, employers from releasing medical information related to abortion services or information related to a person allowing a minor to receive gender-affirming health care and gender-affirming mental health care in response to a subpoena/investigation-related request seeking to impose liability under another state's law for an abortion lawful in CA or for allowing minor to receive gender-affirming health care and gender-affirming mental health care, among other provisions.

e) AB 1666 (Bauer-Kahan), Chapter 42, Statutes of 2022, prohibited California courts from applying another state's laws authorizing civil action for receiving, seeking, providing, and/or aiding abortion in deciding the cases before them or from enforcing civil judgments under those laws, and designating those laws as contrary to California public policy, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

Access Reproductive Justice
American Association of University Women - California
American College of Obstetricians & Gynecologists - District Ix
American Medical Women's Association

Aria Medical
CA Commission on the Status of Women and Girls
California Chapter of the American College of Emergency Physicians
California Legislative Lgbtq Caucus
California Nurse-midwives Association
California Public Defenders Association
California Women's Law Center
Equality California
Essential Access Health
Health Access California
National Health Law Program
Nevada County Citizens for Choice
Planned Parenthood Affiliates of California
Reproductive Freedom for All California

Opposition

California Family Council
Cause: Californians United for Sex-based Evidence in Policy and Law

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

Date of Hearing: April 14, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2232 (Patterson) – As Introduced February 19, 2026

PULLED BY THE AUTHOR.

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

Date of Hearing: April 14, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2261 (Dixon) – As Introduced February 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Authorizes the court, upon conviction of specified offenses, to consider issuing an order restraining a defendant from contact with any person who is a member of the victim's family or household or any other person if there is competent evidence that the individual is a victim of those specified offenses.

EXISTING LAW:

1) Authorizes the trial court in a criminal case to issue a protective order when there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur. (Pen. Code, § 136.2, subd. (a).)

2) Provides that a person violating a protective order may be punished for any substantive offense described in provisions of law related to intimidation of witnesses or victims, or for contempt of court. (Pen. Code, § 136.2, subd. (b).)

3) Requires a court to consider issuing up to a 10-year restraining order protecting victims for convictions including, but not limited to domestic violence, certain types of human trafficking, gang activity, statutory rape, pimping of a minor, and offenses requiring sex offender registration. (Pen. Code, §§ 136.2, subd. (i)(1); 273.5, subd. (j); 368, subd. (l); 646.9, subd. (k); 1201.3, subd. (a).)

4) Provides that a post-conviction protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison, or a county jail, or subject to mandatory supervision, or whether the defendant is placed on probation. The duration of a protective order issued by the court should be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and the victim's immediate family. (Pen. Code, § 136.2, subd. (i)(1).)

5) Requires a court to consider issuing up to a 10-year restraining order protecting percipient witness, upon clear and convincing evidence of witness harassment, in cases with convictions including, but not limited to domestic violence, statutory rape, gang activity, and sex registerable offenses. (Pen. Code, § 136.2, subd. (i)(2).)

6) Authorizes a court to place conditions on a 10-year restraining order that can include electronic monitoring for up to one year, as specified. (Pen. Code, § 136.2, subd. (i)(3).)

7) Prohibits a person who is subject to a protective order from owning, possessing, purchasing, attempting to purchase or receive a firearm while the protective order is in effect, and the

court shall order a person subject to the protective order to relinquish ownership or possession of any firearms. (Pen. Code, § 136.2, subd. (d).)

8) Authorizes courts to issue civil harassment restraining orders, as specified. (Code Civ. Proc. § 527 et seq.)

9) Authorizes courts to issue domestic violence restraining orders, as specified. (Fam. Code, § 6300 et seq.)

10) Punishes an individual for willful disobedience of, among other things, a lawful restraining order. (Pen. Code, §§ 166 & 273.6.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "This measure restores and clarifies judicial discretion by authorizing courts to issue criminal protective orders not only for the victim of the offense of conviction, but also for a victim's family members; members of the victim's household; and other individuals where competent evidence demonstrates that they were victims of qualifying offenses committed by the defendant. In doing so, and by clearly defining who may be protected and requiring competent evidence, AB 2261 ensures due process while allowing courts to respond appropriately to demonstrated risk."

2) **Restraining Orders and Protective Orders:** Protective orders and restraining orders are, in the outcome, very similar – both are orders issued or approved by a court that prevents a person from contacting another person under specific circumstances and may also restrict other conduct to prevent harassment, threats, or violence. (See generally, Fam. Code, § 6218, subds. (a)-(c).)

   However, there are a couple of differences, at least in a practical sense. According to the California Courts, Self Help Guide, the police may ask for an emergency (which includes instances of domestic violence) protective order (EPO) to protect the victim of a crime, usually when the victim calls the police or 911 for help.

   If the defendant (the person accused of committing the crime) is arrested and charged, a judge can issue a criminal protective order (CPO) to protect victims and witnesses, particularly during the pendency of the case (as with Penal Code section 136.2). EPOs and CPOs are protective orders. Protective orders and "temporary restraining orders or TROs" are often used interchangeably. A victim may also be able to file their own moving papers to request a protective or restraining order. A restraining order can include some of the same orders as an EPO or CPO, like ordering the defendant to stay away from the victim. But in restraining order cases filed by a victim (instead of law enforcement), additional protections may be available. A victim can have a restraining order and an EPO or CPO at the same time as one is issued on an emergency basis and one is issued for a longer period of time. (See

Fam. Code, § 6320, subd. (a); Judicial Branch of California, California Courts Self-Help Guide, Guide to Protective Orders, p. 1-2.)[1]

An EPO can include orders that the defendant: (a) not contact people protected by the order; (b) not harass, stalk, threaten or hurt people protected by the order; (c) stay a certain distance away from people protected by the order or places they live or go regularly; (d) move out from a home that is shared with the protected person; or (e) not have guns, firearms, or ammunition. An EPO only lasts a short time, usually 5-7 days. If the person protected by the EPO needs protection that lasts longer or wants to ask for other orders, they can apply for a restraining order. A protective order may be issued for a short period of time, often without service to the alleged wrongdoer (ex parte), so the victim may be protected while the court calendars a hearing on the order and the alleged wrongdoer may be served a more formalized notice. In some cases, law enforcement will seek a protective order even after the alleged wrongdoer was already arrested.

In cases of a restraining order, where a person may be enjoined from contacting someone for a longer period of time, the alleged victim may seek a civil order barring a person from coming within a certain distance, but may not have resulted from any police intervention against the person being restrained. A person may be the subject of a protective order or a restraining order even if they are not facing a criminal charge and are never convicted of any criminal act.

Simple violation of a protective or restraining order is a misdemeanor. (See Pen. Code, § 166, subd. (a)(4); Pen. Code, § 273.6, subd. (a).) If a person violates a protective or restraining order issued in a domestic violence case and injury results, that person may be sentenced to a minimum of 30 days and a maximum of one year in county jail – in addition to whatever the defendant receives for any possible assaultive or threatening conduct. (See Pen. Code, § 273.6, subd. (b).) Any criminal conviction also requires proof beyond a reasonable doubt that the defendant was aware of the protective order, knew what they were not allowed to do, and violated the order anyway. It is not the most direct method for ensuring a parolee does not re-contact a victim or witness.

In addition to the penalties for violating a protective order, any person who violates a protective order issued pursuant to Penal Code section 136.2, may be sentenced as if the person engaged in witness intimidation –to a state prison sentence of up to four years. (Pen. Code, § 136.1, subd. (c); Pen. Code, § 136.2, subd. (b).) It is unclear what adding an additional six months onto a protective order issued pursuant to Penal Code section 136.2 would do to protect victims of domestic violence or sexual assault. Most certainly, if a person is willing to commit an assault or homicide less than six months after release from prison, it seems doubtful they would be deterred by a protective order.

3) **Criminal Protective Orders Under Penal Code section 136.2:** Penal Code section 136.2 authorizes the court in certain criminal trials, upon a showing of good cause, to issue specified protective orders against a defendant or third party. The purpose of Penal Code section 136.2 is to prevent a defendant in a domestic violence or sexual assault trial from: (a) engaging in witness or victim intimidation; (b) for law enforcement to provide protection to a

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[1] See https://selfhelp.courts.ca.gov/protective-orders.

victim, witness or a victim's or witness' immediate family members; and (c) to stay away from any victim or witness for up to 10 years. Good cause means evidence that a defendant intends to intimate a victim or witness. It is not automatic and requires a judicial hearing and specified findings to impose. (*Babalola v. Superior Court (People)* (2011), 192 Cal. App. 4th 948 ["There was no finding of good cause to believe an attempt to intimidate or dissuade a victim occurred or was reasonably likely to occur."].)

Penal Code section 136.2 also allows the court, in specific circumstances, to order electronic monitoring for up to one year. In cases related to domestic violence and offenses requiring sex offender registration, the case file must be clearly marked so that the court is aware of their nature for purposes of considering a protective order. (Pen. Code, § 136.2, subd. (e)(1).) The court has the authority to issue pre- and post-conviction protective orders. (Pen. Code, § 136.2.) Any person subject to a protective order pursuant to Penal Code section 136.2 may not possess a firearm.

Finally, Penal Code section 136.2, subdivision (i)(1) allows the court to issue a protective order in certain cases, including domestic violence cases, for up to 10 years, regardless of whether the defendant is sentenced to state prison or county jail, or placed on probation. Penal Code section 136.2, subdivision (i)(2) authorizes the court to issue an order prohibiting a defendant from any contact with any witness to the underlying crime if it can be established by clear and convincing evidence that the witness has been harassed, as defined in existing law authorizing a restraining order to be issued for civil harassment, by the defendant.

4) **Effect of this Legislation**: This bill amends Penal Code section 136.2 for purposes of post-conviction protective orders issued pursuant to subdivision (i)(1). Currently, that subdivision states, "When a criminal defendant has been convicted of a crime involving domestic violence, as defined, prohibiting human trafficking, rape, statutory rape, pimping, or pandering, active participation in a street gang, or a crime that requires the defendant to register as a sex offender, the court, at the time of sentencing, shall consider issuing an order restraining the defendant from any contact with a victim of the crime." This bill would add that the court may consider issuing an order for additional individuals, specifically any person who is a member of the victim's family or household or any other person if there is competent evidence that the individual is a victim of one of the enumerated offenses.

Penal Code section 136.2 was amended in 2017 adding the words "of the crime" after "victim" in subdivision (i)(1) and, subsequently, courts have read this authority to apply only to individuals who are the named victim of the offense of conviction. (See AB 264 (Low) Ch. 270, Stats. 2017; *People v. Pena* (2025) 113 Cal.App.5th 640.) *Pena* involved a defendant who was charged with multiple counts against two separate victims. The jury found the defendant guilty on one count which involved one victim, and declared a mistrial on the other counts which all involved another victim. The prosecuting attorney decided not to retry the defendant on those charges. (*Id.* at p. 644.) At sentencing, the court only issued a protective order for the victim of the counts on which the jury could not reach a verdict. (*Ibid.*) On appeal, the court held that the language in Penal Code section 136.2, post legislative amendments enacted after AB 264 in 2017, no longer authorizes a court to issue a protective order for a victim of a crime for which the defendant is not convicted. (*Id.* at p. 643.)

Similarly, another appellate court held that the post-conviction criminal protective order authorized in Penal Code section 136.2 does not cover family members who were harmed by the crime. (*People v. Waltz* (2025) 112 Cal.App.5th 127, 144.)

The amendment to the statute adding "of the crime" after victim was enacted by AB 264 in 2017. The bill, which was sponsored by the California District Attorneys Association, expanded the court's authority to issue post-conviction restraining orders to include gang cases and to cover witnesses to the qualifying crimes. The introduced version of the bill removed the enumerated offenses thus applying the subdivision to all crimes and added in "of the crime" after "victim." The bill was amended by this committee to add back in the qualifying offenses and include gang crimes. (Assem. Com. on Pub. Safety, Analysis of Assem. Bill No. 264 (2017-2018 Reg. Sess.) as amended Mar. 28, 2017.) Additionally, for witnesses, the committee amendment authorized the court to issue an order restraining the defendant from any contact "if it can be established by clear and convincing evidence that witness has been harassed" as defined in existing civil laws pertaining to civil harassment restraining orders. (*Ibid.*) "Harassment" is defined as "unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (Code of Civ. Proc., § 527.6, subd. (b)(3).)

The reason for the language adding "of the crime" after victim is not discussed is any of the legislative analyses on the bill, thus the intent is unclear.

This bill would authorize post-conviction criminal protective orders to be issued for persons not tied to the conviction including a member of the victim's family or household or any other person where there is competent evidence that the individual is a victim of one of the enumerated offenses. The sponsor acknowledges that there are other avenues to receive a restraining order. For example, a civil protection order may be sought by the person not covered by a post-conviction criminal protective order. However, they argue that since the person is already in court the judge should be able to consider issuing such a restraining order for convenience to the person and judicial economy.

Notably, if a person were to seek a civil harassment order, the court would still have to find by clear and convincing evidence that, based on the facts presented, unlawful harassment has occurred. (Code Civ. Proc., § 527.6, subd. (i)(1).) Additionally, a civil harassment order may last no longer than five years, with three years being the default if no term is specified (Code Civ. Proc., § 527.6, subd. (j), whereas a post-conviction criminal protective order may last up to ten years (Pen. Code, § 136.2, subd. (i)).

While the stated intent is to protect those persons who were named victims of a charged offense that did not result in a conviction, this bill is written more broadly. The bill authorizes "any other person if there is competent evidence that the individual is a victim of an enumerated offense." Opponents of the bill argue that this addition is vague because "competent evidence" may mean any admissible evidence and that it is unclear what standard of proof should be used to determine whether there is competent evidence to support the issuance of the order.

5) **Effects of Restraining Orders:** The consequences of having the court issue a restraining order against a person can be very severe. For example, the restraining order may prohibit the defendant from being within a certain distance of the person named in the order, thereby implicating the defendant's right to travel. Depending on the facts, such an order may implicate an individual's property interests by forcing him or her to vacate his or her own home.

   A restraining order may also affect a person's immigration status. A violation of a protective order is a deportable offense. Section 237(a)(2)(E)(ii) of the Immigration and Nationality Act (INA) states: "Any alien who at any time after entry is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable."

   This bill would expand protective orders that may be issued against a defendant who was convicted of specified crimes to include persons who were not the victim of the crime that the defendant was convicted of.

6) **Committee Amendments**: The author has agreed to amend the bill in committee to strike the provision that would authorize the court to consider issuing an order restraining the defendant from any contact with any other person if there is competent evidence that the individual is a victim of one of the enumerated offenses that was committed by the defendant.

7) **Argument in Support**: According to *California District Attorneys Association*, "Current law authorizes courts to issue post-conviction protective orders restraining a defendant from contacting a "victim of the crime" for certain enumerated offenses, including domestic violence, sexual offenses, human trafficking, and gang-related crimes. However, a 2018 amendment to the statute narrowed judicial authority by limiting CPOs to only the specific victim of the count for which the defendant was convicted.

   "Recent appellate decisions have confirmed the restrictive effect of this language. In *People v. Walts* (2025) 112 Cal.App.5th 127 and *People v. Pena* (2025) 113 Cal.App.5th 640, courts concluded that trial courts lack authority to issue protective orders for individuals harmed by the defendant's conduct unless they are the named victim of the offense of conviction.

   "AB 2261 appropriately restores and clarifies judicial discretion. The bill authorizes courts to issue protective orders not only for the victim of the offense of conviction, but also for a victim's family members, members of the victim's household, and other individuals where competent evidence establishes that they were victims of qualifying offenses committed by the defendant.

   "In practice, plea negotiations and jury verdicts can result in convictions on some counts while others are dismissed or unresolved. Under current law, this can leave clearly vulnerable individuals without protection. AB 2261 closes that gap and ensures that courts may issue protective orders consistent with the evidence before them and the safety needs of victims."

8) **Argument in Opposition**: According to *California Public Defenders Association*, "After a person is convicted of specified crimes, a court may issue an order protecting the victim. This bill would allow a court to issue a post-conviction order protecting members of a victim's family or household. We have no objection to this provision.

"We do, however, take issue with the provision allowing a court to issue an order protecting 'any other person if there is competent evidence that the individual is a victim of an offense described in this paragraph that was committed by the defendant.'

"It is problematic that the bill uses the term 'competent evidence.' Definitionally, "competent evidence" basically means any admissible evidence. It is not a standard of proof.

Competent evidence also generally must amount to substantial evidence. A person may provide competent evidence that is not substantial.

"Substantial evidence" is evidence that is of "ponderable legal significance. Obviously the word cannot be deemed synonymous with 'any' evidence. It must be reasonable . . ., credible, and of solid value . . . ." (*Kuhn v. Department of General Services* (1994) 22 Cal.App.4th 1627, 1633.)

"Competent evidence is also not a standard of proof. Again, speaking generally there are three standards of proof in California: preponderance of the evidence, clear and convincing evidence, and beyond a reasonable doubt. The typical civil case used the preponderance standard. Criminal cases require proof beyond a reasonable doubt. Clear and convincing is somewhere between the two and usually used in situations where important rights are at stake.

"What is the standard of proof here? Just saying 'competent evidence' is insufficient because it does not tell a judge how much proof there must be to issue an order protecting a third person. By contrast, subdivision (i)(2) of Penal Code section 136.2 allows an order to be issued to protect a witness to a crime 'if it can be established by clear and convincing evidence that the witness has been harassed, as defined in paragraph (3) of subdivision (b) of Section 527.6 of the Code of Civil Procedure, by the defendant.'

"We suggest that the portion of the bill that allows issuing an order protecting an uninvolved third person be deleted."

9) **Related Legislation**: AB 1877 (Stefani) would make the willful and knowing violation of specified criminal protective orders and stay-away orders punishable as an alternate felony-misdemeanor, rather than a misdemeanor, if the person who is the subject of a protective order was charged with, or convicted of, a felony for the conduct upon which the protective order was based, unless the matter is reduced to a misdemeanor or the charge was dismissed. AB 1877 is pending a hearing in the Assembly Appropriations Committee.

10) **Prior Legislation**:

a) AB 285 (Ramos), of the 2025-2026 Legislative Session, would have required a court, when imposing a state prison sentence on a defendant convicted of domestic violence or a sex offense, to issue a temporary criminal protective order against the same identified

victim or victims from an original witness intimidation protective order, as specified, for a maximum period of 180 days. AB 285 was held in suspense in the Assembly Appropriations Committee.

b) SB 421 (Valladares), of the 2025-2026 Legislative Session, would have allowed a court to issue a permanent protective order restraining a defendant from any contact with the victim if the defendant has been convicted of any serious or violent felony, as defined, or any felony requiring registration as a sex offender. SB 421 failed passage in the Senate Public Safety Committee.

c) AB 264 (Low), Chapter 270, Statutes of 2017, required the court to consider issuing a restraining order for up to 10 years in gang cases, and expands the court's authority to issue post-conviction restraining orders to cover witnesses to the qualifying crimes.

d) SB 352 (Block), Chapter 279, Statutes of 2015, required the court to consider issuing a restraining order for up to 10 years when a defendant is convicted for an offense involving abuse of an elder or a dependent adult, regardless of the sentence imposed.

e) AB 307 (Campos), Chapter 291, Statutes of 2013, allowed a court to issue a protective order for up to 10 years when a defendant is convicted of specified sex crimes, regardless of the sentence imposed.

f) SB 723 (Pavley), Chapter 155, Statutes of 2011, allowed a court to issue a protective order for up to 10 years when a defendant is convicted for an offense involving domestic violence, regardless of the sentence imposed.

g) SB 834 (Florez), Chapter 627, Statutes of 2010, allowed a court to issue a protective order for up to 10 years in sex cases involving a minor victim.

h) AB 289 (Spitzer), Chapter 582, Statutes of 2007, allowed a court to issue a protective order for 10 years upon a defendant's conviction for stalking

REGISTERED SUPPORT / OPPOSITION:

Support

California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association

Opposition

California Public Defenders Association
Local 148 Los Angeles County Public Defender's Union

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

Amended Mock-up for 2025-2026 AB-2261 (Dixon (A))

Mock-up based on Version Number 99 - Introduced 2/19/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 136.2 of the Penal Code is amended to read:

136.2. (a) (1) Upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, a court with jurisdiction over a criminal matter may issue orders, including, but not limited to, the following:

(A) An order issued pursuant to Section 6320 of the Family Code.

(B) An order that a defendant shall not violate any provision of Section 136.1.

(C) An order that a person before the court other than a defendant, including, but not limited to, a subpoenaed witness or other person entering the courtroom of the court, shall not violate any provision of Section 136.1.

(D) An order that a person described in this section shall have no communication whatsoever with a specified witness or a victim except through an attorney under reasonable restrictions that the court may impose.

(E) An order calling for a hearing to determine if an order described in subparagraphs (A) to (D), inclusive, should be issued.

(F) (i) An order that a particular law enforcement agency within the jurisdiction of the court provide protection for a victim, witness, or both, or for immediate family members of a victim or a witness who reside in the same household as the victim or witness or within reasonable proximity of the victim's or witness' household, as determined by the court. The order shall not be made without the consent of the law enforcement agency except for limited and specified periods of time and upon an express finding by the court of a clear and present danger of harm to the victim or witness or immediate family members of the victim or witness.

(ii) For purposes of this paragraph, "immediate family members" include the spouse, children, or parents of the victim or witness.

(G) (i) An order protecting a victim or witness of violent crime from all contact by the defendant or contact with the intent to annoy, harass, threaten, or commit acts of violence by the defendant. The court or its designee shall transmit orders made under this paragraph to law enforcement personnel within one business day of the issuance, modification, extension, or termination of the order pursuant to subdivision (a) of Section 6380 of the Family Code. It is the responsibility of the court to transmit the modification, extension, or termination orders made under this paragraph to the same agency that entered the original protective order into the California Restraining and Protective Order System.

(ii) (I) If a court does not issue an order pursuant to clause (i) when the defendant is charged with a crime involving domestic violence, as defined in Section 13700 of this code or in Section 6211 of the Family Code, the court, on its own motion, shall consider issuing a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, that provides as follows:

(ia) The defendant shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm while the protective order is in effect.

(ib) The defendant shall relinquish ownership or possession of any firearms pursuant to Section 527.9 of the Code of Civil Procedure.

(II) A person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm while this protective order is in effect is punishable pursuant to Section 29825.

(iii) An order issued, modified, extended, or terminated by a court pursuant to this subparagraph shall be issued on forms adopted by the Judicial Council that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not make the order unenforceable.

(iv) A protective order issued under this subparagraph may require the defendant to be placed on electronic monitoring if the local government, with the concurrence of the county sheriff or the chief probation officer with jurisdiction, adopts a policy to authorize electronic monitoring of defendants and specifies the agency with jurisdiction for this purpose. If the court determines that the defendant has the ability to pay for the monitoring program, the court shall order the defendant to pay for the monitoring. If the court determines that the defendant does not have the ability to pay for the electronic monitoring, the court may order electronic monitoring to be paid for by the local government that adopted the policy to authorize electronic monitoring. The duration of electronic monitoring shall not exceed one year from the date the order is issued. The electronic monitoring shall not be in place if the protective order is not in place.

(2) For purposes of this subdivision, a minor who was not a victim of, but who was physically present at the time of, an act of domestic violence is a witness and is deemed to have suffered harm within the meaning of paragraph (1).

(b) A person violating an order made pursuant to subparagraphs (A) to (G), inclusive, of paragraph (1) of subdivision (a) may be punished for a substantive offense described in Section 136.1 or for a contempt of the court making the order. A finding of contempt shall not be a bar to prosecution for a violation of Section 136.1. However, a person held in contempt shall be entitled to credit for punishment imposed therein against a sentence imposed upon conviction of an offense described in Section 136.1. A conviction or acquittal for a substantive offense under Section 136.1 shall be a bar to a subsequent punishment for contempt arising out of the same act.

(c) (1) (A) Notwithstanding subdivision (e), an emergency protective order issued pursuant to Chapter 2 (commencing with Section 6250) of Part 3 of Division 10 of the Family Code or Section 646.91 shall have precedence in enforcement over any other restraining or protective order, provided the emergency protective order meets all of the following requirements:

(i) The emergency protective order is issued to protect one or more individuals who are already protected persons under another restraining or protective order.

(ii) The emergency protective order restrains the individual who is the restrained person in the other restraining or protective order specified in clause (i).

(iii) The provisions of the emergency protective order are more restrictive in relation to the restrained person than are the provisions of the other restraining or protective order specified in clause (i).

(B) An emergency protective order that meets the requirements of subparagraph (A) shall have precedence in enforcement over the provisions of any other restraining or protective order only with respect to those provisions of the emergency protective order that are more restrictive in relation to the restrained person.

(2) Except as described in paragraph (1), a no-contact order, as described in Section 6320 of the Family Code, shall have precedence in enforcement over any other restraining or protective order.

(d) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, or receive, or attempt to purchase or receive, a firearm while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish ownership or possession of any firearms pursuant to Section 527.9 of the Code of Civil Procedure.

(3) A person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm while the protective order is in effect is punishable pursuant to Section 29825.

(e) (1) When the defendant is charged with a crime involving domestic violence, as defined in Section 13700 of this code or in Section 6211 of the Family Code, a violation of Section 261,

261.5, or former Section 262, or a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, including, but not limited to, commercial sexual exploitation of a minor in violation of Section 236.1, the court shall consider issuing the above-described orders on its own motion. All interested parties shall receive a copy of those orders. To facilitate this, the court's records of all criminal cases involving domestic violence, a violation of Section 261, 261.5, or former Section 262, or a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, including, but not limited to, commercial sexual exploitation of a minor in violation of Section 236.1, shall be marked to clearly alert the court to this issue.

(2) When a complaint, information, or indictment charging a crime involving domestic violence, as defined in Section 13700 of this code or in Section 6211 of the Family Code, a violation of Section 261, 261.5, or former Section 262, or a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, including, but not limited to, commercial sexual exploitation of a minor in violation of Section 236.1, has been issued, except as described in subdivision (c), a restraining order or protective order against the defendant issued by the criminal court in that case has precedence in enforcement over a civil court order against the defendant.

(3) Custody and visitation with respect to the defendant and the defendant's minor children may be ordered by a family or juvenile court consistent with the protocol established pursuant to subdivision (f), but if it is ordered after a criminal protective order has been issued pursuant to this section, the custody and visitation order shall make reference to and, if there is not an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) or a no-contact order, as described in Section 6320 of the Family Code, acknowledge the precedence of enforcement of an appropriate criminal protective order. On or before July 1, 2014, the Judicial Council shall modify the criminal and civil court forms consistent with this subdivision.

(f) On or before January 1, 2003, the Judicial Council shall promulgate a protocol, for adoption by each local court in substantially similar terms, to provide for the timely coordination of all orders against the same defendant and in favor of the same named victim or victims. The protocol shall include, but shall not be limited to, mechanisms for ensuring appropriate communication and information sharing between criminal, family, and juvenile courts concerning orders and cases that involve the same parties and shall permit a family or juvenile court order to coexist with a criminal court protective order subject to the following conditions:

(1) An order that permits contact between the restrained person and the person's children shall provide for the safe exchange of the children and shall not contain language, either printed or handwritten, that violates a "no-contact order" issued by a criminal court.

(2) The safety of all parties shall be the courts' paramount concern. The family or juvenile court shall specify the time, day, place, and manner of transfer of the child as provided in Section 3100 of the Family Code.

(g) On or before January 1, 2003, the Judicial Council shall modify the criminal and civil court protective order forms consistent with this section.

(h) (1) When a complaint, information, or indictment charging a crime involving domestic violence, as defined in Section 13700 of this code or in Section 6211 of the Family Code, has been filed, the court may consider, in determining whether good cause exists to issue an order under subparagraph (A) of paragraph (1) of subdivision (a), the underlying nature of the offense charged and the information provided to the court pursuant to Section 273.75.

(2) When a complaint, information, or indictment charging a violation of Section 261, 261.5, or former Section 262, or a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, including, but not limited to, commercial sexual exploitation of a minor in violation of Section 236.1, has been filed, the court may consider, in determining whether good cause exists to issue an order under paragraph (1) of subdivision (a), the underlying nature of the offense charged, the defendant's relationship to the victim, the likelihood of continuing harm to the victim, any current restraining order or protective order issued by a civil or criminal court involving the defendant, and the defendant's criminal history, including, but not limited to, prior convictions for a violation of Section 261, 261.5, or former Section 262, a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, including, but not limited to, commercial sexual exploitation of a minor in violation of Section 236.1, any other forms of violence, or a weapons offense.

(i) (1) When a criminal defendant has been convicted of a crime involving domestic violence, as defined in Section 13700 of this code or in Section 6211 of the Family Code, a violation of subdivision (a), (b), or (c) of Section 236.1 prohibiting human trafficking, Section 261, 261.5, former Section 262, subdivision (a) of Section 266h, or subdivision (a) of Section 266i, a violation of Section 186.22, or a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, the court, at the time of sentencing, shall consider issuing an order restraining the defendant from any contact with a victim of the crime. The court may consider issuing an order restraining the defendant from any person who is a member of the victim's family or household. ~~The court may consider issuing an order restraining the defendant from any contact with any other person if there is competent evidence that the individual is a victim of an offense described in this paragraph that was committed by the defendant.~~ The order may be valid for up to 10 years, as determined by the court. This protective order may be issued by the court regardless of whether the defendant is sentenced to the state prison or a county jail, whether the defendant is subject to mandatory supervision, or whether imposition of sentence is suspended and the defendant is placed on probation. The order may be modified by the sentencing court in the county in which it was issued throughout the duration of the order. It is the intent of the Legislature in enacting this subdivision that the duration of a restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, the safety of a victim and the victim's immediate family, and any information provided to the court pursuant to Section 273.75.

(2) When a criminal defendant has been convicted of a crime involving domestic violence, as defined in Section 13700 of this code or in Section 6211 of the Family Code, a violation of Section 261, 261.5, or former Section 262, a violation of Section 186.22, or a crime that requires the defendant to register pursuant to subdivision (c) of Section 290, the court, at the time of sentencing,

shall consider issuing an order restraining the defendant from any contact with a percipient witness to the crime if it can be established by clear and convincing evidence that the witness has been harassed, as defined in paragraph (3) of subdivision (b) of Section 527.6 of the Code of Civil Procedure, by the defendant.

(3) An order under this subdivision may include provisions for electronic monitoring if the local government, upon receiving the concurrence of the county sheriff or the chief probation officer with jurisdiction, adopts a policy authorizing electronic monitoring of defendants and specifies the agency with jurisdiction for this purpose. If the court determines that the defendant has the ability to pay for the monitoring program, the court shall order the defendant to pay for the monitoring. If the court determines that the defendant does not have the ability to pay for the electronic monitoring, the court may order the electronic monitoring to be paid for by the local government that adopted the policy authorizing electronic monitoring. The duration of the electronic monitoring shall not exceed one year from the date the order is issued.

(j) For purposes of this section, "local government" means the county that has jurisdiction over the protective order.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: April 14, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2273 (Bains) – As Introduced February 19, 2026

PULLED BY THE COMMITTEE.

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

Date of Hearing: April 14, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2318 (Elhawary) – As Amended April 7, 2026

SUMMARY: Prohibits a federal, state, or local law enforcement officer from denying or delaying access to medical treatment for an individual in custody or detention if it is safe and reasonable to provide access to treatment, as specified, and requires law enforcement officers to provide written documentation when they do deny or delay access to medical treatment. Specifically, **this bill**:

1) Makes it unlawful for any federal, state, or local law enforcement officer to deny, delay, obstruct, or fail to facilitate access to medical evaluation or treatment for an individual in custody, detention, or under law enforcement control if it is safe and reasonable to provide access to the treatment and a medical professional is present or has been requested.

2) Requires federal, state, and local law enforcement, to the extent disclosure does not compromise an ongoing criminal investigation or officer safety, if access is denied or delayed when a medical professional is present, to provide written documentation indicating the basis for denial within 72 hours of the incident that meets all of the following requirements:

   a) States the basis for denial or delay.

   b) Identifies the specific threat relied upon.

   c) Provides a detailed incident narrative that includes, but is not limited to, time of the incident, location of the incident, and personnel involved in the incident.

   d) Includes any available supporting evidence, including body-worn camera footage, radio transmissions, or written incident reports.

   e) Requires this reporting to be provided to the relevant civilian oversight body responsible for reviewing law enforcement conduct, the Office of the Inspector General (OIG), or the Attorney General (AG).

3) Provides that failure to comply with the above provisions may result in administrative discipline, including suspension or termination.

4) Requires the Commission on Peace Officer Standards and Training (POST) to incorporate guidance on facilitating emergency medical access, scene security standards, and coordination with emergency medical services into law enforcement training curricula.

5) Defines the following terms:

a) "Law enforcement" means any federal, state, or local law enforcement, acting under the color of the law, to the extent permitted by federal law.

b) "Medical professional" means an individual licensed or certified to provide emergency medical care.

EXISTING LAW:

1) Requires each law enforcement agency, by January 1, 2021, to maintain a policy that provides a minimum standard on the use of force, which among other things, must include a requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so. (Gov. Code, § 7286, subd. (b)(15).)

2) Requires POST to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force. (Pen. Code, § 13519.10, subd. (a)(1).)

3) Requires the course or courses of the regular basic course for law enforcement officers and the guidelines to include, among other things, using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts. (Pen. Code, § 13519.10, subd. (b)(14).)

4) Encourages law enforcement agencies to include, as part of their advanced officer training program, periodic updates and training on the use of force. (Pen. Code, § 13519.10, subd. (c).)

5) Requires specified law enforcement officers, except those whose duties are primarily clerical or administrative, to meet specified training standards for the administration of first aid and cardiopulmonary resuscitation, which shall include instruction in the use of a portable manual mask and airway assembly designed to prevent the spread of communicable diseases, requires satisfactory completion of periodic training or appropriate testing in cardiopulmonary resuscitation and other first aid, and requires the POST basic course of training to include adequate instruction in the above. (Pen. Code, § 13518, subds. (a) & (b).)

6) Authorizes law enforcement agencies employing peace officers to provide to each peace officer an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation. (Pen. Code, § 13518.1.)

7) Authorizes a peace officer to release a person arrested without a warrant, instead of taking the person before a magistrate, if, among other reasons, the person was arrested only for being under the influence and the person is delivered to a facility or hospital for treatment and no further proceedings are desirable, the person was arrested for driving under the influence and the person is delivered to a hospital for medical treatment that prohibits immediate delivery before a magistrate, the person was arrested and subsequently delivered to a hospital or other urgent care facility, as specified, and no further proceedings are desirable, or the person was arrested and subsequently delivered or referred to a public health

or social service organization that provides services including medical care, and the organization agrees to accept the delivery or referral, and no further proceedings are desirable. (Pen. Code, § 849, subd. (b)(3)-(6).)

8) Authorizes a court to order the removal of a prisoner confined in any city or county jail to a hospital when it is made to appear by any judge by affidavit of the sheriff or district attorney and oral testimony that a prisoner requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished at the city or county jail. (Pen. Code, § 4011.), subd. (a).)

9) Authorizes a sheriff or jailer, who determines that a prisoner in a county jail or a city jail is in need of immediate medical or hospital care, and that the health and welfare of the prisoner will be injuriously affected unless the prisoner is removed to a hospital, to remove the prisoner to a hospital, without first obtaining a court order, as specified. (Pen. Code, § 4011.5.)

10) Requires each law enforcement agency to report to the DOJ on a monthly basis all instances when a peace officer employed by that agency is involved in specified incidents, including an incident involving the shooting of a civilian by a peace officer, the shooting of a peace officer by a civilian, the use of force by a peace officer against a civilian that results in serious bodily injury or death, and use of force by a civilian against a peace officer that results in serious bodily injury or death, and to include specified information relating to the incident, including whether any medical aid was rendered. (Gov. Code, § 12525.2, subds. (a) & (b)(12).)

11) Provides that in any case in which a person dies while in the custody of a law enforcement agency or a local or state correctional facility, the applicable agency shall report in writing to the Attorney General, within 10 days after the death, all facts in the possession of the agency concerning the death. (Gov. Code, § 12525, subd. (a).)

12) Provides that if any of the in-custody death report changes or if new information becomes available regarding the death, including, but not limited to, the manner and means of death, the agency shall update its written report to the Attorney General within 10 days of the date of the change or the date the new information becomes available. (Gov. Code, § 12525, subd. (b).)

13) Provides that such in-custody death reports are public records within the meaning of the California Public Records Act and are open to public inspection. (Gov. Code, § 12525.)

14) Provides that when a person in custody dies, the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person at the time of their death shall post the following information on its website for the public to view within 10 days of the date of death.

    a) The full name of the agency with custodial responsibility at the time of death;

    b) The county in which the death occurred;

c) The facility in which the death occurred, and the location within that facility where the death occurred;

d) The race, gender, and age of the decedent;

e) The date on which the death occurred;

f) The custodial status of the decedent, including, but not limited to, whether the person was awaiting arraignment, awaiting trial, or incarcerated; and

g) The manner and means of death. (Pen. Code, § 10008, subds. (a) & (b).)

15) Defines "in custody death," for purposes of the above reporting requirement, to mean the death of a person who is detained, under arrest, or is in the process of being arrested, is in route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility, including any juvenile facility. "In-custody death" also includes deaths that occur in medical facilities while in law-enforcement custody. (Pen. Code, § 10008.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Far too many individuals have died at the hands of ICE in this year alone. We saw how medical treatment for Renee Nicole Good was consistently denied for no logical reason. This bill is a critical step in increasing transparency regarding access to medical treatment at the scene of incidents, while making it easier for medical professionals to provide lifesaving interventions."

2) **Impetus for this Bill:** The impetus for this bill is the January 7, 2026, shooting of Renee Nicole Good by an Immigration and Customs Enforcement (ICE) officer. After the shooting, witnesses to the scene claimed that federal officers impeded emergency medical personnel from accessing the scene by blocking the road with their vehicles.[1] A video from the scene shows that a man who identified himself as a physician attempted to check Renee Good for a pulse, but was rejected by the federal officers who claimed they had their own medics.[2] Ultimately, firefighters began lifesaving measures, and Ms. Good was transported to a local medical center, where she passed away.[3] This bill seeks to remedy this issue by prohibiting federal, state, and local law enforcement officers from delaying or obstructing medical treatment for an individual being detained or in custody.

3) **Law Enforcement Duties to Provide Access to Medical Treatment:** California law enforcement agencies are already required to provide medical assistance for a person injured

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[1] George Chidi, *Federal offices blocked medics from scene of ICE shooting, witnesses say,* The Guardian (Jan. 9, 2026), available at: https://www.theguardian.com/us-news/2026/jan/09/federal-officers-blocked-medics-from-scene-of-ice-shooting-witnesses-say
[2] *Ibid.*
[3] *Ibid.*

in a use-of-force incident. SB 230 (Caballero), Chapter 285, Statutes of 2019, required law enforcement agencies to maintain a policy that provides a minimum standard on the use of force. (Gov. Code, § 7286, subd. (b).) The policy must contain requirements that officers utilize de-escalation techniques, only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense, and among other things, "a requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so." (Gov. Code, § 7286, subd. (b)(15).) This policy requirement applies to the majority of state and local law enforcement agencies, such as police departments, sheriff's departments, the California Highway Patrol (CHP), and the Department of Justice (DOJ), but not federal agencies. (Gov. Code, § 7286, subd. (a)(5).)

Existing law additionally requires POST to implement a course of instruction for the regular and periodic training of law enforcement officers in the use of force and to develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force. (Pen. Code, § 13519.10, subd. (a)(1).) The guidelines must include "[u]sing public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts." (Pen. Code, § 13519.10, subd. (b)(14).)

In 2021, POST issued Use of Force Standards and Guidelines, which expanded upon the requirement to properly procure medical assistance for a person injured by a peace officer's use of force.[4] Standard #11 of the POST guidelines pertains to the duty to provide or procure medical assistance.[5] Among other things, POST guidelines specify that: 1) officers have a duty, as soon as it is safe and practical, to provide or request medical aid; 2) when a person requires or reasonably requests medical attention after a use of force incident, an officer must request medical aid as soon as feasible, and medical assistance is specifically required to be obtained for certain types of symptoms such as visible injury or lack of consciousness; 3) offices must pay attention to populations who may be particularly vulnerable to injury; 4) before booking, officers should continuously monitor an individual until medical assessment is provided; 5) if an individual effuses medical attention, that refusal should be documented; 6) following a use of force incident the on-the-scene supervisor should ensure that the person providing medical assistance is enforced that the person was subjected to force; and 7) an individual that is extremely agitated or exhibits violent and irrational behavior accompanied by other physical symptoms should be treated with emergency medical attention as soon as possible.[6]

Specifically, the POST guidelines outlining peace officer duties pertaining to medical assistance are as follows:

- The highest priority of officers is safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone. Officers have a duty, as soon as it is safe and practical, to provide or request medical aid. As such, an agency's policy shall require that officers promptly provide, if properly trained, or otherwise promptly procure

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[4] POST, *POST USE OF FORCE STANDARDS AND GUIDELINES* (2021), available at: https://post.ca.gov/Portals/0/post_docs/publications/Use_Of_Force_Standards_Guidelines.pdf
[5] *Id.* at p. 9.
[6] *Id.* at p. 21-22.

medical assistance for persons injured in a use of force incident, when reasonable and safe to do so (Government Code § 7286(b)).

- Whenever a person requires or reasonably requests medical attention after a use of force incident, an officer should request medical aid (such as calling for emergency medical services) and/or if properly trained, provide medical attention (such as first aid and/or transport to an emergency medical facility), as soon as feasible. Medical assistance should be obtained for any person who exhibits signs of [physical distress, visible injury, alleged injury or complaint of continuous pain, experienced a lack of consciousness, any other reason the officer may deem necessary, based on training and experience.]

- Officers should pay particular attention to vulnerable populations, including but not limited to, children, elderly persons, pregnant individuals and individuals with physical, mental and developmental disabilities, whose vulnerabilities could exacerbate the impact or risk of injury.

- Prior to booking or release, officers should continuously monitor an individual until medical assessment is provided. Medical assessment may consist of examination by fire personnel, emergency medical technicians, paramedics, hospital staff, or medical staff at the jail.

- If an individual refuses medical attention, the refusal should be fully documented in any related reports. When practicable, the refusal should be witnessed by another officer or medical personnel and/or recorded.

- Following a use of force incident, the on-scene supervisor, or, if the on-scene supervisor is not available, the primary officer should ensure that any person providing medical assistance or receiving custody of an individual on which force was used, is informed that the person was subjected to force. Notification should include all relevant information, including the type and level of force used, duration of the force or struggle, visible injuries, respiration impairment, and any other information an objectively reasonable officer would believe relevant to the health and safety of the individual.

- An individual who appears extremely agitated or exhibits violent and irrational behavior, accompanied by other physical symptoms (e.g. profuse sweating, imperviousness to pain, extraordinary strength beyond their physical characteristics) or who requires a protracted physical encounter with multiple officers, should be treated with emergency medical attention as soon as feasible.[7]

Similar duties to provide medical care exist at the federal level. For example, the Department of Homeland Security's (DHS) 2023 Update to the Department Policy on the Use of Force outlines DHS agents' duties regarding medical care as follows:

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[7] *Ibid.*

> As soon as practicable following a use of force and the end of any perceived public safety threat, DHS LEOs shall obtain appropriate medical assistance for any subject who has visible or apparent injuries, complaints of being injured, or requests medical attention. This may include rendering first aid if properly trained and equipped to do so, requesting emergency medical services, and/or arranging transportation to an appropriate medical facility.[8]

While this policy exists, whether it is being faithfully adhered to by federal immigration agents is unclear, as evidenced by the recent uptick in fatal shootings by federal immigration officers. These events have led to heightened scrutiny of DHS's use-of-force policy,[9] including congressional legislative efforts to improve transparency, among other changes, surrounding DHS use-of-force incidents.[10]

4) **Effect of this Bill:** This bill seeks to strengthen California law pertaining to when law enforcement officers must provide or permit medical assistance to injured individuals under their control. This bill is not limited to California peace officers. Rather, it defines "law enforcement" for purposes of this bill to mean "any federal, state, or local law enforcement, acting under the color of the law, to the extent permitted by federal law."

   The changes made by this bill can be broken into three primary categories. First, it makes it unlawful for any federal, state, or local law enforcement officer to deny, delay, obstruct, or fail to facilitate access to medical evaluation or treatment for an individual in custody, detention, or under law enforcement control if it is safe and reasonable to provide access to the treatment and a medical professional is present or has been requested. This broadly applies to all people in custody, whether a person is under arrest or incarcerated in a county jail, and similarly broadly applies to any medical treatment needs, irrespective of whether it was an injury caused by law enforcement. As previously noted, Government Code section 7286 already requires law enforcement agencies to adopt policies that include a requirement that officers "promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so." (Gov. Code, § 7286, subd. (b).) In sum, if a California peace officer makes an arrest, and during that arrest, the detainee is injured by the force used by the officer, the officer is generally required, as long as it is reasonable and safe to do so, to either provide medical assistance themselves or alternatively procure external medical assistance for the person. This bill partially overlaps with this existing requirement but applies more expansively to any person in law enforcement custody or control, regardless of whether the injuries resulted from a use-of-force incident. On the other hand, it is somewhat narrower in that it only applies when a medical professional is present or has been requested.

   Second, it requires law enforcement officers to provide specified documentation if they deny or delay access to medical treatment. Specifically, it requires law enforcement officers, if

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[8] U.S. Department of Homeland Security, *Update to the Department Policy on the Use of Force* (Feb. 6, 2023), available at: https://www.dhs.gov/sites/default/files/2023-02/23_0206_s1_use-of-force-policy-update.pdf

[9] KOCO News 5 ABC, *Examining DHS Use of Force Policy after 2 deadly Minneapolis shootings* (Jan. 29, 2026), available at: https://www.koco.com/article/examining-dhs-use-of-force-policy-after-2-deadly-minneapolis-shootings/70162218

[10] H.R.7984 - DHS Use of Force Transparency Act of 2026 (accessed March 31, 2026), available at: https://www.congress.gov/bill/119th-congress/house-bill/7984/text/ih

access is denied or delayed when a medical professional is present, to provide written documentation indicating the basis for denial within 72 hours of the incident. Such documentation must be provided to the relevant civilian oversight body responsible for reviewing law enforcement conduct, the OIG, or the AG and must: 1) state the basis for denial or delay; 2) identify the specific threat relied upon; 3) provide a detailed incident narrative that includes, but is not limited to, time of the incident, location of the incident, and personnel involved in the incident; and includes any available supporting evidence, including body-worn camera footage, radio transmissions, or written incident reports. This requirement does not apply if disclosure would compromise an ongoing criminal investigation or officer safety. Failure to comply with this documentation requirement, as well as the above prohibition against denying or delaying access to medical treatment, may be subject to administrative discipline.

While well-intended, this provision could be interpreted to undermine the current obligations of law enforcement to provide medical treatment. Currently, the primary restriction on when peace officers must provide, or secure, medical treatment is "when reasonable and safe to do so." (Gov. Code, § 7286, subd. (b)(15).) This bill, by requiring documentation when medical access is denied or delayed, suggests that such medical treatment is permitted to be delayed or even denied entirely. This could unintentionally permit law enforcement to delay or deny care simply by providing specified documentation after the fact. Further, no written documentation would be required if this would "compromise an ongoing criminal investigation or officer safety." This bill also requires such documentation to identify the personnel involved in the incident and include available supported evidence, including body-worn camera footage. The author may wish to consider adding protection for privacy or anonymity. Further, the process, once this documentation is submitted, is unclear. It is uncertain whether the submission of documentation is sufficient to delay or deny treatment, or whether the entities receiving the documentation are required to review and verify the reason for the delayed or denied treatment.

Finally, this bill requires POST to adopt these obligations pertaining to medical access into a specified training. Specifically, it requires POST to incorporate guidance on facilitating emergency medical access, scene security standards, and coordination with emergency medical services into law enforcement training curricula. The need for this additional training is unclear. POST is already required to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force. (Pen. Code, § 13519.10, subd. (a)(1).) This course or courses of the regular basic course for law enforcement officers and the guidelines to include, among other things, using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts. (Pen. Code, § 13519.10, subd. (b)(14).) Additionally, existing law requires law enforcement officers to meet specified training standards for the administration of first aid and cardiopulmonary resuscitation, requires satisfactory completion of periodic training or appropriate testing in cardiopulmonary resuscitation and other first aid, and requires the POST basic course of training to include adequate instruction in the above. (Pen. Code, § 13518, subds. (a) & (b).)

5) **Constitutional Considerations:** This bill prohibits federal law enforcement officers from denying or delaying access to medical care, subject to potential administrative discipline, and thus may be subject to a legal challenge under the Supremacy Clause.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (U.S. Const., art. VI, cl. 2.)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that "the activities of the Federal Government are free from regulation by any state." (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted.) This 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); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from "interfering with or controlling the operations of the Federal Government." (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, "'[a] state or local law discriminates against the federal government if it treats someone else better than it treats the government.'" (*Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original). However, generally applicable state laws can apply to federal entities. (See Johnson v. Maryland, 254 U.S. 51, 56 (1920); *N.D*, *supra,* 495 U.S. at pp. 435-438; *United States v. Washington*, *supra,* 596 U.S. at p. 839.)

A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California*, *supra*, F.3d at pp. 878-879.) "This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*Arizona v. United States* (2012) 567 U.S. 387, 399.) For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had "no doubt that SB 54 makes the jobs of federal immigration authorities more difficult." (*Id.* at p. 886.) But the court concluded that "this frustration does not constitute obstacle preemption," because federal law "does not require any particular action on the part of California or its political subdivisions." (*Id.* at p. 889.) "Even if SB 54 obstructs federal immigration enforcement," the court stated, "the United States' position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule." (*Id.* at p. 888.) "California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts." (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States' intergovernmental immunity for similar reasons. (*Ibid.*)

Here, this bill prohibits federal law enforcement officers from denying or delaying access to medical care, and requires such officers to document any such delayed or denied care, which could lead to a lawsuit alleging that it directly regulates or discriminates against the federal government in violation of intergovernmental immunity, or that this bill conflicts with federal law in violation of conflict preemption. The likelihood of success of these claims is unclear. The bill applies not just to federal law enforcement officers, but also to state and local law enforcement officers, which could increase its likelihood of withstanding a

discrimination-based intergovernmental immunity challenge. However, the requirements of this bill, as well as its broad application to medical needs unrelated to law enforcement use-of-force, could lead to claims that this interferes with federal operations or that this bill conflicts with existing federal policies.

In the event this bill is enacted and subsequently challenged in court, the author may wish to add a severability clause. This may preserve the application of the rest of this bill's provisions if the provisions of this bill applying to federal officers are found unconstitutional.

6) **Argument in Support**: According to the *Drug Policy Alliance,* AB 2318 "would make it unlawful for a law enforcement officer to deny, delay, obstruct, or fail to facilitate access to medical evaluation or treatment for an individual in custody, detention, or under law enforcement control if it is safe and reasonable to provide access to treatment and a medical professional is present or has been requested."

"AB 2318 will help to make sure that people in custody or detention are still able to receive timely and appropriate medical care without custodial interference. By clarifying expectations and accountability around access to medical care, this bill is an important safeguard for incarcerated and detained people's health and dignity.

"People who come into contact with the criminal legal system are disproportionately likely to have unmet medical needs, including chronic conditions, mental health needs, and substance use disorders. Delays or denials of care can lead to severe complications, preventable hospitalizations, and, in the most tragic cases, death. For those who use drugs, timely medical attention can be the difference between life and death. This is particularly true in cases involving overdose, withdrawal, or co-occurring health conditions. Ensuring prompt access to care while in custody is essential to reducing preventable mortality.

"AB 2318 is a common-sense measure to safeguard human life and recognizes that access to medical care is a basic standard of care."

7) **Argument in Opposition**: According to the *California States Sheriff's Association*, AB 2318 would "make it unlawful for any law enforcement officer to deny, delay, obstruct, or fail to facilitate access to medical evaluation or treatment for an individual in custody, detention, or under law enforcement control if it is safe and reasonable to provide access to the treatment and a medical professional is present or has been requested.

"California peace officers are trained in assessing emergency situations and initiating appropriate emergency medical care. Further, police agencies have policies that guide how officers are expected to respond in situations where a person may require medical assistance on scene. In this regard, the bill is, at best, unnecessary.

"AB 2318 makes it unlawful for any law enforcement officer to deny, delay, obstruct, or fail to facilitate access to medical evaluation or treatment for an individual in custody, detention, or under law enforcement control if it is safe and reasonable to provide access to the treatment and a medical professional is present or has been requested. In practice, this means that a peace officer could violate the law by denying access to a person by a medical professional who just happens to be present at a scene. This is an unwarranted intrusion into

law enforcement authority based on a case that happened outside of California that would apply in situations far less dynamic than the scenario from which this bill originates."

8) **Prior Legislation**:

a) AB 3092 (Ortega), Chapter 69, Statutes of 2024, required law enforcement agencies or state correctional facilities that report a death of a person in their custody to update their written report to the Attorney General within 10 days of when a change within the case occurs or when the new information becomes available.

b) AB 2531 (Bryan), clarified that death-in-custody reporting requirements apply to juveniles who die in custody and defines "in-custody death."

c) SB 519 (Atkins), Chapter 306, Statutes of 2023, made records relating to an investigation conducted by a local detention facility into a death incident available to the public and creates the position of Director of In-Custody Death Review within the Board of State and Community Corrections to review investigations of any death incident, as defined, occurring within a local detention facility.

d) AB 2761 (McCarty), Chapter 802, Statutes of 2022, required a state or local correctional facility to post specified information on its website within 10 days after the death of a person who died while in custody, and to update that information within 30 days of any change.

e) SB 230 (Caballero), Chapter 285, Statutes of 2019, required law enforcement agencies to maintain a policy that provides guidelines on the use of force, that, among things, includes a requirement that officers promptly provide medical assistance when reasonable and safe to do so.

f) AB 66 (Gonzalez), of the 2019-2020 Legislative Session, would have required, among other things, kinetic energy projectiles or chemical agents to be deployed to disperse an assembly or demonstration, conditioned on medical assistance being promptly procured or provided for injured persons, among other conditions. AB 66 died on the Senate inactive file.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
California Academy of Family Physicians
California Chapter of the American College of Emergency Physicians
California Public Defenders Association
California School Employees Association
Drug Policy Alliance
Ella Baker Center for Human Rights
United EMS Workers, Afscme Local 4911

Universities Allied for Essential Medicines At Ucla
Voters of Tomorrow

Oppose

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
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 Police Officers Association
Riverside Sheriffs' Association

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

California State Assembly

PUBLIC SAFETY

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AGENDA

Tuesday, April 14, 2026
8:30 a.m. -- State Capitol, Room 126

ANALYSIS PACKET PART III

(AB 2328 Alanis - AB 2760 Sharp-Collins)

Date of Hearing: April 14, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2328 (Alanis) – As Amended March 19, 2026

SUMMARY: Increases the punishment for failing to stop and perform certain duties at the scene of an accident that results in death from an alternate felony-misdemeanor with a maximum punishment of two, three, or four years in state prison, to an alternate felony-misdemeanor with a maximum punishment of three, four, or five years in state prison. Specifically, **this bill**:

1) Increases the punishment for a driver involved in an accident that results in another person's death, who fails to stop at the scene of the accident and perform certain duties, from an alternate felony-misdemeanor punishable by up to one year in county jail or two, three, or four years in state prison, or by a fine of $1,000 to $10,000, or by both that fine and imprisonment, to an alternative felony-misdemeanor with a greater maximum punishment of three, four, or five years in state prison.

2) Makes the fine of $1,000 to $10,000 for the above offense mandatory, rather than permissive, except the court, in imposing the minimum fine, shall take into consideration the defendant's ability to pay the fine and, in the interests of justice and for reasons stated in the record, may reduce the amount of the minimum fine.

EXISTING LAW:

1) Requires the driver of a vehicle involved in an accident that results in injury to another person to immediately stop the vehicle at the scene of the accident and to fulfill specified requirements, including providing identifying information and rendering reasonable assistance. (Veh. Code, §§ 20001, subd. (a); 20003.)

2) Provides that, except as specified, fleeing the scene of an accident resulting in injury to another, is punishable by 16 months, two, or three years in state prison or, by imprisonment in a county jail not to exceed one year, or by a fine of not less than $1,000 nor more than $10,000, or by both a fine and imprisonment. (Veh. Code, § 20001, subd. (b)(1).)

3) Provides that fleeing the scene of an accident which results in permanent, serious injury or death to another, is punishable by imprisonment in state prison for two, three, or four years, or in county jail for not less than 90 days nor more than one year, or by a fine between $1,000 and $10,000, or by both a fine and imprisonment. (Veh. Code, § 20001, subd. (b)(2).)

4) Allows the court, in the interests of justice, to reduce or eliminate the minimum term of imprisonment required for a conviction of fleeing the scene of an accident that causes death or permanent, serious injury. (Veh. Code, § 20001, subd. (b)(2).)

5) Requires the court to take into consideration the defendant's ability to pay in imposing the minimum fine required, and in the interests of justice, the court may reduce the amount of the fine below the required minimum. (Veh. Code, § 20001, subd. (b)(3).)

6) States that a person who flees the scene of an accident after committing gross vehicular manslaughter, gross vehicular manslaughter while intoxicated, or vehicular manslaughter while intoxicated, upon conviction for that offense, shall be punished by an additional term of five years in the state prison. This additional term runs in addition to and consecutive to the prescribed punishment. (Veh. Code, § 20001, subd. (c).)

7) Defines "permanent, serious injury" as the loss or permanent impairment of the function of a bodily member or organ. (Veh. Code, § 20001, subd. (d).)

8) Defines "gross vehicular manslaughter" as the unlawful killing of a human being, without malice aforethought, in driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence, or in driving a vehicle in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence. This offense is punishable by imprisonment in a county jail for not more than one year, or in the state prison for two, four, or six years. (Pen. Code, §§ 192, subd. (c)(1); 193, subd. (c)(1).)

9) Defines "gross vehicular manslaughter while intoxicated" as the unlawful killing of a human being, without malice aforethought, while driving a vehicle while intoxicated, and the killing was either a proximate result of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of a lawful act that might produce death, in an unlawful manner, and with gross negligence. Gross vehicular manslaughter while intoxicated is punishable by four, six, or 10 years in state prison. (Pen. Code, § 191.5.)

10) Provides for an additional punishment of three years when great bodily injury (GBI) is inflicted during the commission of a felony and where GBI is not an element of the offense, although this is inapplicable to murder or manslaughter. (Pen. Code, § 12022.7, subds. (a) & (g).)

11) The additional punishment described above increases to five years if the victim becomes comatose due to brain injury or suffers permanent paralysis or if the victim is 70 years of age or older, and up to six years if the victim is a child under five years of age. (Pen. Code, § 12022.7, subds. (a)-(d).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "While California law criminalizes leaving the scene of a collision, current penalties do not always reflect the seriousness of situations where a driver causes significant injury or death. AB 2328 ensures that fleeing the scene in these cases carries consequences that match the severity of the underlying offense. By clarifying and strengthening the law, this bill enhances helps keep communities safer."

2) **Effect of this Bill:** The offenses described in Vehicle Code section 20001 are commonly known as "hit and runs." To prove a violation of a hit and run resulting in permanent, serious injury or death the prosecution must establish that: (1) the defendant was involved in a vehicle accident while driving; (2) the accident caused permanent, serious injury or death to another; (3) the defendant knew that they were involved in an accident that injured another person, or knew from the nature of the accident that it was probable that another person had been injured; and, (4) the defendant willfully failed to perform one or more duties, including immediately stopping at the scene, providing reasonable assistance to any injured person, providing specified identifying information, showing a driver's license upon request, and notifying the applicable law enforcement entity. (CALCRIM No. 2140 (2025).)

   The hit and run statute "merely addresses the duties of a driver, however otherwise innocent, once the accident and its attendant injuries have occurred." (*People v. Wood* (2000) 83 Cal.App.4th 862, 866.) "The purpose of [the statute] is to prevent the driver of an automobile from leaving the scene of an accident in which he participates or is involved without proper identification and to compel necessary assistance to those who may be injured. The requirements of the statute are operative and binding on all drivers involved in an accident regardless of any question of their negligence respectively." (*People v. Scofield* (1928) 203 Cal. 703, 708.) In other words, this offense does not require that a person drive impaired, recklessly, or negligently. A driver's post-accident duties apply regardless of who was at fault for the accident. Accordingly, a hit-and-run may involve a driver who is involved in an accident in which they were not at fault, but for whatever reason, they leave the scene.

   If the accident results in injury to another person, the offense is punishable by up to one year in county jail or 16 months, two, or three years in state prison, or a fine of $1,000 to $10,000, or by both that imprisonment and fine. (Veh. Code, § 20001, subd. (b)(1).) However, if the accident results in death or permanent, serious injury, it is punishable by 90 days to one year in county jail, or two, three, or four years in state prison, or by a fine of $1,000 to $10,000, or by both that fine and imprisonment. (Veh. Code, § 20001, subd. (b)(2).)

   This bill punishes a hit-and-run that results in death more severely than a hit-and-run that results in permanent, serious injury. Specifically, it increases the punishment for a driver involved in an accident that results in another person's death, who fails to stop at the scene of the accident and perform certain duties, from an alternate felony-misdemeanor punishable by up to one year in county jail or two, three, or four years in state prison, to an alternative felony-misdemeanor with a greater maximum punishment of three, four, or five years in state prison. It also makes the fine of $1,000 to $10,000 for this offense mandatory, rather than permissive. Although the court, in imposing the minimum fine, may, in the interests of justice and for reasons stated in the record, reduce the amount of the minimum fine. (Veh. Code, § 20001, subd. (b)(3).)

3) **Increased Penalties and Lack of Deterrent Effect:** According to the National Institute of Justice (NIJ), "Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. "More severe punishments do not 'chasten' individuals

convicted of crimes, and prisons may exacerbate recidivism."[1] Rather than penalty increases, the NIJ emphasizes the need for policies that "increase[] the perception that criminals will be caught and punished" because "[t]he *certainty* of being caught is a vastly more powerful deterrent than the punishment." [2]

In a 2014 report, the Little Hoover Commission similarly addressed the disconnect between science and sentencing – that is, "put[ting] away offenders for increasingly longer periods of time, with no evidence that lengthy incarceration, for many, brings any additional public safety benefit."[3] Accordingly, while this bill guarantees greater punishment for drivers who fail to stop at the scene of the accident that results in another's death, it is unclear whether it will effectively prevent drivers from leaving the scene of an accident that results in a fatality.

4) **Argument in Support**: According to the *Peace Officers Research Association of California*, "AB 2328 strengthens penalties for individuals who flee the scene of a vehicle accident resulting in death by increasing the applicable state prison terms. By ensuring that individuals who commit fatal hit-and-run offenses face more serious consequences, this measure reinforces accountability and reflects the severity of abandoning victims at the scene of a fatal incident.

"Failing to stop and render aid not only delays emergency response, but can also hinder investigations and reduce the likelihood of identifying and apprehending those responsible. Strengthening these penalties helps deter this dangerous behavior and supports law enforcement's ability to pursue justice for victims and their families."

5) **Argument in Opposition**: According to the *Ella Baker Center for Human Rights*, "AB 2328's proposed penalty increase is disproportionate to the offense it seeks to punish. The crime of leaving the scene of an accident causing death does not require that the accused intend that death, much less intend to harm anyone. Indeed, as the common name of Vehicle Code section 20001 – leaving the scene of an accident – reflects, the act leading to the injury or death is often an unintended "accident." Leaving the scene of the accident does not even require that the driver be at fault for the accident, only that the accident be the cause of the injury or death.

"The purpose of Vehicle Code section 20001 is to ensure that the accident is reported, and aid rendered, if possible, at the earliest possible time. The penalty for this crime should reflect only that failure to render aid, not an assumption that the person who leaves the scene was responsible for the accident or intended the death. Violating Vehicle Code section 20001 already results in a sentence of two, three, or four years in state prison for a felony, and up to one year in county jail for a misdemeanor. If there is evidence that the driver was driving a vehicle with gross negligence, the person can be charged with the crime of gross vehicular manslaughter, punishable by up to six years in state prison. (See Penal Code, § 193, subd. (c)(1).) If the person was driving while intoxicated with gross negligence and killed another

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[1] National Institute of Justice, U.S. Department of Justice, *Five Things about Deterrence* (June 5, 2016) https://nij.ojp.gov/topics/articles/five-things-about-deterrence.
[2] *Ibid.*
[3] Little Hoover Commission, *Sensible Sentencing for a Safer California* (Feb. 2014) at p. 4, https://lhc.ca.gov/wp-content/uploads/Reports/219/Report219.pdf

person, they can be charged with gross vehicular manslaughter while intoxicated and punished by up to 10 years in state prison. (Penal Code, § 191.5, subd. (c)(1).)

"While drivers should certainly be encouraged to report accidents and render aid following an accident, we do not believe increasing sentences will result in greater adherence to the law. To the extent existing penalties already act as a deterrent to violate the law, expanding penalties will not increase their deterrent value. Research has shown that certainty of punishment has a greater deterrent effect than the severity of the punishment itself, and existing law already provides relatively significant penalties for the crime at hand."

6) **Related Legislation**: SB 907 (Archuleta) would add intoxicated vehicular manslaughter and gross vehicular manslaughter to the violent felonies list, subjects a person convicted of specified vehicle offenses, including a felony DUI, to a three-year sentence enhancement for each prior conviction for specified vehicle offenses, and increases the punishment for a hit and run with certain priors, as specified. SB 907 is pending a hearing in the Senate Appropriations Committee.

7) **Prior Legislation**:

   a) AB 1281 (DeMaio), of the 2025-2026 Legislative Session, would have increased the punishment for failing to stop and perform certain duties at the scene of an accident resulting in death or permanent, serious injury from an alternate felony-misdemeanor to a felony punishable by seven, eight, or nine years in state prison. AB 1281 failed passage in this Committee.

   b) AB 1193 (Gipson), of the 2025-2026 Legislative Session, would have removed the statute of limitations for a hit and run resulting in death or permanent serious injury. The hearing on AB 1193 was canceled at the request of the author.

   c) AB 1067 (Patterson), of the 2023-2024 Legislative Session, would have increased the penalties for fleeing the scene of an accident resulting in the death of another person from an alternate felony-misdemeanor with a maximum punishment of four years in state prison, to an alternate felony-misdemeanor having a maximum punishment of six years in state prison. AB 1067 was held in the Assembly Appropriations Committee.

   d) AB 582 (Patterson), of the 2021-2022 Legislative Session, was substantially similar to AB 1067 (Patterson) of the 2023-2024 Legislative Session. AB 582 was held in the Assembly Appropriations Committee.

   e) AB 195 (Patterson), of the 2019-2020 Legislative Session, as amended in the Senate, was substantially similar to AB 1067 (Patterson) of the 2023-2024 Legislative Session. AB 195 failed passage in the Senate Public Safety Committee.

   f) AB 2014 (E. Garcia), of the 2017-2018 Legislative Session, would have increased the penalty for fleeing the scene of an accident resulting in death or serious bodily injury from two, three, or four years in state prison to two, four, or six years in state prison. The hearing on AB 2014 in this committee was canceled at the request of the author.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Highway Patrolmen
California District Attorneys Association
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office
Streets for All

Opposition

Ella Baker Center for Human Rights
Initiate Justice
Justice2jobs Coalition
LA Defensa
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact

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

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2344 (Haney) – As Amended March 19, 2026

SUMMARY: Creates an animal abuse registry that would require individuals convicted of defined crimes to register with the Department of Justice (DOJ) and makes failure to register, as specified, punishable as a misdemeanor. Specifically, **this bill**:

1) Establishes that any person who is convicted in any court in this state of animal abuse shall be required to register, in accordance with the provisions of this section, for a period of 10 years, commencing from the date of conviction.

2) States that every person, as defined, while residing or located in this state or within 10 days of coming to this state, shall:

    a) Register with the chief of police of the city where the person is residing, or if the person has no residence, where the person is located.

    b) Register with the sheriff of the county where the person is residing, or if the person has no residence, where the person is located in an unincorporated area or city that has no police department.

    c) Additionally, register with the chief of police of a campus of the University of California, the California State University, or the California Community Colleges where the person is residing, or if the person has no residence, where the person is located upon the campus or any of its facilities.

3) Requires any person who must register, as specified, who is released from confinement because of the commission of animal abuse, to be informed of their duty to register by the official in charge of the place of confinement. All forms shall be transmitted in time so as to be received by the local law enforcement agency and prosecuting agency 30 days prior to the discharge, parole, or release of the person.

4) Provides that the registration shall consist of a statement in writing signed by the person with all of the following information:

    i) The legal name and any other names or aliases that the person is using or has used.

    ii) Date of birth.

    iii) The current address or location of the person.

    iv) Name and address of employer.

v) Animal abuse offense for which the person was convicted.

vi) The date and place of the animal abuse offense conviction of the person.

vii) Any other information, as may be required by DOJ.

b) The complete set of fingerprints and a photograph of the person.

c) A description of any tattoos, scars, or other distinguishing features on the person's body that would assist in identifying the person.

d) Within three days after registration, the registering law enforcement agency shall electronically forward the statement, fingerprints, and photograph to DOJ.

5) Establishes that if any person required to register changes their residence address, they shall inform, in writing within 10 days, the law enforcement agency with whom they last registered of their new address. The law enforcement agency shall, within three days after receipt of the information, electronically forward it to DOJ. DOJ shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

6) States that any person required to register who violates any of these provisions is guilty of a misdemeanor. Any person who has been convicted of animal abuse who is required to register who willfully violates any of the provisions thereof is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in a county jail. In no event does the court have the power to absolve a person who willfully violates this law from the obligation of spending at least 90 days of confinement in a county jail and of completing probation of at least one year.

7) Provides that the information required for registration shall be open to inspection by the public through the use of an internet website maintained by DOJ, or by telephone or upon written request where practicable. DOJ shall update the internet website on an ongoing basis. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the internet website. The internet website shall be translated into languages other than English as determined by DOJ.

8) States that in any case in which a person who would be required to register is to be temporarily sent outside the institution where they are confined on any assignment within a city or county, the local law enforcement agency having jurisdiction over the place or places where that assignment shall occur shall be notified within a reasonable time prior to removal from the institution.

9) Specifies that nothing shall be construed to conflict with requirements concerning termination of probation and release from penalties and disabilities of probation.

10) States that a person required to register may initiate a rehabilitation proceeding under and, upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under this section.

11) Specifies that any state facility that releases from incarceration a person who was incarcerated because of a crime for which they are required to register shall, within 30 days of release, provide the year of release for their most recent offense requiring registration to DOJ.

12) Provides that on or before January 1, 2028, DOJ shall make available to the public, via an internet website, as to any registered person, the following information:

    a) The year of conviction of their most recent offense requiring registration.

    b) The year they were released from incarceration for that offense.

    c) Whether they were subsequently incarcerated for any other felony, if that fact is reported to DOJ. If DOJ has no information about a subsequent incarceration for any felony, that fact shall be noted on the internet website.

13) States that on or before January 1, 2028, with respect to a person who has been convicted of the commission of any of specified offenses, DOJ shall make available to the public via the internet website, the information included in the person's registration, and any other information that DOJ deems relevant, but not the information excluded.

14) Provides that a law enforcement entity may make available by way of an internet website specified information if it determines that the public disclosure of the information about a specific offender is necessary to ensure the public safety.

15) Specifies that, notwithstanding specified laws, disclosure of information is not a waiver of exemptions and does not affect other statutory restrictions on disclosure in other situations.

16) Punishes any person who uses information disclosed to commit a crime, in addition to any other penalty or fine imposed, a fine of not less than ten thousand dollars ($10,000) and not more than fifty thousand dollars ($50,000).

17) Punishes any person who is required to register who enters an internet website established under this law by a fine not exceeding one thousand dollars ($1,000), imprisonment in a county jail for a period not to exceed six months, or by both that fine and imprisonment.

18) Establishes that a person is authorized to use information disclosed under this law only to protect an animal at risk.

19) Provides that use of any information that is disclosed pursuant to this section for purposes relating to any of the following is prohibited:

    a) Health insurance.

    b) Insurance.

c) Loans.

d) Credit.

e) Employment.

f) Education, scholarships, or fellowships.

g) Housing or accommodations.

h) Benefits, privileges, or services provided by any business establishment.

20) States that defined prohibitions on registry information disclosure shall not affect authorized access to, or use of, information pursuant to other specified areas of law.

21) States that the use of registry information disclosed for purposes other than those provided shall make the user liable for the specified damages and fees.

22) Specifies that where there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information available via an internet website established under this law, the Attorney General (AG), any district attorney, or city attorney, or any person aggrieved by the misuse is authorized to bring a civil action in the appropriate court requesting specified remedies.

23) States that the public notification provisions are applicable to every person described who is convicted on or after January 1, 2027.

24) Immunizes designated law enforcement entities and its employees from liability for good faith conduct.

25) Removes from the established internet website any person who becomes relieved of the duty to register.

26) States that the AG, in collaboration with local law enforcement and others knowledgeable about animal abuse offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered animal abuse offenders to further public safety.

27) States that any person convicted of a specified offense shall, in addition to any other penalty or fine imposed, be subject to a fine of five hundred dollars ($500) for each felony conviction.

28) Establishes that fines collected shall be deposited in the Animal Protection Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, and shall be expended for the following purposes:

a) By DOJ for creating, administering, and updating the internet website.

b) By local governments for spay and neuter programs.

29) Limits to no more than three percent of the revenue deposited in the fund for use in the reimbursement of costs of administration, collection, enforcement, and auditing requirements of this law.

30) Defines "animal abuse" as a felony conviction of specified laws or a felony conviction for an attempt to commit one of those offenses, or a felony conviction for a comparable offense in another state.

EXISTING LAW:

1) States that a person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable as an alternate felony/misdemeanor, or a fine of up to $20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (a).)

2) Punishes a person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed, as specified, with an alternate felony/misdemeanor, or a fine of up to $20,000, or by both fine and imprisonment, except as provided. (Pen. Code, § 597, subd. (b).)

3) Requires, upon the conviction of a person charged with a defined animal cruelty violation, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of an animal shelter or animal regulation department of a public agency be adjudged by the court to be forfeited. (Pen. Code, § 597, subd. (g)(1).)

4) Provides that every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor. (Pen. Code, § 597.1, subd. (a)(1).)

5) Establishes that it shall be unlawful for any person to willfully do either of the following:

   a) Sell or give away as part of a commercial transaction a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk.

   b) Display or offer for sale, or display or offer to give away as part of a commercial transaction, a live animal, if the act of selling or giving away the live animal is to occur on any street, highway, public right-of-way, parking lot, carnival, or boardwalk. (Pen. Code, § 597.4, subd. (a).)

6) Provides that any person who does any of the following is guilty of a felony and is punishable by imprisonment for 16 months, or two or three years, or by a fine not to exceed fifty thousand dollars ($50,000), or by both that fine and imprisonment:

a) Owns, possesses, keeps, or trains any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog.

b) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

c) Permits any defined prohibited conduct to be done on any premises under his or her charge or control, or aids or abets that act. (Pen. Code, § 597.5, subd. (a).)

7) Prohibits any person convicted of defined animal cruelty crimes from owning, possessing, or caring for an animal for five or ten years. Violators are guilty of a public offense, punishable by a fine of one thousand dollars ($1,000). (Pen. Code, § 597.9, subd. (a)-(b).)

8) States that whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor. (Pen. Code, § 597a.)

9) Provides that any person who impounds, or causes to be impounded in any animal shelter, any domestic animal, shall supply it during confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. (Pen. Code, § 597e.)

10) States that any person who willfully and maliciously and with no legal justification strikes, beats, kicks, cuts, stabs, shoots with a firearm, administers any poison or other harmful or stupefying substance to, or throws, hurls, or projects at, or places any rock, object, or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury, on or in the path of, a horse being used by, or a dog under the supervision of, a peace officer in the discharge or attempted discharge of his or her duties, is guilty of a public offense. (Pen. Code, § 600, subd. (a).)

11) Requires a sex offender to register for ten years, twenty years, or for a lifetime, depending on the offense. (Pen. Code, § 290, subds. (c)-(d).)

12) 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.)

13) 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 DOJ deems relevant unless expressly excluded under the statute. 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, subds. (b)(2)-(d)(2).)

14) Requires people who are sex offender registrants to disclose this status to the licensee of a community care facility before becoming a client of that facility. (Health & Saf. Code, § 1522.01.)

15) Requires each county to develop a procedure using existing systems for electronic data transmission to the DOJ. Law enforcement, court, or other appropriate agency personnel shall enter the data electronically and transmit the data to the California Law Enforcement Telecommunications System (CLETS). The court or its designee must transmit all data filed, with respect to protective orders, to law enforcement personnel within one business day by one of the following methods:

    a) Transmitting a physical copy of the order to a local law enforcement agency authorized to enter orders into CLETS; or,

    b) With the approval to DOJ, entering the order into CLETS directly. (Fam. Code, § 6380, subd. (a).)

16) Requires all available information to be included, however, the inability to provide all categories of information shall not delay the entry of information available:

    a) Names of the protected persons;

    b) Date of issuance of the order;

    c) Duration or expiration date of the order;

    d) Terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order;

    e) Department or division number and the address of the court;

    f) Whether or not the order was served upon the respondent; and,

    g) Terms and conditions of any restrictions on the ownership or possession of firearms. (Fam. Code, § 6380, subd. (b)(1)-(8).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Over the last five years, California has recorded hundreds of cruelty-to-animals arrests statewide each year. California has laws against animal cruelty, but once a felony conviction is entered, there is still no simple statewide system to help shelters, rescues, law enforcement, and the public identify known abusers before another animal is placed at risk.

    "Animals are completely dependent on us for care and protection, and when that trust is shattered through abuse, we have a moral obligation to act. By giving shelters, rescues, and the public a tool to prevent repeat cruelty, the registry will help protect vulnerable animals and ensure California leads with both compassion and common sense. AB 2344 closes a major accountability gap by creating a statewide animal abuse registry for adults convicted of felony animal cruelty."

2) **Effect of the Bill**: AB 2344 creates a mandatory registration system for individuals convicted of certain animal abuse crimes. The bill also establishes a designated fund to support administration of the registration program and other animal welfare programs.

According to the author, "Over the last five years, California has recorded hundreds of cruelty-to-animals arrests statewide each year. Once a felony conviction is entered, however, there is still no simple statewide system to help shelters, rescues, law enforcement, and the public identify known abusers before another animal is placed at risk. That leaves a major gap between punishment and prevention. A convicted abuser can move from one community to another, and there is no clear public tool to help stop repeat harm."

Efforts to address animal cruelty are laudable. Animal cruelty is offensive to the standards of any reasonable person. It is unclear, however, whether establishing a registry is the best way to close the gap between punishment and prevention identified by the author. Part of the punishment in existing law for specified crimes against animals includes a ban on owning animals in the future. (Pen. Code, § 597.9.) The author presumably hopes to reinforce the effectiveness of this punishment by implementing an animal abuse registry that is available to the public. There is not much data available regarding the use and effectiveness of these registries, so it is not clear whether a registry will produce the desired outcomes.

Furthermore, it is uncertain how establishing a registry would contribute to the prevention of crime, at least of animal abuse crimes. A registry may be forward looking based on past conduct, but it is not difficult to speculate on ways the registry may not be effective. For example, what if a person's information is incorrectly uploaded into the registry? The person who should be prevented from getting another animal may still be able to get a pet. What about cases where a convicted abuser is able to get pets in their home because their unregistered partners or loved ones are the ones adopting or purchasing the animals? The goals of the registry could be subverted in various ways.

A key element to these registries goes beyond just ensuring prevention of convicted abusers from acquiring another animal and additionally represents a sort of public shaming. While some may be comfortable with publicly shaming convicted animal abusers, there does not appear to be much evidence supporting a connection between public shaming and prevention of recidivating. If an identified goal of establishing this registry is prevention of crime, especially animal crimes, then the registry may not be the most effective means of achieving that goal.

Ensuring shelters, adoption agencies, and individuals or families, who are transferring ownership of a pet to another person, have tools to feel confident those pets will be going to a loving home is a notable public safety consideration. There is data showing a connection between people who abuse animals and people who abuse other people, particularly in relationships.[1] There is also evidence showing the same people who abuse animals involved in other crimes.[2] The connection is not always predictive though and the order between

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[1] *Position Statement on Animal Abuse Registries* (2026) American Society for the Prevention of Cruelty to Animals <https://www.aspca.org/about-us/aspca-policy-and-position-statements/position-statement-animal-abuser-registries> [as of Apr. 8, 2026].
[2] *Ibid.*

animal abuse and other crime can just as likely precede as well as proceed the other.[3] Importantly, research has found that behavior which is more predictable following animal abuse crimes, like hoarding, can be more effectively addressed by community-based long-term monitoring, rather than by special registration.[4]

The offenses for which people would have to register under this bill are arguably overbroad, as well. Certainly, creating mechanisms ensuring those who willfully abuse or torture animals do not get the opportunity to have another pet, but the provisions of AB 2344 require registration of those who may unintentionally cause harm to animals as well. Treating willful abusers of animals with the same registration requirement as someone who is unable to get back to their pets in time before some harm comes to the animal may be unfair and inconsistent with how the law generally differentiates punishment for different states of mind.

3) **Precedent for Animal Abuse Registries**: Tennessee has established an animal abuse registry with a publicly available website.[5] A growing number of New York counties[6] have built their own animal abuse registries.[7] Yet, advocates say a patchwork of local laws isn't enough to keep convicted abusers from simply crossing a county line to obtain another pet.[8] While some jurisdictions have created animal abuse registries, data is not well developed on the effectiveness of these registries. Additionally, while there appears at one time to have been a national registry for people convicted of animal abuse with a publicly accessible database listing people convicted of abuse by country, state, type of animal, type of abuse and other factors, this website now instead focuses on providing the best care for your pet, information on endangered animals, and general knowledge about both certain domesticated and wild animals.[9]

A recent position statement taken by the American Society for the Prevention of Cruelty to Animals (ASPCA) notably expressed, at best, only lukewarm support for animal abuse registries while also raising significant concerns about registries.[10] In this statement, ASPCA wrote:

> Although we appreciate that animal abuser registry proposals derive from a genuine motivation to take animal cruelty seriously, the ASPCA believes that this approach does little to protect animals or people and can have unintended consequences. Existing strategies, such as well-enforced no-contact orders, mandated psychological assessment

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[3] *Ibid.*
[4] Arluke, A., et al. *International Handbook on Animal Abuse Studies,* at pp.117-29 [Animal Hoarding] (2017) <https://doi.org/10.1057/978-1-137-43183-7> [as of Apr. 8, 2026].
[5] *Tennessee Animal Abuse Registry*. Tennessee Bureau of Investigation <https://www.tn.gov/tbi/tennessee-animal-abuse-registry.html> [as of Apr. 7, 2026].
[6] *Animal Abuse Registries by County in New York State*. New York State Humane Association <https://www.nyshumane.org/animal-abuser-registries-nys/> [as of Apr. 7, 2026].
[7] *Ibid.*
[8] Love, N. *Bipartisan push for statewide animal abuse registry aims to close county gaps* (Feb. 27, 2026) Spectrum Local News 1 <https://spectrumlocalnews.com/nys/central-ny/politics/2026/02/27/bipartisan-push-for-statewide-animal-abuse-registry-aims-to-close-county-gaps> [as of Apr. 7, 2026].
[9] *Pet Abuse* (2026) <https://www.pet-abuse.com/> [as of Apr. 8, 2026].
[10]

and inclusion of pets in orders of protection, provide a response that is more effective in preventing harm to animals and people.[11]

ASPCA goes on to describe specific concerns associated with registry programs.[12] These concerns include that 1) Registries are expensive to institute and maintain, 2) Registries have limited reach and are rarely utilized, 3) Registries are limited in scope and do not offer real protections for potential victims of animal cruelty, 4) Registries may actually decrease the prosecution of serious animal cruelty cases, 5) Registries do not remove potential access to pets, 6) Registries can create a vigilante mentality in the public, 7) Registries can put additional burdens on animal sheltering organizations, and 8) Other registries like sex offender have not been shown to reduce recidivism of the registered offense.[13]

Given the concerns with these registries, it is questionable whether establishment of one in California will achieve the desired public safety objectives.

4) **Argument in Support**: According to *Fix Our Shelters*, "AB 2344 establishes a long-overdue framework to address felony animal abuse through the creation of a statewide registration system and public-facing database. As outlined in the bill, individuals convicted of specified felony animal abuse offenses would be required to register with law enforcement for a defined period, with key identifying information maintained and, in part, made accessible to the public. This approach appropriately aligns with existing public safety models used for other serious offenses, recognizing the well-documented correlation between animal abuse and broader patterns of violence.

"From both a public safety and animal welfare perspective, this bill closes a critical gap. Currently, there is no consistent mechanism to track or monitor individuals convicted of serious animal cruelty offenses once they reenter communities. This lack of visibility creates risk, not only for animals, but for the public at large. AB 2344 introduces a structured, enforceable system that enables law enforcement agencies to maintain accountability while providing communities with tools to make informed decisions.

"This legislation is also critically important for animal shelters and rescue organizations, which operate on the front lines of placement. Every day, shelters and rescues adopt animals into homes with limited ability to fully screen adopters beyond available records. Without a centralized accountability mechanism, individuals with documented histories of felony animal abuse can and do re-enter the adoption pipeline undetected. AB 2344 provides a practical safeguard, allowing shelters and rescues to make more informed placement decisions, reduce the risk of re-victimization, and protect both animals and the integrity of adoption programs.

"The public safety rationale for this bill is equally compelling. The Federal Bureau of Investigation (FBI) has formally recognized animal cruelty as a distinct and trackable offense within its National Incident-Based Reporting System (NIBRS), reflecting extensive research demonstrating a strong correlation between animal abuse and interpersonal violence. Studies

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[11] *Supra*, note 1.
[12] *Ibid.*
[13] *Ibid.*

have consistently shown that individuals who commit acts of animal cruelty are statistically more likely to engage in violent crimes against humans, including domestic violence and other serious offenses. By creating a registry and structured tracking system, AB 2344 supports earlier identification of high-risk individuals and strengthens the broader public safety infrastructure.

"Importantly, the bill balances transparency with safeguards. It limits the scope of publicly available information, prohibits misuse of registry data, and establishes penalties for improper use. These provisions ensure that the registry serves its intended purpose—prevention and protection—without enabling harassment or collateral harm.

"AB 2344 also demonstrates thoughtful policy design through the creation of the Animal Protection Fund, directing penalty revenues toward both administration of the registry and critically needed spay and neuter programs. This reinvestment mechanism not only supports enforcement but also addresses upstream contributors to animal suffering and shelter system strain.

"From our work across jurisdictions, we have consistently observed that accountability mechanisms are essential to improving outcomes for animals and communities. Without them, patterns of abuse persist unchecked. AB 2344 provides a meaningful and enforceable tool to disrupt those patterns.

"For these reasons, Fix Our Shelters respectfully urges your "AYE" vote on AB 2344."

5) **Argument in Opposition**: According to the *American Kennel Club*, "The American Kennel Club (AKC) writes on behalf of our 470 California dog clubs and thousands of constituent dog owners in California to oppose Assembly Bill 2344 in its current form. AKC is a strong defender of policies that promote responsible pet ownership and protect the health and welfare of dogs. We unequivocally condemn deliberate animal cruelty and support vigorous enforcement of California's existing animal protection laws. However, as currently constructed, AB 2344 would expose responsible dog owners and ordinary Californians to a severe, decade-long public registry for conduct that does not constitute the intentional, predatory abuse the bill's sponsors seek to address.

"AB 2344 would mandate ten-year registry enrollment for any adult convicted of felony animal abuse, but its scope includes all of Penal Code Section 597—a statute considerably broader than the intentional, malicious conduct that public animal abuse registries are designed to deter. Subdivision (b) of Section 597 criminalizes a wide range of neglect-based conduct, including failing to provide an animal with proper food, drink, shelter, or protection from the weather, without requiring proof of malicious intent. Critically, Section 597 is a "wobbler" offense: a prosecutor has complete discretion to charge a neglect-based violation as either a misdemeanor or a felony. A felony conviction—even for an isolated, unintentional lapse in care—would trigger AB 2344's mandatory registration requirement.

"The real-world effects of including honest mistakes will be severe. The AKC strongly believes all dog owners should act in a responsible manner and ensure the health and safety of their pets. However, a dog owner (say, for example, an elderly person) who inadvertently leaves a pet outside during an unexpected heat event, fails to refill a water bowl on one occasion, or whose animal suffers harm from an oversight rather than any intent to cause

suffering could face a felony charge under Section 597(b). Under AB 2344, as written, that same individual—who may have no history of cruelty whatsoever—would be placed on a public registry alongside individuals convicted of deliberate torture, dogfighting, or malicious killing. This conflation is both inequitable and contrary to the bill's stated protective purpose.

"The AKC respectfully urges the Committee, that should you desire to move forward with an animal abuse registry, to amend AB 2344 to limit registry eligibility to convictions under Penal Code Section 597(a)—which expressly requires proof that the defendant "maliciously and intentionally" maimed, mutilated, tortured, wounded, or killed an animal—and to other provisions involving inherently intentional conduct, such as the dogfighting statute at Section 597.5. This targeted scope would focus registry resources on the high-risk, intentional offenders the legislation envisions, while shielding responsible animal owners from disproportionate consequences for non-malicious conduct. The AKC also recommends that the bill include individualized judicial findings (with consultation of local animal control) of ongoing risk before mandatory registration is imposed and a clear process for early removal upon a showing of rehabilitation in cases of more minor, correctible offenses.

"The AKC appreciates the Committee's attention to this issue and the genuine motivation behind AB 2344 to protect the welfare of animals. Thank you for reviewing and considering our position on this bill. Please do not hesitate to contact me to discuss further how we can work together to address your concerns and promote responsible pet ownership in California."

6) **Related Legislation**: AB 2701 (J. Gonzales) would require DOJ, upon an appropriation by the Legislature, to create a database for the purpose of storing and sharing information with local agencies and the court, regarding persons convicted of a registrable offense, as defined. AB 2701 failed passage in this committee.

7) **Prior Legislation**:

   a) SB 717 (Richardson), of the 2025-26 Legislative Session, would have required maintenance of statewide and regional infrastructures and systems, as well as a statewide cancer reporting system. SB 717 was vetoed by the Governor.

   b) AB 1321 (Castillo), of the 2025-26 Legislative Session, would have required the Attorney General to establish, in consultation with specified groups, agencies, and organizations, an electronic database and support system, as specified, for the public to report and search for missing children, as specified. AB 1321 was held in this committee.

   c) SB 344 (Rubio), Chapter 867, Statutes of 2023, authorizes the sharing of information collected if the original disclosure is for research that requires researchers to participate in data sharing with specified entities, provided the disclosed data does not include individually identifiable data that could be reasonably used to identify or reidentify the data with an individual person.

   d) SB 362 (Becker), Chapter 709, Statutes of 2023, requires a data broker to register with, pay a registration fee to, and provide information to, the California Privacy Protection

Agency instead of the Attorney General and would require the California Privacy Protection Agency to maintain an informational internet website.

e) SB 1277 (Florez), of the 2009-10 Legislative Session, would have authorized DOJ to create a registry for people convicted of specified animal abuse offenses. SB 1277 died in the Senate Appropriations Committee.

f) AB 416 (Block), of the 2009-10 Legislative Session, would have required a care provider, as defined, to report a substantiated case of abuse of a consumer by a direct service worker to the appropriate investigating agencies. AB 416 was held in the Assembly Appropriations Committee.

g) AB 416 (Garcia), of the 2007-08 Legislative Session, would have required DOJ to make specified personal identifying information in the arson registry available to the public on its Internet Web site. AB 416 died in the Assembly Public Safety Committee.

h) AB 488 (Parra), Chapter 745, Statutes of 2004, provides that public dissemination of sex offender information pursuant to "Megan's Law" shall occur through an Internet web site operated by DOJ.

REGISTERED SUPPORT / OPPOSITION:

Support

Angel's Furry Friends Rescue
Animal Rescue Mission
Animal Rescuers for Change
Berkeley Animal Rights Center
Better Together Forever
Born Again Animal Rescue and Adoption
Concerned Citizens Animal Rescue
Eartheart
Feline Lucky Adventures
Fix Our Shelters
Giantmecha Syndicate
Greater Los Angeles Animal Spay Neuter Collaborative
Hugs and Kisses Animal Fund
In Defense of Animals
Jaimie Brianna's Legacy Fund
Latino Alliance for Animal Care Foundation
Lockwood Animal Rescue Center
Long Beach Spay and Neuter Foundation
Los Angeles County Democrats for the Protection of Animals
Los Angeles Rabbit Foundation
NY 4 Whales
Peace Officers Research Association of California (PORAC)
Pibbles N Kibbles Animal Rescue
Plant-based Advocates

Project Humanekind
Project Minnie
Rabbit Savior
Real Good Rescue
Sagemodern
Seeds 4 Change Now Animal Rescue
Seniors Citizens for Humane Education and Legislation
Social Compassion in Legislation
Students Against Animal Cruelty Club - Hueneme High School
The Canine Condition
The Pet Loss Support Group
The Spayce Project
Underdog Heroes, INC.
Women United for Animal Welfare (WUFAW)
8 Private Individuals

Oppose

ACLU California Action
American Kennel Club, INC.
California Public Defenders Association
Californians United for a Responsible Budget
Legal Services for Prisoners With Children
San Francisco Public Defender

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

Date of Hearing: April 14, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2384 (Lowenthal) – As Amended March 16, 2026

SUMMARY: Authorizes a person who has suffered an arrest for, or was charged with, any offense that did not result in conviction or was convicted of an eligible offense, to petition the court to have their records of conviction, charge, or arrest sealed if four years have elapsed since the date on which the person was arrested or completed any sentence or probation and the person has not committed another offense. Specifically, **this bill**:

1) Provides that a person who has an arrest that did not result in conviction or was charged with an offense that did not result in conviction, regardless of whether or not the person was arrested in connection with the underlying offense, or was convicted of an eligible offense, the person may petition the court for sealing relief of their conviction, charges, and arrests.

2) Provides that records that did not result in a conviction are eligible for sealing relief if any of the following are true:

    a) The statute of limitations has run on every offense upon which the arrest was based and the prosecuting attorney of the city or county that would have had a jurisdiction over the offense or offenses upon which the arrest was based has not filed an accusatory pleading based on the arrest.

    b) The prosecuting attorney filed an accusatory pleading but, with respect to all charges, one or more of the following has occurred:

        i) No conviction occurred, the charge has been dismissed, and the charge may not be refiled.

        ii) No conviction occurred and the person has been acquitted of the charges.

        iii) A conviction occurred, but has been vacated or reversed on appeal, all appellate remedies have been exhausted, and the charge may not be refiled.

    c) The person successfully completed a diversion program.

3) Provides the court may order sealing relief if four years have elapsed since the date on which the defendant was arrested if the record is eligible, the date on which the record became eligible under (2) or the date the defendant completed any terms of incarceration, probation, mandatory supervision, post release community supervision, or parole associated with the record, whichever occurred later during which the defendant has not been convicted of a new offenses.

4) Provides that if a conviction contains multiple offenses, the court shall not order sealing relief unless all offenses meet the eligibility requirement of this section.

5) Provides that if a petition for sealing relief shall be served on the state or local prosecutor that obtained the conviction or the jurisdiction over charging decisions with regards to the arrest.

6) Provides that cases may be consolidated with agreement of the court, petitioner, and prosecutor.

7) Provides that if the petition is opposed, or the court deems it necessary, the court shall schedule a hearing which shall consist of testimony by the petitioner, evidence and support documents, and opposition evidence presented by the prosecutorial agency that obtained the conviction.

8) Provides the petition shall not be granted if either of the following are true:

   a) The petition is subject to terms and conditions of any unexpired criminal protective orders.

   b) The petitioner has not paid any financial restitution order that directly benefits the victim of a crime.

9) Provides that with the exception of restitution, the collection other fines shall be stayed while the petition is pending.

10) Provides that after considering the totality of the evidence, the court may order sealing if it finds it is in the best interest of justice.

11) Provides that if the court grants the petition, the court shall issue a written ruling and order that does all the following:

   a) States the record has been granted sealing relief and is deemed not to have occurred, the petitioner may answer any question relating to the sealed arrest, charge, or conviction accordingly, and the petitioner is released from all penalties and disabilities resulting from the arrest of conviction except as otherwise provided.

   b) Orders the Department of Justice (DOJ), or any criminal justice agency to seal the record of arrest within 90 days.

   c) Orders the DOJ to forward the order to the Federal Bureau of Investigation (FBI) to request the records be sealed for all noncriminal justice purposes.

12) Provides that a record granted sealing relief shall include all records related to the arrest, charge or conviction and shall not be disclosed to any person or entity other than the person whose record was sealed or their counsel.

13) Provides that notwithstanding the above, a criminal justice agency may access and use a sealed conviction record as required by an initiative statute.

14) Provides the petitioner's name shall not be included in a record of a related proceeding that is accessible to the public.

15) Provides that a court granting relief may take additional actions as necessary.

16) Defines eligible offense as an offense that is **not** one of the following:

    a) A serious or violent felony.

    b) A registerable sex offense.

    c) Felony Domestic Violence.

    d) DUI or DUI with injury.

EXISTING LAW:

1) Requires a court to grant expungement relief, with specified exceptions, for a misdemeanor or felony conviction for which the sentence included a period of probation and the petitioner successfully completed probation or terminated early, is not serving a sentence for, on probation for, or charged with the commission of any offense. The court has discretion to do so in the interests of justice in other probation cases. (Pen. Code, § 1203.4, subds. (a) & (b).)

2) Requires the court to grant expungement relief, with specified exceptions, to defendants convicted of a misdemeanor and not granted probation or an infraction after one year from the date of the pronouncement of judgement, if the defendant has fully complied with and performed the sentence, is not serving a sentence, is not charged with a crime, has lived an honest and upright life, and has conformed to and obeyed the law. If the defendant does not satisfy these requirements, the court may in its discretion and in the interests of justice after one year from the date of pronouncement of judgment grant relief in non-probation cases in which the defendant has fully complied with and performed the sentence, is not serving a sentence, and is not charged with a crime. (Pen. Code, § 1203.4a, subds. (a) & (b).)

3) Allows the court to grant expungement relief for a felony conviction if specified conditions are satisfied. (Pen. Code, § 1203.41.)

4) Allows the court to grant expungement relief for a conviction of a petitioner sentenced to prison for a felony that, if committed after enactment of criminal justice realignment legislation in 2011, would have been eligible for county-jail sentencing to obtain an expungement. (Pen. Code, § 1203.42.)

5) States that if a defendant successfully participated in the California Conservation Camp program as an inmate hand crew member, as specified, or successfully participated as a member of a county inmate hand crew, as specified, and has been released from custody, the defendant is eligible for expungement relief. (Pen. Code, § 1203.4b.)

6) Specifies that expungement relief releases the person from the penalties and disabilities resulting from the conviction, except the person:

   a) May have a prior conviction pleaded and proved if the person is subsequently prosecuted for another crime;

   b) Is not relieved of any prohibition on possessing, owning, or having under his or her custody or control any firearm and may be convicted as an ex-offender in possession of a firearm;

   c) Must disclose the conviction in response to any direct question in a questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery; moreover, any ban on holding public office that resulted from the conviction remains in effect; and

   d) May have their driver's license revoked, suspended, or use limited after two or more Vehicle Code convictions. (Pen. Code, §§ 1203.4, subd. (a)(1)-(3); 1203.4a, subds. (a) & (c); 1203.41, subds. (a) & (b); 1203.42, subds. (a) & (b).)

7) Authorizes a person who was under 18 years of age at the time of commission of a misdemeanor and who is eligible for expungement relief, or previously received expungement relief, to petition the court for an order sealing the record of conviction and arrest, and other official records in the case. (Pen. Code, § 1203.45, subd. (a).)

8) Authorizes expungement relief when a person convicted of solicitation or prostitution has completed any term of probation and can show that they were a victim of human trafficking. (Pen. Code, § 1203.49)

9) Provides that on a monthly basis, the DOJ shall review statewide criminal records and determine whether a person is eligible for arrest record relief based on specified conditions. (Pen. Code, 851.93)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Offering individuals a chance to start fresh empowers them to reintegrate into society with their civil rights, public benefits, and employment prospects intact. While expungement of a record provides some relief, it often falls short.

   "Expunged records can still be accessed in various contexts, such as housing, licensing, and background checks, as private data brokers, background check companies, and internet archives continue to circulate criminal history indefinitely. Record sealing, by contrast, offers a more meaningful second chance by limiting public access altogether, ensuring that past mistakes do not continue to define a person's future. Sealing the records of eligible individuals will prevent housing barriers, restrictions on movement, and other lasting consequences that these convictions so frequently impose."

2) **Expungement and Arrest Record Relief**: As a general matter, expungement is a more narrow remedy than the sealing an destruction of records. Expungement is a court-ordered dismissal after a conviction. (See Pen. Code §1203.4, subd. (a).) Additionally, Penal Code section 1203.425 provides a procedure in which persons can have certain misdemeanor and felony convictions dismissed and have such information withheld from disclosure, all without having to file a petition with the court. This is known as automatic record relief. (Pen. Code § 1203.425, subd. 9(a)(1)) Penal Code section 851.93 provides similar automatic relief for arrest records.

3) **Collateral consequences:** There are many collateral consequences of a conviction that can have lifelong impacts. According to background from the author, there are "over 4800 laws that impose harmful collateral consequences long after successful completion of a sentence." While DOJ is not allowed to release information on arrests without a conviction, arrests are public records and a background check may impact a person's ability to find housing and employment even if the person was never convicted. Clearly, a person with a conviction who successfully completed a diversion program will also have lifelong consequences, even if the diversion was intended to help rehabilitate them.

4) **Sealing of arrests not resulting in conviction or for which diversion was granted**: This bill would add to existing relief by allowing a person arrested of any offense that did not result in conviction, or was charged with an offense that did not result in conviction, to petition the court for sealing relief of their convictions, charges, and arrests. The relief can be sought if the statute of limitations has run on every offense, the person completed a diversion program, or if an accusatory pleading was filed and the charge was dismissed, the person was acquitted or a conviction was later vacated.

   The sealing may be ordered four years after the arrest, end of diversion, acquittal, or dismissal of the charge.

   A person may not seek this relief if the arrest was for a serious or violent felony or a DUI.

5) **Argument in Support**: According to *ACLU California Action*, "Current law allows a limited set of convictions to be dismissed and expunged after an individual successfully completes probation and pays all fines and fees. These dismissals address the profound and pervasive problems caused by convictions, including barriers to housing, employment, and many other societal functions.

   "But the relief granted through dismissals under current law is often incomplete, as it fails to address the disenfranchisement that convictions too often cause. While persons convicted of low level, and misdemeanor crimes are currently eligible to have their records expunged, disenfranchisement is still very common, as expunged records remain accessible in various circumstances, and too often continue to act as a barrier to those who are trying to re-assimilate into civic life, even when they have been forgiven by our justice system.

   "To remedy these problems, AB 2384 will allow sealing of arrest and related records of people whose convictions meet the eligibility requirements. AB 2384 simply gives people with eligible convictions the ability to petition the courts, who then have the discretion to deem whether granting this relief is in the interest of justice."

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

7) **Related Legislation**: None

8) **Prior Legislation**:

a) AB 704 (Lowenthal), of the 2025-2026 Legislative Session, would have authorized a person arrested for or convicted of an eligible offense, as defined, before the person was 26 years of age, to petition the court to have their records of that conviction or arrest sealed and destroyed. AB 704 was held in suspense in the Senate Appropriations Committee.

b) AB 2420 (Lowenthal), of the 2023-2024 Legislative Session, would have authorized any person who had their arrest or conviction set aside and dismissed pursuant to existing law related to expungements to petition the court to have their arrest and related records sealed. AB 2420 was held in suspense in the Assembly Appropriations Committee.

a) SB 731 (Durazo) Chapter 814, Statutes 2022, permitted additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.

b) AB 2978 (Ting), of the 2019-2020 Legislative Session, contained the same provisions as this bill. AB 2978 was never heard in the Assembly Public Safety Committee.

c) AB 1076 (Ting), Chapter 578, Statutes of 2019, required starting on January 1, 2021, and subject to an appropriation in the annual Budget Act, that the DOJ, on a monthly basis, review the records in the statewide criminal justice databases grant relief to persons who identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure, as specified.

d) AB 972 (Bonta), of the 2019-2020 Legislative Session, would have established a process for courts to automatically redesignate as misdemeanors, felony convictions which are eligible to be reduced to misdemeanors because of the passage of Proposition 47 (2014). AB 972 was held in the Assembly Appropriations Committee.

e) AB 2438 (Ting), of the 2017-2018 Legislative Session, would have required automatic expungements of certain convictions, as specified. AB 2438 was held of the Assembly Appropriations Suspense File.

f) AB 1793 (Bonta), Chapter 993, Statutes of 2018, required the court to automatically resentence, redesignate, or dismiss cannabis-related convictions.

g) AB 641(Bradford), Chapter 787, Statutes of 2013, authorized a court, in its discretion and in the interests of justice, to grant expungement relief for a conviction of a petitioner sentenced to county jail pursuant to criminal justice realignment if specified conditions are satisfied.

h) AB 1384 (Bradford) Chapter 284, Statutes 2011 provided that a court, in its discretion and in the interest of justice, can determine that a defendant who has been convicted of a

misdemeanor and not granted probation or an infraction should be granted expungement relief after the lapse of one year from the date of pronouncement of the judgment.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color (Co-Sponsor)
California Coalition for Women's Prisoners (Co-Sponsor)
California for Safety and Justice (Co-Sponsor)
California Innocence Coalition (Co-Sponsor)
Felony Murder Elimination Project (Co-Sponsor)
Rubicon Programs (Co-Sponsor)
ACLU California Action
All of US or None (HQ)
California Public Defenders Association
Center on Juvenile and Criminal Justice
Courage California
Ella Baker Center for Human Rights
Glide
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
San Francisco Public Defender
San Quentin Skunkworks
Silicon Valley De-bug

Opposition

None submitted.

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 14, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2419 (Quirk-Silva) – As Introduced February 20, 2026

SUMMARY: Requires the County of Los Angeles (County) to implement a body-worn camera program for the County of Los Angeles Probation Department (probation department) and requires the County, probation department, and affected employee organizations to organize to develop a body-worn camera policy that mirrors best practices of law enforcement agencies in Los Angeles, as specified. Specifically, **this bill**:

1) Requires the County to implement a body-worn camera program for the Probation Department, that is applicable to all probation officers and staff interacting with probation clients in the field and in facilities.

2) Requires the County, probation department, and affected employee organizations to develop, by June 1, 2027, a body-worn camera policy that mirrors best practices of law enforcement agencies in the City and County of Los Angeles.

3) Requires the County, no later than June 1, 2027, in conjunction with the probation department and affected employee organizations, to develop a plan for implementing a body-worn camera program for the probation department. The program shall be implemented beginning on January 1, 2028.

4) Requires the body-worn camera policy, at a minimum, to include:

   a) Which officers are required to wear body cameras and the circumstances under which the cameras should be worn;

   b) Minimum body-worn camera specifications;

   c) The best locations on an officer's body where the camera shall be worn;

   d) Best practices for officers to notify members of the public that they are being recorded;

   e) Who should retain body camera data and how they should do it; and,

   f) Best practices for officer review of recorded body-worn camera data and body-worn camera data's use for training.

5) Makes findings and declarations on why a special statute is necessary.

EXISTING LAW:

1) Provides that when a minor is adjudged a ward of the juvenile court, the court may make orders for the minor's care, custody, and supervision, and generally places the minor under the supervision of a probation officer. (Welf. & Inst. Code, § 727.)

2) Requires probation officers to supervise minors under their jurisdiction, including ensuring compliance with court-ordered conditions and attendance at required hearings. (Welf. & Inst. Code, § 841.)

3) Instructs agencies to consider the following best practices regarding the downloading and storage of data in establishing policies and procedures for the implementation and operation of a body-worn camera system:

   a) Designate the person responsible for downloading the recorded data, as specified.

   b) Establish when data should be downloaded to ensure the data is entered into the system in a timely manner, the cameras are properly maintained and ready for the next use, and for purposes of tagging and categorizing the data.

   c) Categorize and tag body-worn camera video at the time the data is downloaded and classified according to the type of event or incident captured in the data.

   d) Specifically state the length of time that recorded data is to be stored, as specified.

   e) State where the body-worn camera data will be stored, as specified.

   f) Consider specified factors to protect the security and integrity of the data if using a third-party vendor to manage the data storage system.

   g) Require that all recorded data from body-worn cameras are property of their respective law enforcement agency and shall not be accessed or released for any unauthorized purpose, explicitly prohibit agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media internet websites, and include sanctions for violations of this prohibition. (Pen. Code, § 832.18, subd. (b)(1)-(8).)

4) Provides that law enforcement agency body-worn camera policies shall not be interpreted to limit the public's right to access data under the California Public Records Act. (Pen. Code, § 832.18, subd. (d).)

5) The California Public Records Act provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code, § 7920.000 et. seq.)

6) Provides that notwithstanding other restrictions regarding the disclosure of law enforcement records, a video or audio recording that relates to a critical incident, as defined, may be withheld for specified reasons. (Gov. Code, § 7923.625, subds. (a) & (b).)

7) Requires the Commission on Peace Officer Standards and Training (POST) to adopt a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, peace officer certification, and which must include

tampering with data recorded by a body-worn camera or other recording device for the purpose of concealing misconduct. (Pen. Code, § 13510.8, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2419 addresses longstanding oversight and safety failures within Los Angeles County's juvenile probation system. These facilities have faced repeated scrutiny after the California Board of State and Community Corrections found conditions unsuitable for confinement, and the county has paid billions of dollars in settlements to victims of mistreatment.

   "Body-worn cameras are already standard practice for many law enforcement agencies. They help de-escalate conflicts, improve accountability, and provide an objective record of interactions. Requiring their use by juvenile probation officers strengthens transparency and public trust. It ensures that encounters between officers and youth rely on clear evidence rather than conflicting accounts, and helps our probation system to focus resources on safety and rehabilitation."

2) **Relevant Background on Body-Worn Cameras:** Body-worn cameras, or "bodycams," are small recording devices that can be attached to an officer's uniform to capture audio and video of their interactions with the public. While a handful of law enforcement agencies across the country began experimenting with bodycams in the early 2000s, widespread adoption of the technology remained limited until the mid-2010s. The first full scientific study on policing with bodycams was conducted in Rialto, California, in 2012, where researchers found that bodycams were effective at preventing escalation during public interactions with police: during the 12-month experiment, use-of-force by officers wearing cameras fell by 59%, and reports against officers fell by 87% over the previous year's figures.[1] In 2014, the fatal shooting of Michael Brown in Ferguson, Missouri, drew national attention to police use-of-force issues and galvanized public demand for police accountability and transparency. The incident also spurred the Obama Administration to launch a $75 million bodycam partnership program, providing matching funds to local agencies that adopted the technology.[2] By 2016, 47% of general-purpose law enforcement agencies in the United States had acquired bodycams, and 86% of those agencies had a formal bodycam policy.[3]

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[1] Ariel, Barak, et al. "The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints Against the Police: A Randomized Controlled Trial." *Journal of Quantitative Criminology.* Volume 31, pages 509–535, (2015). The Effect of Police Body-Worn Cameras on Use of Force and Citizens' Complaints Against the Police: A Randomized Controlled Trial | Journal of Quantitative Criminology

[2] "Obama requests $263 million for police body cameras." *NBC News.* 1 December 2014. Obama Requests $263 Million for Police Body Cameras, Training; ultimately, of the $75 million requested from Congress, only 23.2 million was allocated – see Office of Public Affairs | Justice Department Awards over $23 Million in Funding for Body Worn Camera Pilot Program to Support Law Enforcement Agencies in 32 States | United States Department of Justice

[3] Hyland, Shelley. "Body-Worn Cameras in Law Enforcement Agencies, 2016." *Department of Justice Bureau of Justice Statistics.* November 2018. Body-Worn Cameras in Law Enforcement Agencies, 2016 | Bureau of Justice Statistics

Following this national trend, in 2015, the Legislature passed AB 69 (Rodriguez), Chapter 461, Statutes of 2015, which required law enforcement entities to consider specified best practices regarding the downloading and storage of bodycam data when establishing agency-wide bodycam policies and procedures.[4] These best practices include establishing measures to prevent tampering and unauthorized use or distribution of data, establishing clear data retention requirements, stating where the data will physically be stored, ensuring that any third-party vendors used to manage data storage are secure and reliable, and prohibiting agency personnel from disclosing bodycam data to the public or uploading data onto social media, among others. Though existing law does not expressly state when officers must activate or deactivate their bodycams, such guidance is routinely included in a particular agency's bodycam policy. The bodycam policy of the San Francisco Police Department provides a useful example:

> All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: Detentions and arrests; Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim, except as noted;. 5150 evaluations; Traffic and pedestrian stops; Vehicle pursuits; Foot pursuits; Uses of force; When serving a search or arrest warrant; Conducting any of the following searches on one's person and/or property: [a. Incident to an arrest b. Cursory c. Probable cause d. Probation/parole e. Consent f. Vehicles]; Transportation of arrestees and detainees; During any citizen encounter that becomes hostile; In any situation when the recording would be valuable for evidentiary purposes; Only in situations that serve a law enforcement purpose.
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> Members shall not activate the BWC when encountering: Sexual assault and child abuse victims during a preliminary investigation; Situations that could compromise the identity of confidential informants and undercover operatives; Strip searches. However, a member may record in these circumstances if the member can articulate an exigent circumstance that required deviation from the normal rule in these situations. Members shall not activate the BWC in a manner that is specifically prohibited by [other guidelines regarding surreptitious recording and First Amendment Activities].[5]

In 2018, the Los Angeles Police Commission approved a policy requiring the Los Angeles Police Department (LAPD) to release video footage of officer-involved shootings and other "critical incidents" within 45 days, unless there are extenuating circumstances that require delaying release.[6] This policy became the model for AB 748 (Ting) Chapter 960, Statutes of 2018, which was passed by the Legislature that same year and required that audio and visual recordings of critical incidents resulting in either the discharge of a firearm by law enforcement or in death or great bodily injury to a person from the use of force by law enforcement be made publicly available under the California Public Records Act within 45

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[4] AB 69 is codified at Pen. Code, § 832.18.
[5] San Francisco Police Department General Order 10.11, "Body Worn Cameras." Effective 6/01/16. SFPD-DGO10.11-Body Worn Cameras.pdf; the format of this policy has been modified for the purposes of this analysis.
[6] "Board of Police Commissioners Critical Incident Video Release Policy." 20 February 2018. Board of Police Commissioners Critical Incident Video Release Policy - LAPD Online

days of the incident, with limited exceptions.[7] Under AB 748, if an agency demonstrates that the public interest in withholding a particular critical incident video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would violate the privacy interests of the recording's subject, the agency must provide the requesting party the specific basis for the expectation of privacy and the public interest served by withholding the recording, and may use redaction technology to obscure specific portions of the recording.[8]

3) **Oversight of the Los Angeles County Probation Department:** The Los Angeles County Probation Department has faced heightened scrutiny following reported incidents involving youth safety and staff misconduct, including allegations that probation officers facilitated or failed to intervene in so-called "gladiator fights" within juvenile facilities.[9]

   In response to these incidents, the California Department of Justice initiated a criminal investigation resulting in indictments against multiple probation officers, alleging that dozens of fights involving youth occurred over a period of months.[10] Additionally, the Attorney General has sought a court-ordered receivership over Los Angeles County juvenile halls, citing ongoing safety and operational failures.[11] Oversight bodies, including the Los Angeles County Probation Oversight Commission, have also documented persistent concerns regarding violence, unsafe conditions, and systemic deficiencies within probation facilities.[12]

   At the same time, the County has incurred significant financial liability related to misconduct in its juvenile facilities. For example, Los Angeles County has approved multimillion-dollar settlements arising from incidents in probation custody, including a $2.67 million settlement related to a youth assault connected to these incidents.[13] More broadly, the County has agreed to a historic multibillion-dollar settlement resolving thousands of claims of abuse occurring in juvenile facilities and related systems.[14]

4) **Argument in Support**: According to *Teamsters California*, "While juvenile facilities rely on fixed surveillance systems, those cameras do not consistently capture close-range, dynamic staff-youth interactions. Body-worn cameras provide first-person documentation that strengthens institutional oversight, protects youth and staff from false allegations, improves investigative integrity, and supports compliance with policy and professional standards.

   "Importantly, BWCs also represent sound fiscal policy. Although implementation includes equipment, storage, and training costs, technology expenses continue to decline as adoption scales statewide. Objective video evidence reduces investigative time, lowers litigation

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[7] Gov. Code, § 7923.625.
[8] *Id.*
[9] https://www.latimes.com/california/story/2024-04-12/video-shows-l-a-probation-officers-letting-group-beat-teen-in-los-padrinos-juvenile-hall
[10] https://oag.ca.gov/news/press-releases/attorney-general-bonta-files-criminal-charges-against-30-officers-role?utm
[11] https://oag.ca.gov/news/press-releases/attorney-general-bonta-asks-court-place-los-angeles-county-juvenile-halls
[12] https://content.govdelivery.com/accounts/CALACOUNTY/bulletins/3fc2764?reqfrom=share
[13] https://file.lacounty.gov/SDSInter/bos/supdocs/203272.pdf
[14] https://lacounty.gov/2025/04/04/la-county-reaches-4-billion-tentative-settlement-in-thousands-of-sexual-abuse-cases/

exposure, and mitigates costly settlement risk. Avoiding even a small number of high-cost lawsuits can offset program expenditures.

"Strong outcomes occur when deployment is paired with clear activation standards, supervisory review protocols, retention policies, and robust privacy protections for minors. AB 2419 provides a framework to ensure thoughtful and responsible implementation."

5) **Argument in Opposition**: According to *La Defensa*, "One area of concern and current monitoring per the Detailed Plan is insufficient video coverage of juvenile hall units. The Probation Department reported a total of 668 use-of-force incidents at Los Padrinos. In its review of a sample of 84 use-of-force incidents, the Office of Inspector General found that only 69% of the cameras provided sufficient coverage to capture the use of force, and only 64 had video recordings. The County should work toward full compliance with this portion of the stipulated judgement before evaluating whether body worn cameras are an appropriate solution to Probation staff misconduct.

"We are not confident that body cameras are an appropriate solution to remedy this problem in the interim. Research does not support the effectiveness of body-worn cameras in achieving desired outcomes including, but not limited to, increasing evidence quality, reducing civilian complaints, and reducing agency liability.

"In addition to lackluster evidence supporting their use, the devices rely on officers to use their discretion to start and stop recording. The County's Sheriff's Department recently finalized its in-custody policy for body worn cameras and, as is the case for all body worn cameras, the law enforcement officer must activate the body worn camera in order for the recording to be saved.3 The camera does not simply record all activity all of the time. This requires an officer to exercise appropriate discretion to activate the body worn camera prior to use of force, misconduct, a disturbance or a riot, etc. We can reasonably assume that the County's Probation Department would utilize a similar, if not, identical policy.

"Given that 80% of Los Angeles County's probation officers are opposed to this bill4, it raises significant concerns about the regular, consistent and appropriate use of body worn cameras and whether it will actually address the reality of juvenile halls. Just some of the demands being made by AFSCME 685 (the bargaining unit for deputy probation officers), include 1) ensuring body camera footage is used to evaluate youth-on-staff and youth-on-youth assaults, not just staff conduct 2) addressing gaps in the law so assaults on staff in custody carry real consequences and 3) allowing officers to review body camera footage before submitting a use-of-force report; the ultimate impact may actually further criminalize youth rather than protecting them from an agency that has already committed immense harm.

"Finally, and perhaps most importantly, these facilities are where young people live. It is their home for the period of their detention. Currently and formerly incarcerated youth in Los Angeles have shared with youth advocacy groups that they are concerned how and when body worn cameras would be utilized, such as when using the bathroom or showering.

"Los Angeles County juvenile halls have been under increased scrutiny for years now and while we support increased efforts to make youth safer, we believe that efforts to decarcerate youth and get into compliance with current legal mandates need to be prioritized; not further

investments in a failing probation department."

6) **Related Legislation**:

a) SB 337 (Menjivar), of the 2025-2026 Legislative Session, would require the Department of Corrections and Rehabilitation (CDCR) to adopt policies governing body-worn camera use in state prisons, including restrictions on when cameras may be deactivated, documentation requirements for any deactivation, and additional oversight measures related to searches, investigations, and staff misconduct. SB 337 is pending a hearing in the Assembly Appropriations Committee.

b) SB 691 (Wahab), of the 2025-2026 Legislative Session, would require law enforcement agencies to update body-worn camera policies to include procedures for limiting recording during sensitive medical or psychological treatment and for permitting emergency personnel to request redaction of related footage. SB 691 is currently pending referral in the Assembly.

7) **Prior Legislation:**

a) AB 1069 (Rodriguez), of the 2019-2020 Legislative Session, would have authorized a video or audio recording made with a body-worn camera to be disclosed only if it relates to the depiction of the commission of a crime, a depiction of an incident in which officer misconduct is alleged, of a depiction of a tactical response to an incident of significance. The hearing on AB 1069 was canceled at the request of the author.

b) AB 748 (Ting), Chapter 960, Statutes of 2018, established a standard for the release of body-worn camera footage by balancing privacy interests with the public's interest in the footage.

c) AB 2533 (Santiago), of the 2015-2016 Legislative Session, required a public safety officer to be provided a minimum of three business days' notice before a public safety department or other public agency releases on the Internet any audio or video of the officer recorded by the officer. AB 2353 failed passage in the Senate Public Safety Committee.

d) AB 1957 (Quirk), of the 2015-2016 Legislative Session, would have required a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into misconduct that uses or involves that footage. AB 1957 failed passage on the Assembly Floor.

e) AB 1940 (Cooper), of the 2015-2016 Legislative Session, would exempt body-worn camera recordings that depict the use of force resulting in serious injury or death from public disclosure pursuant to the act unless a judicial determination is made, after the adjudication of any civil or criminal proceeding related to the use of force incident, that the interest in public disclosure outweighs the need to protect the individual right to privacy. AB 1940 failed passage in the Senate Public Safety Committee

f) AB 66 (Weber), of the 2015-2016 Legislative Session, established statewide policies and guidelines for law enforcement agencies that require their officers to wear body-worn cameras. AB 66 was not taken up in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Orange County Deputy Sheriff's
Association of Orange County Deputy Sheriffs
California Fraternal Order of Police
Long Beach Police Officers Association
Professional Managers Association (PMA) Afscme 1967
Sacramento County Deputy Sheriffs Association
San Bernardino County Sheriff's Employees' Benefit Association
Santa Ana Police Officers Association
State Coalition of Probation Organizations
Teamsters California
Teamsters Local 986

Opposition

Freedom 4 Youth
Justice2jobs Coalition
LA Defensa
Urban Peace Institute

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

Date of Hearing: April 14, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2428 (Celeste Rodriguez) – As Introduced February 20, 2026

As Proposed to be Amended in Committee

SUMMARY: Repeals the authority to collect administrative fees related to criminal, arrest, prosecution, or conviction and authorizes payment of court-ordered debt by check but prohibits an entity from charging a fee for a returned check. Specifically, **this bill**:

1) Provides that if a state, city, whether general law or chartered, county, and district, each subdivision, department, board, commission, body, or agency of the foregoing, may accept personal checks in addition to other forms of payment for court-ordered debt relating to a criminal proceeding, however an entity or jurisdiction that choses to accept checks, does so at their own risk and is prohibited from charging a fee for returned checks or insufficient funds.

2) Provides that beginning January 1, 2027, returned check fees for payments for court-ordered debt relating to a criminal proceeding are unenforceable and uncollectible any portion of a judgment imposing those costs, shall be vacated.

3) Repeals the provision requiring a person sentenced to state prison or confined in county to pay the full amount of the trial court filing fees and costs and provides for an initial fee waiver and a payment schedule for the fee.

4) Provides that a person who is sentenced to state prison or confined in a county jail shall not be required to pay trial court filing fees or costs related to the person's incarceration for the underlying criminal conviction.

5) Provides that, beginning January 1, 2027, the unpaid balance of any court-imposed cost for court filing fees is unenforceable and uncollectable and any portion of a judgment imposing those costs shall be vacated.

6) Deletes the provision that allows a superior court to charge a fee for a returned check and states that accepting a check is at the court's own risk and they are prohibited from charging a fee for returned check or insufficient funds.

7) Deletes the provision providing that in addition to other penalties a person convicted of the manufacture, sale, possession for sale, possession, transportation or disposal of any hazardous substance that is a controlled substance or a chemical used in, the manufacture of a controlled substance in violation law shall pay a penalty equal into the amount occurred by the local or state agency to remove the hazardous substance.

8) Deletes the provision that in lieu of a civil action, a prosecuting attorney in a criminal proceeding may, upon conviction seek recovery of all expenses recoverable from a person

convicted of manufacturing or cultivating a controlled substance or its precursors or any person who aid, abets, or knowingly profits from the manufacture or cultivation of a controlled substance.

9) Provides that beginning January 1, 2027, any unpaid balance related to fees imposed based on a conviction for the manufacture or cultivation of a controlled substance is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

10) Deletes the ability to charge a fee not to exceed $100 for a course a that may be taken in lieu of a fine for a person who has a second violation relating to live animal markets, and provides that beginning Januay1, 2027 any outstanding fees are unenforceable and uncollectible.

11) Deletes the ability of a probation department or sheriff to charge an inmate expenses relating to their temporary removal from custody in preparation for their return to the community and provides that beginning Januay1, 2027 any outstanding fees are unenforceable and uncollectible.

12) Deletes the provision stating that a person ordered to serve all or part of his or her sentence under house confinement may be ordered to pay the cost of housing a police officer or guard stand guard outside their house, if it is determined the person has the ability to pay and provides that beginning Januay1, 2027 any outstanding fees are unenforceable and uncollectible.

13) Provides that beginning January 1, 2027, a county, municipality, or contracted entity shall not charge a fee to participate in a community service program, educational program, or otherwise fulfill court-ordered community service requirements pursuant to this section.

14) Provides that a court shall not deny participation in community service programs based on an inability to charge fees or otherwise recoup costs.

15) Provides that a county, municipality, or contracted entity shall not charge an administrative fee for participation in community service work for either of the following circumstances: punishment for a crime or as a financial hardship alternative for a fine or monetary penalty.

16) Deletes the provision allowing the recovery from the responsible party for the costs of hospital, medical, surgical, dental, or optometric care for an injury that occurred while incarcerated or confined and provides that beginning Januay1, 2027 any outstanding fees are unenforceable and uncollectible.

17) Deletes that existing ability to collect a fee and provides that a court shall not charge a participant ordered or permitted to attend traffic violator school from enrolling in a payment installment plan and provides that beginning Januay1, 2027 any outstanding fees are unenforceable and uncollectible.

18) Deletes the requirement that each court or county for implementation of an amnesty program shall recover costs and may charge a program fee of $50 and provides that beginning Januay1, 2027 any outstanding fees are unenforceable and uncollectible.

19) Makes legislative findings and declarations.

EXISTING LAW:

1) Provides that the state, and each city, county, district, shall take personal checks in addition to any other authorized form of payment in payment of any license, permit and may impose a fee to cover costs if the check is returned without payment. (Gov. Code, § 6157)

2) Provides that a person sentenced to state prison or county jail shall pay the full amount of the trial court fees as specified. (Gov. Code, § 65835)

3) Provides that each superior court shall adopt a written policy regarding the acceptance of checks and money orders in the payment of any fees, fines, or bail deposits and provides that if any check is returned without payment a reasonable charge for the returned check may be imposed. (Gov. Code, § 71386)

4) Provides that anyone convicted of manufacture, sale, possession for sale, possession, transportation or disposal of any hazardous controlled substance, in addition to any other penalty shall pay an amount equal to the cost incurred by the local or state entity to clean up the hazardous materials. (Health and Saf. Code, § 11374.5)

5) Provides that in lieu of a civil action for forfeiture, the prosecutor in a criminal action may upon conviction for manufacturing or cultivating a controlled substance or who aids, abets, or profits from such manufacture or cultivation, seek recovery of all expenses. (Health and Saf. Code, §11470.2)

6) Provides that a person who has a second conviction of failing to comply with regulations regarding a live animal market shall be subject to a fine between $250-$1,000 or, if available, the person can take an education course and pay up to $100 to take the course but then have the $250-$1,000 waived upon completion of the course. (Pen. Code, § 597.3)

7) Provides that under specified circumstances the probation officer or sheriff may authorize a temporary removal of custody by an inmate and that inmate shall be required to reimburse the county in whole or in part the expenses that incurred. (Pen. Code, §§ 1203.1a and 401.86)

8) Provides that when a court orders a defendant to serve all or part of his or her sentence under house confinement, he or she may be ordered to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined if it has been determined that the defendant is able to pay these costs. (Pen. Code, § 1203.1i)

9) Allows the costs related to hospital, medical, surgical dental, or optometric care of an incarcerated person, that is not covered by Medi-Cal, to be collected from the prisoner or the person legally responsible for the prisoner or confined juvenile's care if that person is financially able to pay for the care. (Pen. Code, § 4011.1)

10) Allows the court clerk to charge a fee up to $35 to cover the administrative and clerical costs for processing an installment payment of the traffic violator school fee. (Veh. Code, § 42007)

11) Allows each court or county responsible for implementation of the amnesty hall recover costs and may charge an amnesty program fee of $50. (Veh. Code, § 42008.8)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Despite leading efforts to eliminate harmful monetary sanctions, California continues to attempt to fund its court system by assessing burdensome criminal administrative fees on California's most vulnerable communities, trapping them in cycles of debt. Since these fees are assessed almost exclusively to low-income communities of color who are unable to afford payments, criminal administrative fees are difficult to collect and typically cost counties almost as much or more than they end up collecting in revenue. AB 2428 provides the solution of eliminating 16 fees that disproportionately affect low-income Californians. This bill will provide relief to low-income Californians and their families."

2) **Deletes or prohibits administrative fees**: Over the last decade or so there has been an awareness of the burden high fines and fees can have on a person when they are involved in the criminal justice system. A number of changes have been made to help people pay fines or reduce or forgive them based on economic circumstances. This bill goes a step further and deletes or prohibits a number of criminal justice related fees.

3) **Eliminating fees for bounced checks**: Under existing law a governmental entity or the courts that accept checks for payment of fees related to criminal proceedings can charge a minimal fee if the check is returned unpaid. This bill would eliminate their ability to charge such a fee and provides expressly that the risk is on the entity for accepting a check in payment.

   What will be the consequences for not allowing a fee for a returned check? Will the courts and governmental entities still willingly take checks?

4) **Court filing fees**: Under existing law a person who is sentenced to state prison shall pay the full amount of court filing fees unless they file for a fee waiver. This bill eliminates the ability of the court to collect these fees an explicitly says a person shall not be required to pay court filing fees or costs related to the person's incarceration.

5) **Clean-up costs for controlled substances**: Existing law allows a person who is convicted of the manufacture, sale, possession for sale, possession, transportation or disposal of hazardous substance to upon conviction be required to pay for the clean-up and removal of the hazardous substance. This bill eliminates the ability to collect for clean-up costs.

   Should a manufacturer of one of these substances be required to pay for the clean-up of the hazards that are left behind?

6) **Live animal market education class**: A person charged with a second violation of a section pertaining to a live animal market is subject to an infraction with a fine of $250 to $1,000. In lieu of the fine they have the option of taking an education course, which if completed results in the fine being waived. The course may cost up to $100. This bill eliminates the ability to charge for the course.

If payment for the course is eliminated, will the organizations that create the course have an incentive to continue to do so?

7) **Hospital and other medical costs**: An incarcerated person who is not on Medi-Cal and receives medical treatment may be charged, or in the case of a juvenile their responsible person may be charged, the cost of the medical services if the person or the financially responsible party is able to pay. This bill eliminates the ability to collect these costs.

8) **Elimination of other fees:** This bill also removes the ability to charge a fee for participating in community service, fees or enrolling in traffic violator school, fees for home detention, when there is the ability to pay, and costs incurred by probation or the sheriff when an inmate is temporarily removed from custody prior to release.

9) **Argument in Support**: According to *California for Safety and Justice*, "Assembly Bill AB 2428 would eliminate criminal administrative fees that are nearly exclusively assessed on people who cannot afford to pay them. These include returned check fees, administrative fees to enter into an installment payment plan, and administrative fees to participate in community service. By their very nature, these fees disproportionately impact the lowest-income Californians.

"Low-income people of color are overrepresented at every stage in the criminal legal system, even when controlling for alleged criminal behavior. Additionally, due to over-policing and targeted surveillance in Black and brown communities, Black and brown Californians are punished more frequently and harshly at many discretion points. As a result, these communities are more likely to face higher fee burdens and the collateral consequences of an inability to payoff related debt.1 Research also shows that fees and fines are disproportionately imposed on women, and that these debts have an inordinate impact on women who on average have lower incomes and more caregiving responsibilities than men. Eliminating these unjust criminal administrative fees is a critical next step at the intersection of racial justice and budget equity in California.

"While California has repealed over half of its criminal administrative fees and relieved $6.9 billion in debt since 2021, California continues to fund its criminal legal system on the backs of the poorest community members. The Policy Advocacy Clinic at UC Berkeley Law found that people are often forced to choose between paying for court-ordered debts or necessities like food and rent, and the Urban Institute concluded that those with court or incarceration-related debts had a much higher likelihood of experiencing food insecurity and being unable to afford housing and health care, therefore deepening financial hardship."

"While some fees intend to help local jurisdictions recoup costs, actual revenue from fees comes at a substantial cost. The Financial Justice Project San Francisco determined that the collection rates on these fees are on average just 17% because of people's inability to pay. In fact, collecting fees cost counties almost as much or more than they end up collecting in revenue, and studies by both the Center on Budget and Policy Priorities and the Urban institute found that these collections are unstable and ineffective sources of revenue

"With the recent California Supreme Court decision in *People v. Kopp* (2025) now requiring ability to pay determinations for all these fees, collections will likely be even lower moving forward. Because these fees are disproportionately imposed on low-income Californians,

most legal system debt will be rendered uncollectable and further deplete court funding. Given that the *Kopp* decision will further reduce the revenue received from fines and fees, this bill would improve California's fiscal policy by having the state directly pay for court services rather than relying on collections from people unable to afford payments.

"Imposing fines and fees on those unable to pay traps people in a cycle of poverty while failing to raise revenue for the state. Because AB 2428 ameliorates the harm placed on low-income Californians–in particular Black and Brown women–while strengthening California's fiscal state, Californians for Safety and Justice proudly co-sponsor this bill."

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

11) **Related Legislation**: None

12) **Prior Legislation**:

a) AB 134 (Committee on Budget), Chapter 47, Statutes of 2023, extended the prohibition on denying an expungement petition because of unpaid restitution.

b) AB 177 (Committee on Budget), Chapter 257, Statutes of 2021, deleted various fees contingent upon a criminal arrest, prosecution, or conviction for the cost of administering the criminal justice system.

c) SB 586 (Bradford), of the 2021-2022 Legislative Session, deleted various fees contingent upon arrest. SB 586 was amended in the Assembly to an unrelated subject.

d) AB 1869 (Budget), Chapter 92, Statutes of 2020, repealed the authority to collect various fees related to criminal prosecution.

e) SB 1290 (Durazo), Chapter 340, Statutes of 2020, vacated certain county-assessed court ordered costs imposed on parents or guardians of minors who were ordered to participate in drug testing or adults under 21 years of age who were sentenced to home detention.

f) SB 144 (Mitchell & Herzberg), of the 2019-2020 Legislative Session, not heard in Assembly Public Safety deleted various criminal fees.

g) SB 190 (Mitchell), Chapter 678, Statutes of 2017, deleted or narrowed fees related to juveniles involved in the criminal justice system.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ) (Co-Sponsor)
Legal Services for Prisoners With Children (Co-Sponsor)
A New Path
A New Way of Life Re-entry Project
Alliance for Boys and Men of Color
California for Safety and Justice

California Public Defenders Association
Center on Juvenile and Criminal Justice
Coalition on Homelessness, San Francisco
Communities United for Restorative Youth Justice (CURYJ)
Community Legal Services in East Palo Alto
Debt Free Justice California
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Glide
Grace Institute - End Child Poverty in CA
Initiate Justice
Jesse's Place Org
Jesse's Place Organization
Justice2jobs Coalition
LA Defensa
Los Angeles Regional Reentry Partnership (LARRP)
Multi-faith Action Coalition
San Francisco Public Defender
San Quentin Skunkworks
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
The Social Impact Center
The W. Haywood Burns Institute
Viet Voices
Western Center on Law & Poverty, INC.
1 Private Individual

Opposition

None submitted

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Amendments Mock-up for 2025-2026 AB-2428 (Celeste Rodriguez (A))

*********Amendments are in BOLD*********

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. The Legislature finds and declares all of the following:

(a) Approximately 80 percent of criminal defendants in California are indigent and too many enter the criminal legal system due to the criminalization of their poverty.

(b) State law authorizes or requires courts to impose criminal administrative fees on these disproportionately low-income Californians. These fees are used to fund government, including counties, courts, programs, state and local agencies, and law enforcement.

(c) Because Black and brown Californians are subjected to targeted policing and are overrepresented at every state of the criminal legal system, they are disproportionately sanctioned with criminal fees and burdened with the associated debt.

(d) The assessment of criminal fees creates a two-tiered legal system based on wealth. Those who can afford to pay avoid further consequences, while those who cannot are burdened by court-ordered debt and subject to additional penalties, including incarceration.

(e) Many of these fees are assessed simply because Californians cannot immediately pay debt in full or are struggling to pay court-ordered debt.

(f) Because these fees are often assigned to people who simply cannot afford to pay them, they make poor people, their families, and their communities poorer.

(g) According to a report by the Ella Baker Center for Human Rights, the average debt incurred for court-ordered fines and fees was roughly equal to the annual income for survey respondents.

(h) A national survey of formerly incarcerated people found that families often bear the burden of fees, and that 83 percent of the people responsible for paying these costs are women.

(i) Criminal administrative fees have no formal punitive or public safety function. Instead, they undermine public safety because the debt they cause can limit access to employment, housing, education, and public benefits. Court-ordered debt can also affect credit scores, result in wage or bank account garnishment, or tax return interception.

(j) Research also shows that criminal administrative fees can push individuals into underground economies and undermine reentry by causing individuals to turn to criminal activity or predatory lending to pay their debts.

(k) Since the fees are imposed on people who are unable to pay them, criminal administrative fees are difficult to collect and typically cost counties almost as much or more than they end up collecting in revenue.

(l) Funding government on the backs of racially marginalized and poor communities is cruel and ineffective policy. Charging these fees traps families in cyclical poverty where families have to choose between paying off court-ordered debt and paying rent, or buying food and other necessities.

SEC. 2. It is the intent of the Legislature to eliminate the assessment of certain fees on low-income Californians who cannot afford to pay court-ordered debt.

SEC. 3. Section 6157 of the Government Code is amended to read:

6157. (a) ~~The~~ *Except as provided in subdivision (e), the* state, and each city, whether general law or chartered, county, and district, each subdivision, department, board, commission, body, or agency of the foregoing, shall accept personal checks, in addition to any other authorized form of payment, drawn in its favor or in favor of a designated official thereof, in payment for any license, permit, or fee, or in payment of any obligation owing to the public agency or trust deposit, if the person issuing the check furnishes to the person authorized to receive payment satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

(b) If any personal check, corporate check, cashier's check, money order, or other draft method offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the public agency, may be imposed to recover the public agency's processing and collection ~~costs.~~ *costs, except that a charge shall not be imposed in regard to a payment for court-ordered debt relating to a criminal proceeding.* This charge may be added to, and become part of, any underlying obligation other than an obligation which constitutes a lien on real property, and a different method of payment for that payment and future payments by this person may be prescribed.

(c) The acceptance of a personal check, corporate check, cashier's check, money order, or other draft method pursuant to this section constitutes payment of the obligation owed to the payee public agency to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.

(d) The provisions in subdivision (b) prohibiting a returned check charge being added to, and becoming a part of, an obligation which constitutes a lien on real property do not apply to obligations under the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1 (commencing with Section 987.50) of Chapter 6 of Division 4 of the Military and Veterans Code).

(e) The state, and each city, whether general law or chartered, county, and district, each subdivision, department, board, commission, body, or agency of the foregoing, may accept personal checks in addition to any other authorized form of payment drawn in its favor or in favor of a designated official thereof, in payment for court-ordered debt relating to a criminal proceeding.

(f) An entity or jurisdiction that chooses to accept checks in payment for court-ordered debt relating to a criminal proceeding does so at their own risk and is prohibited from charging a fee for returned checks or insufficient funds.

(g) Beginning January 1, 2027, returned check fees for payments for court-ordered debt relating to a criminal proceeding are unenforceable and uncollectible and any portion of a judgment imposing those costs, shall be vacated.

SEC. 4. Section 68635 of the Government Code is repealed.

~~68635.~~

~~(a)This section applies only to waivers of trial court fees.~~

~~(b)Notwithstanding any other provision of this article, a person who is sentenced to the state prison or confined in a county jail shall pay the full amount of the trial court filing fees and costs to the extent provided in this section.~~

~~(c)To apply for an initial fee waiver, a person who is sentenced to the state prison or confined in a county jail shall complete, under penalty of perjury, a Judicial Council application form giving the current address of the inmate and a statement that he or she is incarcerated, together with a statement of account for any moneys due to the inmate for the six-month period immediately preceding the application. The form shall be certified by the appropriate official of the Department of Corrections and Rehabilitation or a county jail.~~

~~(d)When the pleadings or other papers are filed, the court shall assess and, if funds exist, collect as partial payment, a partial filing fee of 20 percent of the greater of either of the following:~~

~~(1)The average monthly deposits to the inmate's account.~~

~~(2)The average monthly balance in the inmate's account for the six-month period immediately preceding the application.~~

~~(e)After the initial filing fee is partially paid, the inmate shall make monthly payments of 20 percent of the preceding month's income credited to the inmate's account. The Department of Corrections and Rehabilitation, or a county jail, shall forward payments from this account to the clerk of the court each time the amount in the account exceeds ten dollars ($10) until the filing fees are paid in full.~~

~~(f)The fees collected by the court under this section shall not exceed the amount of the fees that would be charged to a person who is not incarcerated.~~

~~(g)The court may delegate to a clerk the authority to process requests for fee waivers from inmates under this section.~~

~~(h)An inmate shall not be prohibited from filing pleadings or other papers solely because the inmate has no assets and no means to partially pay the initial filing fee.~~

SEC. 5. Section 68635 is added to the Government Code, to read:

68635. (a) This section applies only to waivers of trial court fees.

(b) Notwithstanding any other law, a person who is sentenced to state prison or confined in a county jail shall not be required to pay trial court filing fees or costs related to the person's incarceration for the underlying criminal conviction.

(c) Beginning January 1, 2027, the unpaid balance of any court-imposed costs pursuant to this section as it read on December 31, 2026, is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 6. Section 71386 of the Government Code is amended to read:

71386. (a) Each superior court shall adopt a written policy, consistent with rules adopted by, or trial court financial policies and procedures authorized by, the Judicial Council under subdivision (a) of Section 77206, governing the acceptance of checks and money orders in payment of any fees, fines, or bail deposits. The policy shall permit clerks to accept checks and money orders under conditions that tend to assure their validity.

(b) A court shall accept a personal check, bank cashier's check, or money order for payment of any fee or fine, or for a deposit of bail for any offense that is not declared to be a felony, provided the check or money order meets the criteria established in subdivision (a). However, no court shall be required to accept a check in excess of three hundred dollars ($300) from a defendant in custody as a deposit of bail for any alleged violation of the Penal Code.

(c) The acceptance of a check pursuant to this section constitutes payment of the obligation owed to the payee public agency to the extent of the amount of the check as of the date of acceptance.

~~(d)If any check offered in payment pursuant to this section is returned to the payee without payment, a reasonable charge for the returned check not to exceed the actual costs incurred may be imposed to recover the processing and collection costs. This charge may be added to, and become part of, any underlying obligation other than an obligation that constitutes a lien on real property, or a different method of payment for that payment and future payments by that person may be prescribed. If the costs are incurred by the county, the charges imposed for a returned check shall be retained by the treasurer of the county and be deposited in the county general fund. If the costs are incurred by the court, the charges imposed for a returned check shall be distributed to the court under Section 68085.1.~~

(d) An entity or jurisdiction that chooses to accept a check accepts it at their own risk and is prohibited from charging a fee for returned checks or insufficient funds.

(e) Beginning January 1, 2027, returned check fees are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 7. Section 11374.5 of the Health and Safety Code is amended to read:

11374.5. (a) Any manufacturer of a controlled substance who disposes of any hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance in violation of any law regulating the disposal of hazardous substances or hazardous waste is guilty of a public offense punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years or in the county jail not exceeding one year.

~~(b) (1) In addition to any other penalty or liability imposed by law, a person who is convicted of violating subdivision (a), or any person who is convicted of the manufacture, sale, possession for sale, possession, transportation, or disposal of any hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance in violation of any law, shall pay a penalty equal to the amount of the actual cost incurred by the state or local agency to remove and dispose of the hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance and to take removal action with respect to any release of the hazardous substance or any items or materials contaminated by that release, if the state or local agency requests the prosecuting authority to seek recovery of that cost. The court shall transmit all penalties collected pursuant to this subdivision~~

~~to the county treasurer of the county in which the court is located for deposit in a special account in the county treasury. The county treasurer shall pay that money at least once a month to the agency that requested recovery of the cost for the removal action. The county may retain up to 5 percent of any assessed penalty for appropriate and reasonable administrative costs attributable to the collection and disbursement of the penalty.~~

~~(2) If the Department of Toxic Substances Control has requested recovery of the cost of removing the hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance or taking removal action with respect to any release of the hazardous substance, the county treasurer shall transfer funds in the amount of the penalty collected to the Treasurer, who shall deposit the money in the Illegal Drug Lab Cleanup Account, which is hereby created in the General Fund in the State Treasury. The Department of Toxic Substances Control may expend the money in the Illegal Drug Lab Cleanup Account, upon appropriation by the Legislature, to cover the cost of taking removal actions pursuant to Article 16 (commencing with Section 79350) of Chapter 5 of Part 2 of Division 45.~~

~~(3) If a local agency and the Department of Toxic Substances Control have both requested recovery of removal costs with respect to a hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance, the county treasurer shall apportion any penalty collected among the agencies involved in proportion to the costs incurred.~~

~~(c)~~

(b) (1) In addition to any other penalty or liability imposed by law, a person who is convicted of violating subdivision (a), or any person who is convicted of the manufacture, ~~sale, possession for sale, possession, transportation~~, or disposal of any hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance in violation of any law, shall pay a penalty equal to the amount of the actual cost incurred by the state or local agency to remove and dispose of the hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance and to take removal action with respect to any release of the hazardous substance or any items or materials contaminated by that release, if the state or local agency requests the prosecuting authority to seek recovery of that cost. The court shall transmit all penalties collected pursuant to this subdivision to the county treasurer of the county in which the court is located for deposit in a special account in the county treasury. The county treasurer shall pay that money at least once a month to the agency that requested recovery of the cost for the removal action. The county may retain up to 5 percent of any assessed penalty for appropriate and reasonable administrative costs attributable to the collection and disbursement of the penalty.

(2) If the Department of Toxic Substances Control has requested recovery of the cost of removing the hazardous substance that is a controlled substance or a chemical used in, or is a byproduct of, the manufacture of a controlled substance or taking removal action with respect to any release of the hazardous substance,

the county treasurer shall transfer funds in the amount of the penalty collected to the Treasurer, who shall deposit the money in the Illegal Drug Lab Cleanup Account, which is hereby created in the General Fund in the State Treasury. The Department of Toxic Substances Control may expend the money in the Illegal Drug Lab Cleanup Account, upon appropriation by the Legislature, to cover the cost of taking removal actions pursuant to Article 16 (commencing with Section 79350) of Chapter 5 of Part 2 of Division 45.

(c) As used in this section the following terms have the following meaning:

(1) "Dispose" means to abandon, deposit, intern, or otherwise discard as a final action after use has been achieved or a use is no longer intended.

(2) "Hazardous substance" has the same meaning as defined in subdivision (a) of Section 78075.

(3) "Hazardous waste" has the same meaning as defined in Section 25117.

~~(4) For purposes of this section, "remove" or "removal" has the same meaning as set forth in Section 78135.~~

Delete the Repeal of Section 11470.2 of the Health and Safety Code
~~**SEC. 8.** Section 11470.2 of the Health and Safety Code is repealed.~~

~~11470.2.~~

~~(a) In lieu of a civil action for the recovery of expenses as provided in Section 11470.1, the prosecuting attorney in a criminal proceeding may, upon conviction of the underlying offense, seek the recovery of all expenses recoverable under Section 11470.1 from:~~

~~(1) Any person who manufacturers or cultivates a controlled substance or its precursors in violation of this division.~~

~~(2) Any person who aids and abets or who knowingly profits in any manner from the manufacture or cultivation of a controlled substance or its precursors on property owned, leased, or possessed by the defendant, in violation of this division. The trier of fact shall make an award of expenses, if proven, which shall be enforceable as any civil judgment. If probation is granted, the court may order payment of the expenses as a condition of probation. All expenses recovered pursuant to this section shall be remitted to the law enforcement agency which incurred them.~~

~~(b) The prosecuting attorney may, in conjunction with the criminal proceeding, file a petition for recovery of expenses with the superior court of the county in which the defendant has been charged with the underlying offense. The petition shall allege that the defendant had manufactured or cultivated a controlled substance in violation of Division 10 (commencing with Section 11000) of the Health and Safety Code and that expenses were incurred in seizing, eradicating, or destroying the controlled substance or its precursors. The petition shall also state the amount to be assessed. The prosecuting attorney shall make service of process of a notice of that petition to the defendant.~~

~~(c) The defendant may admit to or deny the petition for recovery of expenses. If the defendant admits the allegations of the petition, the court shall rule for the prosecuting attorney and enter a judgment for recovery of the expenses incurred.~~

~~(d) If the defendant denies the petition or declines to admit to it, the petition shall be heard in the superior court in which the underlying criminal offense will be tried and shall be promptly heard following the defendant's conviction on the underlying offense. The hearing shall be held either before the same jury or before a new jury in the discretion of the court, unless waived by the consent of all parties.~~

~~(e) At the hearing, the burden of proof as to the amount of expenses recoverable shall be on the prosecuting attorney and shall be by a preponderance of the evidence.~~

~~(f) For the purpose of discharge in bankruptcy, a judgment for recovery of expenses under this section shall be deemed to be a debt for willful and malicious injury by the defendant to another entity or to the property of another entity.~~

SEC. 9. Section 11470.5 is added to the Health and Safety Code, to read:

11470.5. Beginning January 1, 2027, the unpaid balance of any court-imposed costs pursuant to Section 11374.5 for a person who had the costs imposed upon a conviction for sale, possession for sale, or possession, ~~or 11470.2,~~ as those sections read on December 31, 2026, is unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 10. Section 597.3 of the Penal Code is amended to read:

597.3. (a) Every person who operates a live animal market shall do all of the following:

(1) Provide that no animal will be dismembered, flayed, cut open, or have its skin, scales, feathers, or shell removed while the animal is still alive.

(2) Provide that no live animals will be confined, held, or displayed in a manner that results, or is likely to result, in injury, starvation, dehydration, or suffocation.

(b) As used in this section:

(1) "Animal" means frogs, turtles, and birds sold for the purpose of human consumption, with the exception of poultry.

(2) "Live animal market" means a retail food market where, in the regular course of business, animals are stored alive and sold to consumers for the purpose of human consumption.

(c) Any person who fails to comply with any requirement of subdivision (a) shall for the first violation, be given a written warning in a written language that is understood by the person receiving the warning. A second or subsequent violation of subdivision (a) shall be an infraction, punishable by a fine of not less than two hundred fifty dollars ($250), nor more than one thousand dollars ($1,000). However, a fine paid for a second violation of subdivision (a) shall be deferred for six months if a course is available that is administered by a state or local agency on state law and local ordinances relating to live animal markets. If the ~~defendant~~ *person convicted* successfully completes that course within six months of entry of judgment, the fine shall be waived. ~~The state or local agency may charge the participant a fee to take the course, not to exceed one hundred dollars ($100).~~

(d) Beginning January 1, 2027, any outstanding fees issued pursuant to this section are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 11. Section 1203.1a of the Penal Code is amended to read:

1203.1a. *(a)* The probation officer of the county may authorize the temporary removal under custody or temporary release without custody of any ~~inmate of the~~ *person confined in a* county jail, honor farm, or other detention facility, who is confined or committed as a condition of probation, after suspension of imposition of sentence or suspension of execution of sentence, for purposes preparatory to ~~his~~ *their* return to the community, within 30 days prior to ~~his~~ *their* release date, if ~~he~~ *the probation officer* concludes that ~~such an inmate~~ *the person confined or committed* is a fit subject ~~therefor. Any such temporary removal shall not be for a period of more than three days. When an inmate is released for purposes preparatory to his return to the community, the probation officer may require the inmate to reimburse the county, in whole or in part, for expenses incurred by the county in connection therewith.~~ *for return.*

(b) Beginning January 1, 2027, any outstanding fees issued pursuant to this section are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 12. Section 1203.1i of the Penal Code is amended to read:

1203.1i. (a) ~~In any case in which a defendant~~ *When a person* is convicted of a violation of any building standards adopted by a local entity by ordinance or resolution, including, but not limited to, local health, fire, building, or safety ordinances or resolutions, or any other ordinance or resolution relating to the health and safety of occupants of buildings, by maintaining a substandard building, as specified in Section 17920.3 of the Health and Safety Code, the court, or judge thereof, in making an order granting probation, in addition to any other orders, may order the ~~defendant~~ *person* placed under house confinement, or may order the ~~defendant~~ *person convicted* to serve both a term of imprisonment in the county jail and to be placed under house confinement.

~~This~~

(b) This section only applies to violations involving a dwelling unit occupied by persons specified in subdivision (a) of Section 1940 of the Civil Code who are not excluded by subdivision (b) of that section.

~~(b)If the court orders a defendant to serve all or part of his or her sentence under house confinement, pursuant to subdivision (a), he or she may also be ordered to pay the cost of having a police officer or guard stand guard outside the area in which the defendant has been confined under house confinement if it has been determined that the defendant is able to pay these costs.~~

(c) As used in this section, "house confinement" means confinement to a residence or location designated by the court and specified in the probation order.

(d) Beginning January 1, 2027, any outstanding fees issued pursuant to this section are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 13. Section 1205.3 of the Penal Code is amended to read:

1205.3. ~~In any case in which~~ *(a) When* a defendant is convicted of an offense and granted probation, and the court orders the defendant either to pay a fine or to perform specified community service work as a condition of probation, the court shall specify that if community service work is performed, it shall be performed in place of the payment of all fines and restitution fines on a proportional basis, and the court shall specify in its order the amount of the fine and restitution fine and the number of hours of community service work that shall be performed as an alternative to payment of the fine.

(b) Beginning January 1, 2027, a county, municipality, or contracted entity shall not charge a fee to participate in a community service program or to otherwise fulfill court-ordered community service requirements pursuant to this section. A court shall not deny participation in community service programs based on an inability to charge fees or otherwise recoup costs.

SEC. 14. Section 1209.5 of the Penal Code is amended to read:

1209.5. (a) Notwithstanding any other law, the court shall permit a person convicted of an infraction, upon a showing that payment of the total fine would pose a hardship on the defendant or the defendant's family, to elect to perform community service in lieu of the total fine that would otherwise be imposed.

(b) For purposes of this section, the term "total fine" means the total bail, including the base fine and all assessments, penalties, and additional moneys to be paid by the defendant.

(c) (1) For purposes of this section, the hourly rate applicable to community service performed pursuant to this section shall be double the minimum wage set for the applicable calendar year, based on the schedule for an employer who employs 25 or fewer employees, as established in paragraph (2) of subdivision (b) of Section 1182.12 of the Labor Code.

(2) Notwithstanding paragraph (1), a court may by local rule increase the amount that is credited for each hour of community service performed pursuant to this section, to exceed the hourly rate described in paragraph (1).

(d) (1) If the court determines that a person who has been convicted of an infraction has shown that payment of the total fine would pose a hardship pursuant to subdivision (a) and the person has elected to perform community service in lieu of paying the total fine, the person may elect to perform that community service in the county in which the infraction violation occurred, the county of the person's residence, or any other county to which the person has substantial ties, including, but not limited to, employment, family, or education ties.

(2) Regardless of the county in which the person elects to perform community service pursuant to paragraph (1), the court shall retain jurisdiction until the community service has been verified as complete.

(e) (1) If the court determines that a person who has been convicted of an infraction has shown that payment of the total fine would pose a hardship pursuant to subdivision (a) and the person has elected to perform community service in lieu of paying the total fine pursuant to subdivision (d), the court may, in its discretion, permit a person to participate in an educational program to satisfy community service hours.

(2) As used in this subdivision, an educational program includes, but is not limited to, high school or General Education Development classes, college courses, adult literacy or English as a second language programs, and vocational education programs.

(f) Beginning January 1, 2027, a county, municipality, or contracted entity shall not charge a fee to participate in a community service program, educational program, or to otherwise fulfill court-ordered community service requirements pursuant to this section. A court shall not deny

participation in community service programs based on an inability to charge fees or otherwise recoup costs.

SEC. 15. Section 1210.2 is added to the Penal Code, to read:

1210.2. A county, municipality, or contracted entity shall not charge an administrative fee for participation in community service work for either of the following circumstances:

(a) Punishment for a crime.

(b) As a financial hardship alternative for a fine or monetary penalty.

SEC. 16. Section 4011.1 of the Penal Code is amended to read:

4011.1. (a) Notwithstanding Section 29602 of the Government Code and any other provisions of this chapter, a county, city or the ~~Department of the Youth Authority~~ *Department of Corrections and Rehabilitation, Division of Juvenile Justice,* is authorized to make claim for and recovery of the costs of necessary hospital, medical, surgical, dental, or optometric care rendered to any prisoner confined in a county or city jail or any juvenile confined in a detention facility, who would otherwise be entitled to that care under the Medi-Cal Act (Chapter 7 (commencing with Section 14000) Part 3, Division 9, of the Welfare and Institutions Code), and who is eligible for that care on the first day of confinement or detention, to the extent that federal financial participation is available, or under the provisions of any private program or policy for that care, and the county, city or the ~~Department of the Youth Authority~~ *Department of Corrections and Rehabilitation, Division of Juvenile Justice,* shall be liable only for the costs of that care as cannot be recovered pursuant to this section. ~~No~~ *A* person who is eligible for Medi-Cal shall *not* be eligible for benefits under the provisions of this section, and ~~no~~ *a* county or city or the ~~Department of the Youth Authority~~ *Department of Corrections and Rehabilitation, Division of Juvenile Justice,* is *not* authorized to make a claim for any recovery of costs for services for that person, unless federal financial participation is available for all or part of the costs of providing services to that person under the Medi-Cal Act.

~~Notwithstanding~~

(b) Notwithstanding any other ~~provision of~~ law, any county or city making a claim pursuant to this section and under the Medi-Cal Act shall reimburse the Health Care Deposit Fund for the state costs of paying those medical claims. Funds allocated to the county from the County Health Services Fund pursuant to Part 4.5 (commencing with Section 16700) of Division 9 of the Welfare and Institutions Code may be utilized by the county or city to make that reimbursement.

~~(b)Notwithstanding Section 29602 of the Government Code and any other provisions of this chapter, to the extent that recovery of costs of necessary hospital, medical, surgical, dental, or optometric care are not accomplished under subdivision (a), a county, city, or the Department of~~

~~the Youth Authority is authorized to make claim for and recover from a prisoner or a person legally responsible for a prisoner's care and maintenance the costs of necessary hospital, medical, surgical, dental, or optometric care rendered to any prisoner confined in a county or city jail, or any juvenile confined in a detention facility, where the prisoner or the person legally responsible for the prisoner's care and maintenance is financially able to pay for the prisoner's care, support, and maintenance. Nothing in this subdivision shall be construed to authorize a city, a county, or the Department of the Youth Authority to make a claim against a spouse of a prisoner.~~

~~(c)Necessary hospital, medical, dental, or optometric care, as used in this section, does not include care rendered with respect to an injury occurring during confinement in a county or city jail or juvenile detention facility, nor does it include any care or testing mandated by law.~~

~~(d)Subdivisions (b) and (c) shall apply only where there has been a determination of the present ability of the prisoner or responsible third party to pay all or a portion of the cost of necessary hospital, medical, surgical, dental, or optometric care. The person legally responsible for the prisoner's care shall provide a financial disclosure statement, executed under penalty of perjury, based on his or her past year's income tax return, to the Department of the Youth Authority. The city, county, or Department of the Youth Authority may request that the prisoner appear before a designated hearing officer for an inquiry into the ability of the prisoner or responsible third party to pay all or part of the cost of the care provided.~~

~~(e)Notice of this request shall be provided to the prisoner or responsible third party, which shall contain the following:~~

~~(1)A statement of the cost of the care provided to the prisoner.~~

~~(2)The prisoner's or responsible third party's procedural rights under this section.~~

~~(3)The time limit within which the prisoner or responsible third party may respond.~~

~~(4)A warning that if the prisoner or responsible third party fails to appear before, or respond to, the designated officer, the officer may petition the court for an order requiring him or her to make payment of the full cost of the care provided to the prisoner.~~

~~(f)At the hearing, the prisoner or responsible third party shall be entitled to, but shall not be limited to, all of the following rights:~~

~~(1)The right to be heard in person.~~

~~(2)The right to present witnesses and documentary evidence.~~

~~(3)The right to confront and cross-examine adverse witnesses.~~

~~(4)The right to have adverse evidence disclosed to him or her.~~

~~(5)The right to a written statement of the findings of the designated hearing officer.~~

~~(g)If the hearing officer determines that the prisoner or responsible third party has the present ability to pay all or a part of the cost, the officer shall set the amount to be reimbursed, and shall petition the court to order the prisoner or responsible third party to pay the sum to the city, county, or state, in the manner in which it finds reasonable and compatible to the prisoner's or responsible third party's financial ability. The court's order shall be enforceable in the manner provided for money judgments in a civil action under the Code of Civil Procedure.~~

~~(h)At any time prior to satisfaction of the judgment rendered according to the terms of this section, a prisoner or responsible third party against whom a judgment has been rendered, may petition the rendering court for a modification of the previous judgment on the grounds of a change of circumstance with regard to his or her ability to pay the judgment. The prisoner or responsible third party shall be advised of this right at the time the original judgment is rendered.~~

~~(i)As used in this section, "ability to pay" means the overall capacity of the prisoner or responsible third party to reimburse the costs, or a portion of the costs, of the care provided to the prisoner, and shall include, but not be limited to, all of the following:~~

~~(1)The prisoner's or responsible third party's present financial position.~~

~~(2)The prisoner's or responsible third party's discernible future financial position.~~

~~(3)The likelihood that the prisoner or responsible third party will be able to obtain employment in the future.~~

~~(4)Any other factor or factors which may bear upon the prisoner's or responsible third party's financial position.~~

(c) Beginning January 1, 2027, any outstanding fees issued pursuant to this section are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 17. Section 4018.6 of the Penal Code is amended to read:

4018.6. *(a)* The sheriff of the county may authorize the temporary removal under custody or temporary release without custody of any ~~inmate of~~ *person confined to* the county jail, honor farm, or other detention facility for family emergencies or for purposes preparatory to ~~his~~ *their* return to the community, if the sheriff concludes that ~~such inmate~~ *the person confined* is a fit subject therefor. ~~Any such temporary~~ *Temporary* removal shall not be for a period of more than three days. When ~~an inmate~~ *a person confined* is released for purposes preparatory to ~~his~~ *their* return to the community, the sheriff ~~may~~ *shall not* require the ~~inmate~~ *person detained* to reimburse the county, in whole or in part, for expenses incurred by the county in connection ~~therewith.~~ *with the release.*

(b) Beginning January 1, 2027, any outstanding fees issued pursuant to this section are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 18. Section 42007 of the Vehicle Code is amended to read:

42007. (a) (1) The clerk of the court shall collect a fee from every person who is ordered or permitted to attend a traffic violator school pursuant to Section 41501 or 42005 in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule. As used in this subdivision, "total bail" means the amount established pursuant to Section 1269b of the Penal Code in accordance with the Uniform Bail and Penalty Schedule adopted by the Judicial Council, including all assessments, surcharges, and penalty amounts. Where multiple offenses are charged in a single notice to appear, the "total bail" is the amount applicable for the greater of the qualifying offenses. However, the court may determine a lesser fee under this subdivision upon a showing that the defendant is unable to pay the full amount. *The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by a traffic violator school.*

~~The fee shall not include the cost, or any part thereof, of traffic safety instruction offered by a traffic violator school.~~

(2) The clerk may accept from a defendant who is ordered or permitted to attend traffic violator school a payment of at least 10 percent of the fee required by paragraph (1) upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court. The Judicial Council shall prescribe the form of the agreement for payment of the fee in installments. When the defendant signs the Judicial Council form for payment of the fee in installments, the court shall continue the case to the date in the agreement to complete payment of the fee and submit the certificate of completion of traffic violator school to the court. ~~The clerk shall collect a fee of up to thirty-five dollars ($35) to cover administrative and clerical costs for processing an installment payment of the traffic violator school fee under this paragraph.~~ *A court shall not charge a participant for enrolling in a payment installment plan pursuant to this section.*

(3) If a defendant fails to make an installment payment of the fee according to an installment agreement, the court may convert the fee to bail, declare it forfeited, and report the forfeiture as a conviction under Section 1803. The court may also charge a failure to pay under Section 40508 and impose a civil assessment as provided in Section 1214.1 of the Penal Code or issue an arrest warrant for a failure to pay. For the purposes of reporting a conviction under this subdivision to the department under Section 1803, the date that the court declares the bail forfeited shall be reported as the date of conviction.

(b) Revenues derived from the fee collected under this section shall be deposited in accordance with Section 68084 of the Government Code in the general fund of the county and, as may be applicable, distributed as follows:

(1) In any county in which a fund is established pursuant to Section 76100 or 76101 of the Government Code, the sum of one dollar ($1) for each fund so established shall be deposited with the county treasurer and placed in that fund.

(2) In any county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, an amount equal to the sum of each two dollars ($2) for every seven dollars ($7) that would have been collected pursuant to Section 76000 of the Government Code and, commencing January 1, 2009, an amount equal to the sum of each two dollars ($2) for every ten dollars ($10) that would have been collected pursuant to Section 76000.5 of the Government Code with respect to those counties to which that section is applicable shall be deposited in that fund. Nothing in the act that added this paragraph shall be interpreted in a manner that would result in either of the following:

(A) The utilization of penalty assessment funds that had been set aside, on or before January 1, 2000, to finance debt service on a capital facility that existed before January 1, 2000.

(B) The reduction of the availability of penalty assessment revenues that had been pledged, on or before January 1, 2000, as a means of financing a facility which was approved by a county board of supervisors, but on January 1, 2000, is not under construction.

(3) The amount of the fee that is attributable to Section 70372 of the Government Code shall be transferred pursuant to subdivision (f) of that section.

(c) For fees resulting from city arrests, an amount equal to the amount of base fines that would have been deposited in the treasury of the appropriate city pursuant to paragraph (3) of subdivision (b) of Section 1463.001 of the Penal Code shall be deposited in the treasury of the appropriate city.

(d) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected. For drivers with a noncommercial driver's license, one conviction in any 18-month period will be held confidential and not show on your driving record if you complete a traffic violator school program. For drivers with a commercial driver's license, one conviction in any 18-month period will show on your driving record without a violation point if you complete a traffic violator school program.

(e) Notwithstanding any other provision of law, a county that has established a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code shall not be held liable for having deposited into the fund, prior to January 1, 2009, an amount equal to two dollars ($2) for every ten dollars ($10) that would have been collected pursuant to Section 76000.5 of the Government Code from revenues derived from traffic violator school fees collected pursuant to this section.

(f) Beginning January 1, 2027, payment plan installment fees are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 19. Section 42008.8 of the Vehicle Code is amended to read:

42008.8. (a) The Legislature finds and declares that a one-time infraction amnesty program would do all of the following:

(1) Provide relief to individuals who have found themselves in violation of a court-ordered obligation because they have unpaid traffic bail or fines.

(2) Provide relief to individuals who have found themselves in violation of a court-ordered obligation or who have had their driving privileges suspended pursuant to Section 13365.

(3) Provide increased revenue at a time when revenue is scarce by encouraging payment of old fines that have remained unpaid.

(4) Allow courts and counties to resolve older delinquent cases and focus limited resources on collections for more recent cases.

(b) A one-time amnesty program for unpaid fines and bail meeting the eligibility requirements set forth in subdivision (g) shall be established in each county. Unless agreed otherwise by the court and the county in writing, the government entities that are responsible for the collection of delinquent court-ordered debt shall be responsible for implementation of the amnesty program as to that debt, maintaining the same division of responsibility in place with respect to the collection of court-ordered debt under subdivision (b) of Section 1463.010 of the Penal Code.

(c) As used in this section, the term "fine" or "bail" refers to the total amounts due in connection with a specific violation, including, but not limited to, all of the following:

(1) Base fine or bail, as established by court order, by statute, or by the court's bail schedule.

(2) Penalty assessments imposed pursuant to Section 1464 of the Penal Code, and Sections 70372, 76000, 76000.5, 76104.6, and 76104.7 of, and paragraph (1) of subdivision (c) of Section 76000.10 of, the Government Code, and Section 42006 of this code.

(3) State surcharges imposed pursuant to Section 1465.7 of the Penal Code.

(4) Court operations assessments imposed pursuant to Section 1465.8 of the Penal Code.

(5) Criminal conviction assessments pursuant to Section 70373 of the Government Code.

(d) Notwithstanding subdivision (c), any civil assessment imposed pursuant to Section 1214.1 of the Penal Code shall not be collected, nor shall the payment of that assessment be a requirement of participation in the amnesty program.

(e) Concurrent with the amnesty program established pursuant to subdivision (b), between October 1, 2015, to March 31, 2017, inclusive, the following shall apply:

(1) The court shall, within 90 days, issue and file the appropriate certificate pursuant to subdivisions (a) and (b) of Section 40509 for any participant of the one-time amnesty program established pursuant to subdivision (b) demonstrating that the participant has appeared in court, paid the fine, or otherwise satisfied the court, if the driving privilege of that participant was suspended pursuant to Section 13365 in connection with a specific violation described in paragraph (1), (2), or (3) of subdivision (g). For applications submitted prior to January 1, 2017, that remain outstanding as of that date, the court shall issue and file the certificate no later than March 31, 2017. For applications submitted on or before March 31, 2017, all terms and procedures related to the participant's payment plans shall remain in effect after March 31, 2017.

(2) The court shall, within 90 days, issue and file with the department the appropriate certificate pursuant to subdivisions (a) and (b) of Section 40509 for any person in good standing in a comprehensive collection program pursuant to subdivision (c) of Section 1463.007 of the Penal Code demonstrating that the person has appeared in court, paid the fine, or otherwise satisfied the court, if the driving privilege was suspended pursuant to Section 13365 in connection with a specific violation described in paragraph (1), (2), or (3) of subdivision (g). For applications submitted prior to January 1, 2017, that remain outstanding as of that date, the court shall issue and file the certificate no later than March 31, 2017. For applications submitted on or before March 31, 2017, all terms and procedures related to the participant's payment plans shall remain in effect after March 31, 2017.

(3) Any person who is eligible for a driver's license pursuant to Section 12801, 12801.5, or 12801.9 shall be eligible for the amnesty program established pursuant to subdivision (b) for any specific violation described in subdivision (g). The department shall issue a driver's license to any person who is eligible pursuant to Section 12801, 12801.5, or 12801.9 if the person is participating in the amnesty program and is otherwise eligible for the driver's license but for the fines or bail to be collected through the program.

(4) The Department of Motor Vehicles shall not deny reinstating the driving privilege of any person who participates in the amnesty program established pursuant to subdivision (b) for any fines or bail in connection with the specific violation that is the basis for participation in the amnesty program.

(f) In addition to, and at the same time as, the mandatory one-time amnesty program is established pursuant to subdivision (b), the court and the county may jointly agree to extend that amnesty program to fines and bail imposed for a misdemeanor violation of this code and a violation of Section 853.7 of the Penal Code that was added to the misdemeanor case otherwise subject to the amnesty. The amnesty program authorized pursuant to this subdivision shall not apply to parking violations and violations of Sections 23103, 23104, 23105, 23152, and 23153.

(g) A violation is only eligible for amnesty if paragraph (1), (2), or (3) applies, and the requirements of paragraphs (4) to (8), inclusive, are met:

(1) The violation is an infraction violation filed with the court.

(2) It is a violation of subdivision (a) or (b) of Section 40508, or a violation of Section 853.7 of the Penal Code that was added to the case subject to paragraph (1).

(3) The violation is a misdemeanor violation filed with the court to which subdivision (f) applies.

(4) The initial due date for payment of the fine or bail was on or before January 1, 2013.

(5) There are no outstanding misdemeanor or felony warrants for the defendant within the county, except for misdemeanor warrants for misdemeanor violations subject to this section.

(6) The person does not owe victim restitution on any case within the county.

(7) The person has not made any payments for the violation after September 30, 2015, to a comprehensive collection program in the county pursuant to subdivision (c) of Section 1463.007 of the Penal Code.

(8) The person filed a request with the court on or before March 31, 2017.

(h) (1) Except as provided in paragraph (2), each amnesty program shall accept, in full satisfaction of any eligible fine or bail, 50 percent of the fine or bail amount, as defined in subdivision (c).

(2) If the participant certifies under penalty of perjury that ~~he or she receives~~ *they receive* any of the public benefits listed in subdivision (a) of Section 68632 of the Government Code or is within the conditions described in subdivision (b) of Section 68632 of the Government Code, the amnesty program shall accept, in full satisfaction of any eligible fine or bail, 20 percent of the fine or bail amount, as defined in subdivision (c).

(i) The Judicial Council, in consultation with the California State Association of Counties, shall adopt guidelines for the amnesty program no later than October 1, 2015, and each program shall be conducted in accordance with the Judicial Council's guidelines. As part of its guidelines, the Judicial Council shall include all of the following:

~~(1)Each court or county responsible for implementation of the amnesty program pursuant to subdivision (b) shall recover costs pursuant to subdivision (a) of Section 1463.007 of the Penal Code and may charge an amnesty program fee of fifty dollars ($50) that may be collected with the receipt of the first payment of a participant.~~

~~(2)~~

(1) A payment plan option created pursuant to Judicial Council guidelines in which a monthly payment is equal to the amount that an eligible participant can afford to pay per month consistent with Sections 68633 and 68634 of the Government Code. If a participant chooses the payment plan option, the county or court shall collect all relevant information to allow for collection by the Franchise Tax Board pursuant to existing protocols prescribed by the Franchise Tax Board to collect delinquent debts of any amount in which a participant is delinquent or otherwise in default under ~~his or her~~ *their* amnesty payment plan.

~~(3)~~

(2) If a participant does not comply with the terms of ~~his or her~~ *their* payment plan under the amnesty program, including failing to make one or more payments, the appropriate agency shall send a notice to the participant that ~~he or she has~~ *they have* failed to make one or more payments and that the participant has 30 days to either resume making payments or to request that the agency change the payment amount. If the participant fails to respond to the notice within 30 days, the appropriate agency may refer the participant to the Franchise Tax Board for collection of any remaining balance owed, including an amount equal to the reasonable administrative costs incurred by the Franchise Tax Board to collect the delinquent amount owed. The Franchise Tax Board shall collect any delinquent amounts owed pursuant to existing protocols prescribed by the Franchise Tax Board. The comprehensive collection program may also utilize additional collection efforts pursuant to Section 1463.007 of the Penal Code, except for subparagraph (C) of paragraph (4) of subdivision (c) of that section.

~~(4)~~

(3) A plan for outreach that will, at a minimum, make available via an ~~Internet Web site~~ *internet website* relevant information regarding the amnesty program, including how an individual may participate in the amnesty program.

~~(5)~~

(4) The Judicial Council shall reimburse costs incurred by the Department of Motor Vehicles up to an amount not to exceed two hundred fifty thousand dollars ($250,000), including all of the following:

(A) Providing on a separate insert with each motor vehicle registration renewal notice a summary of the amnesty program established pursuant to this section that is compliant with Section 7292 of the Government Code.

(B) Posting on the department's ~~Internet Web site~~ *internet website* information regarding the amnesty program.

(C) Personnel costs associated with the amnesty program.

(j) The Judicial Council, in consultation with the department, may, within its existing resources, consider, adopt, or develop recommendations for an appropriate mechanism or mechanisms to allow reinstatement of the driving privilege of any person who otherwise meets the criteria for amnesty but who has violations in more than one county.

(k) A criminal action shall not be brought against a person for a delinquent fine or bail paid under the amnesty program.

(l) (1) The total amount of funds collected under the amnesty program shall, as soon as practical after receipt thereof, be deposited in the county treasury or the account established under Section 77009 of the Government Code. After acceptance of the amount specified in subdivision (h), notwithstanding Section 1203.1d of the Penal Code, the remaining revenues collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed pursuant to Section 1462.5 of the Penal Code.

(2) Notwithstanding Section 1464 of the Penal Code, the amount of funds collected pursuant to this section that would be available for distribution pursuant to subdivision (f) of Section 1464 of the Penal Code shall instead be distributed as follows:

(A) The first two hundred fifty thousand dollars ($250,000) received shall be transferred to the Judicial Council.

(B) Following the transfer of the funds described in subparagraph (A), once a month, both of the following transfers shall occur:

(i) An amount equal to 82.20 percent of the amount of funds collected pursuant to this section during the preceding month shall be transferred into the Peace Officers' Training Fund.

(ii) An amount equal to 17.80 percent of the amount of funds collected pursuant to this section during the preceding month shall be transferred into the Corrections Training Fund.

(m) Each court or county implementing an amnesty program shall file, not later than May 31, 2017, a written report with the Judicial Council, on a form approved by the Judicial Council. The report shall include information about the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. Notwithstanding Section 10231.5 of the Government Code, on or before August 31, 2017, the Judicial Council shall submit a report to the Legislature summarizing the information provided by each court or county.

(n) Beginning January 1, 2027, amnesty program administrative fees are unenforceable and uncollectible and any portion of a judgment imposing those costs shall be vacated.

SEC. 20. Section 730.5 of the Welfare and Institutions Code is repealed.

~~730.5.~~

~~When a minor is adjudged a ward of the court on the ground that he or she is a person described in Section 602, in addition to any of the orders authorized by Section 726, 727, 730, or 731, the court may levy a fine against the minor up to the amount that could be imposed on an adult for the same offense, if the court finds that the minor has the financial ability to pay the fine. Section 1464 of the Penal Code applies to fines levied pursuant to this section.~~

Date of Hearing: April 14, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2434 (Bonta) – As Amended April 7, 2026

SUMMARY: Requires California Department of Corrections and Rehabilitation (CDCR) facilities to provide an incarcerated person with contact visits unless the person is housed in restricted housing, and establishes limitations on a CDCR facility's ability to search visitors without their voluntary, informed, and written consent. Specifically, **this bill**:

1) Requires each CDCR facility to be open for visitation at least three days per week.

2) Prohibits a CDCR facility from denying, revoking, limiting, or interfering with visitation based on any of the following characteristics, whether actual or perceived, of a person in custody or a prospective visitor: sex; sexual orientation; race; age; nationality; political beliefs; religious beliefs and expression; criminal record; pending criminal or civil case; lack of family relationship; gender, including gender identity, self-image, appearance, behavior or expression; disability; hair color, texture, or protective hairstyles, including, but not limited to, tightly coiled, curly, wavy, or Afro-textured hair, braids, locs, twists, Bantu knots, cornrows, Afros, and other natural hair styling methods; or, body type, body size, weight, height, or other physical characteristics.

3) Provides that a facility shall allow all visits with an incarcerated person to be contact visits unless the incarcerated person is housed in a restricted housing unit.

4) Authorizes a facility to limit an incarcerated person housed in a restricted housing unit to noncontact visits only for the duration of that placement.

5) Requires a facility to restore contact visits immediately upon the incarcerated person's return to a nonrestricted housing unit.

6) Prohibits a facility from denying, revoking, suspending, limiting, or interfering with visiting privileges for a disciplinary matter or rule violation unrelated to visitation.

7) Requires a facility to review any limitation, denial, or suspension of visitation imposed prior to January 1, 2027, at the incarcerated person's next annual classification review and modify it as necessary to conform to the provisions of this bill.

8) Prohibits a facility from denying visitors entry based on correctable issues, including, but not limited to, dress code violations, excess number of accompanying minors, or missing documentation. For correctable issues, staff shall do all of the following:

    a) Provide clear and specific guidance on how to remedy the issue in writing;

b) Allow the visitor a reasonable opportunity to correct the issue and return to visiting up to one hour before the end of the visiting period;

c) Permit the visit to proceed once the issue is resolved; and,

d) Offer reasonable alternatives, including a noncontact visit, when correction is not possible that day.

9) Requires the facility, if a visit is denied on the day of visiting for a noncorrectable issue, to provide written documentation to the visitor on the same day stating:

a) The specific reason for denial;

b) The length of the denial and explaining how to appeal; and,

c) Information regarding the right to appeal and how to appeal.

10) Provides that a visit may not be denied if a person has traveled more than 100 miles to attend a visit or has not visited within 30 days, unless there has been a finding of a credible and documented security threat. The facility may not deny a visit under this provision for correctable issues, as described.

11) Authorizes a facility to subject any person coming onto the property to routine screening or a voluntary search to ensure facility security and prevent the introduction or removal of contraband.

12) Prohibits a facility from searching visitors without their voluntary, informed, and written consent unless facility officials possess a court-issued warrant or the individual is lawfully detained pursuant to other law.

13) Requires a facility to give visitors information regarding their right to refuse a voluntary search that is translated into the top five most commonly spoken languages in California according to the most recently completed census before providing their written consent to the search.

14) Prohibits a facility from forcibly searching any visitor who does not consent to a search. If a person refuses a voluntary search, as specified, the facility may only deny contact visiting for that day. The facility shall offer a noncontact visit on the same day, if space is available, unless there is an immediate and credible security threat.

15) Prohibits a facility from punishing refusal to consent to a search with suspension, termination, or future restriction of visitation privileges, nor shall the refusal to consent to a search be recorded as misconduct in any permanent record.

16) Requires a facility, for any visitor who is denied visitation or has visitation restricted due to failing a search or refusing to consent to a search, at the time of that denial, to issue a written notice detailing what occurred, the date, time, who was present, and the underlying rationale given to the visitor for the denial or restriction.

17) Requires a facility to conduct all searches in the least intrusive manner reasonably available and to limit searches to what is strictly necessary to address the specific security concern.

18) Provides that clothed body searches conducted by the facility shall consist of a visual inspection and use of a hand-held wand, and the facility shall prohibit physical contact by staff.

19) Requires a facility to conduct unclothed body searches only after providing notice that the search is voluntary, obtaining the visitor's written consent, and with reasonable suspicion that contraband is concealed on the body and no less intrusive means are available.

20) Requires the facility to require written supervisory approval for unclothed searches documenting the specific facts supporting reasonable suspicion. They shall be conducted in a private setting by staff of the same gender as the visitor, with no physical contact.

21) Prohibits the facility from conducting strip searches, body cavity searches, and any search involving physical intrusion without a court-issued warrant for the search.

22) Prohibits CDCR, except as specified, from conducting strip searches, visual body cavity searches, and physical body cavity searches of visitors who are under 18 years of age.

23) Authorizes CDCR, if it has probable cause and obtains a warrant to search, to conduct strip searches of visitors who are under 18 years of age.

24) Requires CDCR, if there is probable cause that the visitor is attempting to introduce contraband, unauthorized substances, or other unauthorized items into the institution, to notify the visitor and their parent or guardian in writing, and requires CDCR to receive written consent from the visitor and their parent or guardian prior to conducting the search.

25) Authorizes CDCR, if probable cause exists but the visitor and their parent or guardian do not consent to the visitor being searched, to offer a noncontact visit, if feasible, or deny the visit.

26) Requires the facility, if a visitor is subjected to a search exceeding the standard screening applied to all visitors, to provide written notice on the same day stating the specific reason for the search and the name and title of the approving official.

27) Requires the facility to log all searches beyond routine screening in a manner accessible for review through the visitation appeals process.

28) Requires CDCR to annually collect and publish data regarding searches, alerts, and resulting denials in aggregate form to ensure transparency and guard against discriminatory enforcement.

29) Requires the facility to make all written notices and documentation related to searches of visitors available in the five most common languages spoken in California according to the most recent census.

30) States that the facility shall permit all visitors who cannot clear a metal detector due to a medically implanted or prosthetic device to present written verification from a licensed

health care provider describing the device and its location.

31) Prohibits the facility from requiring renewal of that verification for permanent devices unless there is a material change in the device.

32) Prohibits the facility from requiring visitors who use wheelchairs or assistive devices to transfer to a facility wheelchair, and requires the facility to permit visitors to remain in their own wheelchair while the device is inspected using the least intrusive means available.

33) Prohibits the facility from punishing failure to present documentation under this provision with permanent suspension of visitation, but authorizes the facility to require alternative screening measures or a noncontact visit for that day.

34) Requires the facility to require that all searches be conducted professionally, respectfully, and without harassment, intimidation, or retaliatory intent.

35) Requires the facility to prohibit retaliatory searches, searches based on personal characteristics unrelated to safety, and degrading or sexualized comments.

36) Requires the facility to inform visitors of their right to file a complaint and shall prohibit retaliation for filing complaints.

37) Provides the following definitions:

a) "Assistive device" means mobility aids designed to assist mobility and safety for individuals with disabilities, including, but not limited to, manual and electric wheelchairs, walkers, rollators, mobility scooters, canes, and crutches.

b) "Credible security threat" means a specific, articulable, and documented facts that establish a reasonable belief that a visitor or incarcerated person presents an immediate and identifiable risk of introducing contraband, facilitating escape, or causing physical harm within the facility. A credible security threat shall be based on objective information, including reliable intelligence, direct observation, or verified evidence, and shall not be based solely on generalized safety concerns, institutional convenience, anonymous or uncorroborated allegations, personal characteristics, protected traits, prior criminal history unrelated to institutional safety, refusal to consent to a voluntary search, or the mere existence of a past rule violation.

c) "Facility" means any institution operated by the Department of Corrections and Rehabilitation for the purposes of detention.

d) "Routine screening" means a standardized, minimally intrusive inspection process applied uniformly to all visitors as a condition of entry, for the limited purpose of detecting weapons or contraband. Routine screening shall consist only of passage through a walk-through metal detector or hand-held metal detection wand, visual inspection of personal property, or screening by electronic detection equipment applied in the same manner to all visitors.

e) "Strip search," "visual body cavity search," and "physical body cavity search" have the same meaning as defined in Section 4030.

f) "Visit" and "visitation" means an in-person visit conducted at a facility during established visiting hours.

38) Provides legislative findings and declarations.

EXISTING LAW:

1) Provides that any amendments to existing regulations and any future regulations adopted by CDCR that may impact visitation of incarcerated persons shall do all of the following:

   a) Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and incarcerated persons;

   b) Recognize and consider the important role of incarcerated person visitation in establishing and maintaining a meaningful connection with family and community;

   c) Recognize and consider the important role of incarcerated person visitation in preparing an incarcerated person for successful release and rehabilitation. (Pen. Code, § 6400, subds. (a)-(c).)

2) Requires, at intake, every incarceration person to be asked whom they want on their approved visitor list. (Pen. Code, § 6400.)

3) Requires CDCR to develop policies related to the department's contraband interdiction efforts for individuals entering CDCR detention facilities, including among others:

   a) Application to all individuals, including visitors;

   b) Use of methods to ensure that profiling is not practiced during random searches or searches of all individuals entering the prison at that time;

   c) Establishment of unpredictable, random search efforts and methods;

   d) All visitors attempting to enter a CDCR detention facility shall be informed that they may refuse to be searched by a passive alert dog; and,

   e) All visitors attempting to enter a CDCR detention facility, who have a positive alert for contraband by an electronic drug detection device, a passive alert dog, or other technology, shall be informed of further potential search or visitation options. (Pen. Code, § 6404, subds (a)-(e).)

4) Provides that incarcerated persons shall not be prohibited from family visits based solely on the fact the incarcerated person was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings. (Pen. Code, § 6404.)

5) Requires CDCR to expedite a family visitation application process for incarcerated pregnant persons in order to prevent delays for visitation for the incarcerated mother and newborn child following delivery. (Pen. Code, § 6404.5, subd. (a).)

6) Requires CDCR, for an in-person visit, to all allow a visitor with an infant or toddler to bring items related to the care of the child. (Pen. Code, § 6405, subd. (b).)

7) Provides that whenever a person is sentenced to the state prison for violating a specified sex offense and the victim of the offense is a child under the age of 18 years, the court shall prohibit all visitation between the defendant and the child victim. (Pen. Code, § 1202.05)

8) States that every person who, without the permission of the warden or other officer in charge of any state prison, or any jail, communicates with any prisoner or person detained therein, is guilty of a misdemeanor. (Pen. Code, § 4570.5.)

9) Requires emergency in-person contact visits and video calls to be made available whenever an incarcerated person is hospitalized due to a serious or critical medical condition, including imminent danger of dying. When the incarcerated person is in imminent danger of dying, CDCR must allow up to four visitors at one time to visit the incarcerated person. (Pen. Code, § 6401, subd. (c).)

10) Defines "strip search," "physical body cavity search," and "visual body cavity search" as follows:

    a) "Body cavity" means the stomach or rectal cavity of a person, and vagina of a female person;

    b) "Physical body cavity search" means physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity;

    c) "Strip search" means a search which requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person; and,

    d) "Visual body cavity search" means visual inspection of a body cavity. (Pen. Code, § 4030, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Women, particularly Black women, are the primary visitors of incarcerated people. 1 in 4 women in this country has a loved one who is incarcerated. For Black women, that number nearly doubles to 1 in 2. Decades of research, including 18 studies, show unequivocally that visitation reduces recidivism, improves behavior while incarcerated, and helps people successfully return to their communities. Yet, 55% of women are only able to see their incarcerated loved one monthly or a few times a year. More than a quarter of these women never see their loved one at all. When women visit

their loved one, they routinely experience last-minute cancellations after traveling hundreds of miles, humiliating searches, sexual harassment by staff, retaliation for requesting basic dignity, and facilities turning away their children without explanation. Visitors deserve to be treated with basic dignity; and when a visit is denied, they deserve to know why. By making visitation unnecessarily burdensome, California prevents family unification and rehabilitation, which undermines the state's goal of reduced incarceration and harms our public safety. A 2011 study found that among people who received visits while incarcerated, felony re-convictions decreased by 13 percent, and revocations for technical violations of parole decreased by 25 percent compared to those who did not receive visits. Every prison visit actively improves our public safety. AB 2434 protects families, incarcerated people, visitors, and our communities."

2) **Incarcerated Person Visitation and the Effect of the bill:** The importance of visitation for incarcerated people and their families is well recognized. On its website, CDCR affirmatively states that visitation helps incarcerated people maintain family connection and community ties.[1] Existing law requires CDCR regulations to recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and incarcerated persons, and the important role of incarcerated person visitation in establishing and maintaining a meaningful connection with family and community. (Pen. Code, § 6400, subds. (a) & (b).) Existing law also recognizes the important role of incarcerated person visitation in preparing an incarcerated person for successful release and rehabilitation. (Pen. Code, § 6400, subds. (a) & (b).)

   Other provisions of law similarly suggest the state's commitment to the above principles. For example, existing law provides that incarcerated persons shall not be prohibited from family visits based solely on the fact the incarcerated person was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings. (Pen. Code, § 6404.) It also requires CDCR to expedite a family visitation application process for incarcerated pregnant persons in order to prevent visitation delays for the incarcerated mother and newborn child following delivery. (Pen. Code, § 6404.5, subd. (a).)

   CDCR facilities must provide at least 12 hours of visiting per week. Regular visiting days are required to be consecutive and include Saturday and Sunday. CDCR facilities must make public the visiting schedules, including regular visiting days, holiday visiting days, and visiting appointments. Existing regulations also require that, when a specified holiday occurs on a day not regularly scheduled for visiting, each facility must nevertheless provide the same number of hours of visiting on that day as for any regularly scheduled visiting day. (Cal. Code Regs., tit. 15, § 3172.2, subd. (a)-(c).)

   There are generally three types of visitation—in-person visits, in-person non-contact visits, and family visits. According to CDCR: "Most incarcerated people in the general population may participate in an in-person visit. These visits allow the incarcerated person to sit together with their visitor(s) in a designated shared space, usually furnished with tables and chairs. In-person visits are limited to five visitors at a time and are not limited in duration except for

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[1] https://www.cdcr.ca.gov/visitors/

normal visiting hours or terminations caused by overcrowding."[2] In-person non-contact visits are for incarcerated people in reception or in segregation. "Non-contact visits occur with a glass partition between the incarcerated person and his/her visitors. The incarcerated person is escorted in handcuffs by staff to the visit. The handcuffs are removed only after the incarcerated person is secured in his/her side of the visiting booth… Non-contact visits are restricted to three visitors and are limited in time."[3] Finally, family visits (or overnight visitation) are visits where the incarcerated person and members of their immediate family are permitted to spend time in private, apartment-like facilities on prison grounds, for a duration that lasts approximately 30 to 40 hours. Incarcerated persons sentenced to death, convicted for sex offenses, still in reception, or under disciplinary restrictions are not permitted to have family visits.[4]

CDCR must approve visitors before incarcerated person visitation can be scheduled. Existing law requires, at intake, every incarcerated person to be asked whom they want on their approved visitor list. (Pen. Code, § 6400, subd. (a)(1).) CDCR approval requires a potential visitor to fill out a visitor questionnaire, which asks applicants for a list of all criminal convictions and arrests, even if the applicant was never charged or convicted following arrest. CDCR conducts background checks for arrests and convictions of all visitors and will deny anybody who fails to disclose a prior arrest or conviction.[5] Once approved, an in-person visit at a CDCR facility can be scheduled.

CDCR imposes restrictions on the day of visiting as well. Among other things, all adults must present identification when being processed to visit; children under 18 years old must be accompanied by an adult; visitors must comply with attire restrictions; and visitors may only bring a "strictly limited" set of items to the visit without prior approval.[6] CDCR will also search people visiting a CDCR facility for contraband and to maintain facility security. Inspection may include a search of the visitor's person, personal property and vehicle(s) when there is reasonable suspicion to believe the visitor may be attempting to introduce contraband or unauthorized items or substances into, or out of, the institution or facility. (Cal. Code Regs., tit. 15, § 3173.2, subd. (a); see Pen. Code, § 6404, subds (a)-(e).) All visitors must submit to metal detection device(s) and/or electronic drug detectors, and may have to submit to passive alert canine search. (Cal. Code Regs., tit. 15, § 3173.2, subd. (c).) Other searches include a hand-held wand inspection, a clothed body search, and unclothed body searches when there is a reasonable suspicion that the visitor may be carrying contraband. (Cal. Code Regs., tit. 15, § 3173.2, subd. (d)(5)-(7).)

During visits, CDCR limits the amount of physical interaction between incarcerated people and their visitors. CDCR regulations provide that no bodily contact is permitted during visitation, except hand holding between an incarcerated person and their visitors, a brief embrace and/or kiss between an incarcerated person and their visitors at the beginning and end of each visit, and incarcerated person may hold their minor children and may hold children accompanied by an adult. (Cal. Code Regs., tit. 15, § 3175, subd. (b)-(g).)

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[2] https://www.cdcr.ca.gov/visitors/types-of-visits/
[3] https://www.cdcr.ca.gov/visitors/types-of-visits/
[4] *Ibid.*
[5] https://www.cdcr.ca.gov/visitors/how-to-get-approved-to-visit-an-incarcerated-person/
[6] https://www.cdcr.ca.gov/visitors/prepare-to-visit/

This bill, among other things, requires each CDCR facility to be open for visitation at least three days per week and prohibits a CDCR facility from denying, revoking, limiting, or interfering with visitation based specified characteristics. It further requires CDCR facilities to allow all visits with an incarcerated person to be contact visits unless the incarcerated person is housed in a restricted housing unit, authorizes a facility to limit an incarcerated person housed in a restricted housing unit to noncontact visits only for the duration of that placement. A facility must restore contact visiting immediately upon the incarcerated person's return to a nonrestricted housing unit.

Additionally, this bill prohibits a facility from denying, revoking, suspending, limiting, or interfering with visiting privileges for a disciplinary matter or rule violation unrelated to visitation. It prohibits a facility from denying visitors entry based on correctable issues, including, but not limited to, dress code violations, excess number of accompanying minors, or missing documentation. For correctable issues, CDCR staff must provide clear and specific guidance on how to remedy the issue in writing; allow the visitor a reasonable opportunity to correct the issue and return to visiting up to one hour before the end of the visiting period; permit the visit to proceed once the issue is resolved; and, offer reasonable alternatives, including a noncontact visit, when correction is not possible that day. Finally, this bill requires the facility, if a visit is denied on the day of visiting for a noncorrectable issue, to provide written documentation to the visitor on the same day stating the specific reason for denial; the length of the denial and explaining how to appeal; and, information regarding the right to appeal and how to appeal.

3) **Positive Impacts of In-Person Visitation**: Decades of research has shown that in-person visitation is beneficial, particularly when it comes to reducing recidivism. One study found that any visit reduced the risk of recidivism by 13 percent for felony reconvictions and 25 percent for technical violation revocations, which reflects the fact that visitation generally had a greater impact on revocations. The findings further showed that more frequent and recent visits were associated with a decreased risk of recidivism. A 1972 study on visitation that followed 843 people on parole from California prisons found that those who had no visitors during their incarceration were six times more likely to be reincarcerated than people with three or more visitors. Visitation is also correlated with adherence to prison rules. A 2019 study found that one additional visit per month would reduce misconduct by 14 percent. According to another study, misconduct tended to decrease in the three weeks before a visit. This may explain why more frequent visits lead to more consistent good behavior, better overall outcomes and post-release success. Research has also found that visitation is linked to better mental health, including reduced depressive symptoms for incarcerated persons.[7]

4) **Strip Searches**: This bill would prohibit strip searches, body cavity searches, and any search involving physical intrusion without a court-issued warrant for the search. It also provides CDCR shall not conduct strip searches, visual body cavity searches, and physical body cavity searches of visitors who are under 18 years of age unless the department has probable cause and obtains a warrant to search. It adds that, if there is probable cause that the visitor is attempting to introduce contraband, unauthorized substances, or other unauthorized items into the institution, CDCR shall notify the visitor and their parent or guardian in writing, and

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[7] Prison Policy Initative, *Research Roundup: The Positive Impacts of Family Contact for Incarcerated People and Their Families* (Dec. 21, 2021) <https://www.prisonpolicy.org/blog/2021/12/21/family_contact/> (as of Apr. 6, 2026).

the department shall receive written consent from the visitor and their parent or guardian prior to conducting the search. If probable cause exists but the visitor and their parent or guardian do not consent to the visitor being searched, CDCR may offer a noncontact visit, if feasible, or deny the visit.

An unclothed body search is a security procedure that involves visual inspection of a person's body and body cavities with all of the person's clothing removed and a thorough inspection of the person's clothing for the purpose of detecting contraband. (Cal. Code Regs., tit. 15, § 3173.2, subd. (d)(7).) Existing regulations provide that a visitor's body will not be touched by staff during the search. (*Ibid.*) This procedure may be conducted with the visitor's consent when there is a reasonable suspicion that the visitor is carrying contraband and when no less intrusive means are available to conduct the search. (*Ibid.*) Additional screening will occur when an individual sets off the alarm of the metal detector, an individual is selected for additional screening, or an individual has provided documentation to substantiate a condition that precludes successful screening by metal detector. (Cal. Code Regs., tit. 15, § 3173.2, subd. (d)(2).)

Under existing regulations, "Visitors who refuse to submit to an unclothed body search, where probable cause exists, shall have their visiting privileges denied for that day. Future visits may be conditioned upon the visitor's willingness to submit to an unclothed body search prior to being allowed to visit." (Cal. Code Regs., tit. 15, § 3176, subd. (a)(3).)

5) **Argument in Support**: According to the *Essie Justice Group*, a co-sponsor of this bill, "Across California prisons, visitation policies are inconsistently applied, poorly defined, and often enforced in ways that are unpredictable and punitive. Families frequently travel long distances, take time off work, and incur significant costs only to have visits shortened, denied, or disrupted based on vague rules or discretionary decisions by staff. There is little transparency or accountability when visits are limited or revoked, leaving families without meaningful recourse.

"These harms fall disproportionately on women and children. Women, particularly Black women, are the primary visitors of incarcerated people and often carry the financial and emotional burden of maintaining family connections. Many are caregivers, navigating work, childcare, and travel logistics in order to sustain relationships with their incarcerated loved ones. Children are especially impacted. Research shows that hundreds of thousands of children in California have an incarcerated parent, and visitation is one of the only ways to maintain critical parent-child bonds. When visits are denied, cut short, or made stressful and unpredictable, children experience confusion, anxiety, and harm. Our members—women with incarcerated loved ones—report facing sexual harassment, degrading searches, intimidation, and retaliation for asserting basic dignity during visits. Women go to great lengths to visit their incarcerated loved one only to be met with a harsh and demeaning process that punishes them for showing up for their incarcerated family members. The grave impacts of these actions are reflected in multiple member accounts.

"Women visiting incarcerated loved ones are routinely required to remove religious headwear, protective hairstyles, wigs, and hair extensions — often in full view of other visitors — just to gain entry. These invasive searches fall disproportionately on Black and brown women in our membership.

"Essie member K (pseudonym) describes waiting up to an hour on multiple occasions for a same-gender officer to inspect her hijab, time that comes directly out of her scheduled visit. On one occasion, she was left with only ten minutes to see her incarcerated loved one. Essie member M (pseudonym) was denied a visit due to the metal underwire in her bra: "being told [by facility staff], 'you have to do something with that bra, but we don't want those things on the floor,' after driving 600 miles and then not being allowed in—it makes me not want to visit."

"Visitation is an issue that underscores the ways women with incarcerated loved ones are directly harmed by mass incarceration. National research shows that 1 in 4 women, and 1 in 2 Black women, have a family member in prison.1 In listening to countless stories from our members on their experiences inside California prison visiting rooms, we requested Public Records Act data from CDCR State Prisons and found that between January 2014 and October 2025, five state facilities cancelled over 5,000 visits—**women accounted for nearly 78% of all denied visits.** Three Los Angeles County facilities recorded over 2 million visit cancellations during the same time frame.

"Instead of supporting stability and connection, the current system often creates additional trauma. Families are forced to navigate constantly shifting expectations, and even minor or unclear rule violations can result in terminated visits or future restrictions. This undermines the very purpose of visitation, which is to preserve family ties and support successful rehabilitation and reentry.

"AB 2434 addresses these issues by creating clearer statewide standards for visitation, limiting arbitrary denial or interference, and improving transparency and accountability in how visitation policies are implemented. By establishing consistent expectations and reducing discretionary enforcement, the bill ensures that families can engage in visits without fear of sudden disruption or punishment for unclear rules.

"Strengthening visitation is not just about dignity, it is about outcomes. Research consistently shows that maintaining family connections during incarceration reduces disciplinary issues and lowers recidivism, while improving long-term stability for both incarcerated individuals and their families. Ensuring meaningful access to visitation supports children, strengthens families, and promotes safer communities."

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

7) **Related Legislation**:

   a) AB 1645 (M. González) would prohibit CDCR regulations from unreasonably restricting nonsexual physical contact between incarcerated persons and their visitors during contact visits. AB 1645 is pending a hearing in the Assembly Appropriations Committee.

   b) AB 1646 (Bryan) would provide that all youth confined in a juvenile facility have the right to engage in physical contact with visitors during in-person visits that a reasonable person would find nonsexual and appropriate under the circumstances. AB 1646 is pending a hearing in the Assembly Appropriations Committee.

8) **Prior Legislation**:

a) AB 2709 (Bonta), of the 2023-2024 Legislative Session, would have prohibited a sentenced to imprisonment in a state prison or in a county jail for a felony offense from being prevented from receiving personal visits. AB 2709 was held in suspense in the Senate Appropriations Committee.

b) AB 2740 (Waldron), Chapter 738, Statutes of 2024, would have required CDCR, among other things, to expedite a family visitation application process for incarcerated pregnant persons in order to prevent delays for visitation for the incarcerated mother and newborn child following delivery and prohibit limiting family visitation for incarcerated mothers to see their newborn child.

c) AB 958 (Santiago) of the 2023-2024 Legislative Session, was substantially similar to AB 990. AB 958 was held in Senate Appropriations Committee.

d) AB 990 (Santiago), of the 2021-2022 Legislative Session, would have made personal visits a civil right for incarcerated people. AB 990 was vetoed.

e) SB 1008 (Becker), Chapter 827, Statutes of 2022, requires CDCR to provide voice communication services to incarcerated persons free of charge.

f) SB 1139 (Kamlager) Chapter 837, Statutes of 2022, requires, among other things, emergency in-person contact visits and video calls to be made available whenever an incarcerated person is hospitalized or moved to a medical unit within the facility and the incarcerated person is in a critical or more serious medical condition.

g) AB 964 (Medina), of the 2019-2020 Legislative Session, would have required all local detention facilities to offer in-person visitation. AB 964 was held on the Assembly Appropriations suspense file.

h) SB 843 (Committee on Budget), Chapter 33, Statutes of 2016, bars prohibiting incarcerated persons from family visits based solely on the fact that the incarcerated person is sentenced to life without the possibility of parole or is sentenced to life and is without a parole date.

i) SB 1157 (Mitchell), of the 2015-2016 Legislative Session, would have prohibited local correctional facilities and juvenile facilities from replacing in-person visits with video or other types of electronic visitation. SB 1157 was vetoed.

j) SCR 20, Chapter 88, Statutes of 2009, encourages correctional facilities to distribute the Children of Incarcerated Parents Bill of Rights to children of incarcerated parents, and to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

k) AB 2133 (Goldberg), Chapter 238, Statutes of 2002, requires that any amendments to regulations adopted by CDCR which may impact the visitation of incarcerated persons recognize and consider the value of visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful

release and rehabilitation.

REGISTERED SUPPORT / OPPOSITION:

Support

Access Reproductive Justice
ACLU California Action
All of US or None (HQ)
All of US or None Orange County
Anti Police-terror Project
California Coalition for Women Prisoners
California Public Defenders Association
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Communities United for Restorative Youth Justice (CURYJ)
Courage California
Crop Organization; the
Defy Ventures
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Essie Justice Group (UNREG)
F.i.a.t.m. Group INC.
Fair Chance Project
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Felony Murder Elimination Project
Glide
Grace Institute - End Child Poverty in CA
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Milpa Collective
Parenting for Liberation
Pillars of the Community
Prison Policy Initiative
Rubicon Programs
San Francisco Public Defender
San Quentin Skunkworks
Silicon Valley De-bug
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
The Collective for Liberatory Lawyering
The W. Haywood Burns Institute
Transgender, Gendervariant, Intersex Justice Project
Vera Institute of Justice
13 Private Individuals

Opposition

None Submitted

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

Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2553 (Petrie-Norris) – As Amended March 16, 2026

SUMMARY: Specifies that for a person who is granted probation for certain convictions relating to crimes involving real property, the probation term shall be up to five years for either a misdemeanor or felony. Specifically, **this bill**:

1) States that, notwithstanding other specified laws, a defendant granted probation shall have a probation term up to five years for either a misdemeanor or felony, for the following offenses:

   a) Procuring or offering any false or forged instrument to be filed, registered, or recorded in any public office.

   b) Making a false sworn statement to a notary public.

   c) Fraudulently removing his or her property or effects out of this state with intent to defraud, hinder or delay his or her creditors of their rights, claims, or demands.

   d) Theft, embezzlement, forgery, fraud, or identity theft, with respect to the property or personal identifying information of an elder or a dependent adult.

   e) Intent to defraud by signing the name of another person or of a fictitious person.

   f) Alters, falsifies, forges, duplicates or in any manner reproduces or counterfeits any driver's license or identification card issued by a governmental agency with the intent that such driver's license or identification card be used to facilitate the commission of any forgery.

   g) Displays any driver's license or identification card with the intent that the driver's license or identification card be used to facilitate the commission of any forgery.

   h) Possesses or receives, with the intent to pass or facilitate the passage, any forged, altered, or counterfeit items.

   i) Grand theft when money, labor, real property, or personal property taken is of a value exceeding $950.

   j) Falsely personates another in either his or her private or official capacity.

   k) Manufactures, sells, offers for sale, or transfers any document purporting to be a government-issued identification card or driver's license.

l) Willfully obtains personal identifying information of another person, and uses that information for any unlawful purpose, without the consent of that person.

m) Fraudulent conveyance of any lands, tenements, or hereditaments, goods or chattels, or any right or interest issuing the same.

n) Knowingly executes or procures another to execute any instrument purporting to convey any real property, or any right or interest therein, knowing that such person so executing has no right to or interest in such property.

o) Knowingly defrauds any other person of money, labor, or property, whether real or personal, or who causes or procures others to report falsely of his or her wealth or mercantile character.

p) Commits mortgage fraud with the intent to defraud.

q) Selling, bartering, or disposing of any tract of land or town lot, willfully and with intent to defraud previous or subsequent purchasers, to any other person for a valuable consideration.

r) Married or in a registered domestic partnership, who falsely and fraudulently represents himself or herself as competent to sell or mortgage any real estate.

s) Gives, offers, or agrees to give to any director, officer, or employee of a financial institution any thing of value for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person a loan or extension of credit from such financial institution.

t) Negotiates, arranges, or otherwise offers to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee or other compensation paid by the borrower.

EXISTING LAW:

1) Provides that the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding two years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (a).)

2) Provides that the court, or judge thereof, in the order granting probation and as a condition thereof, may imprison the defendant in a county jail for a period not exceeding the maximum time fixed by law in the case. (Pen. Code, § 1203.1, subd. (a).)

3) Authorizes the court to impose and require any or all of the terms of imprisonment, fine, and conditions specified in this section, and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from that breach, and generally and specifically for the reformation and rehabilitation of the probationer, and that

should the probationer violate any of the terms or conditions imposed by the court in the matter, it shall have authority to modify and change any and all the terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. (Pen. Code, § 1203.1, subd. (j).)

4) States that upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation. (Pen. Code, § 1203.1, subd. (j).)

5) Provides that, upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. (Pen. Code, § 1203.1, subd. (j).)

6) Provides that the two-year felony probation limit shall not apply to:

   a) A violent felony, as specified, and an offense that includes specific probation lengths within its provisions. For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding the maximum possible term of the sentence and under conditions as it shall determine.

   b) A felony conviction for grand theft, as specified, embezzlement, and fraudulently obtaining money, property, or labor, if the total value of the property taken exceeds twenty-five thousand dollars ($25,000). For these offenses, the court, or judge thereof, in the order granting probation, may suspend the imposing or the execution of the sentence and may direct that the suspension may continue for a period of time not exceeding three years, and upon those terms and conditions as it shall determine. (Pen. Code, § 1203.1, subd. (l)(1)-(2).)

7) Provides that the following shall apply to felony probation, as specified:

   a) The court may fine the defendant in a sum not to exceed the maximum fine provided by law in the case.

   b) The court may, in connection with granting probation, impose either imprisonment in a county jail or a fine, both, or neither.

   c) The court shall provide for restitution in proper cases.

   d) The court may require bonds for the faithful observance and performance of any or all of the conditions of probation. (Pen. Code, § 1203.1, subd. (a)(1)-(4).)

8) Provides that, in counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in the road camp, farm, or other public work instead of in jail. (Pen. Code, § 1203.1, subd. (c).)

9) States that a person commits mortgage fraud if, with the intent to defraud, the person does any of the following:

   a) Deliberately makes, uses, or facilitates any misstatement, misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process.

   b) Receives any proceeds or any other funds in connection with a mortgage loan closing that the person knew resulted from a defined violation.

   c) Files or causes to be filed with the recorder of any county in connection with a mortgage loan transaction any document the person knows to contain a material misstatement, misrepresentation, or omission. (Pen. Code, § 532f, subd. (a).)

10) Provides that a mortgage broker or person who originates a loan commits mortgage fraud if, with the intent to defraud, the person does either of the following:

   a) Instructs or otherwise deliberately causes a borrower to sign documents reflecting the terms of a business, commercial, or agricultural loan, with knowledge that the borrower intends to use the loan proceeds primarily for personal, family, or household use.

   b) Instructs or otherwise deliberately causes a borrower to sign documents reflecting the terms of a bridge loan, with knowledge that the loan proceeds will be not used to acquire or construct a new dwelling. (Pen. Code, § 532f, subd. (b).)

11) Specifies that an offense involving mortgage fraud shall not be based solely on information lawfully disclosed pursuant to federal disclosure laws, regulations, or interpretations related to the mortgage lending process. (Pen. Code, § 532f, subd. (c).)

12) States that, notwithstanding any other provision of law, an order for the production of any or all relevant records possessed by a real estate recordholder may be issued by a judge upon a written ex parte application made under penalty of perjury by a peace officer stating that there are reasonable grounds to believe that the records sought are relevant and material to an ongoing investigation of a felony fraud violation. (Pen. Code, § 532f, subd. (d)(1).)

13) Specifies that fraud involving a mortgage loan may only be prosecuted when the value of the alleged fraud meets the threshold for grand theft, as defined. (Pen. Code, § 532f, subd. (k).)

14) Defines "person" as any individual, partnership, firm, association, corporation, limited liability company, or other legal entity. (Pen. Code, § 532f, subd. (j)(1).)

15) Defines "mortgage lending process" as the process through which a person seeks or obtains a mortgage loan, including, but not limited to, solicitation, application, origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. (Pen. Code, § 532f, subd. (j)(2).)

16) Defines "mortgage loan" as a loan or agreement to extend credit to a person that is secured by a deed of trust or other document representing a security interest or lien upon any interest

in real property, including the renewal or refinancing of the loan. (Pen. Code, § 532f, subd. (j)(3).)

17) Defines "real estate recordholder" as any person, licensed or unlicensed, that meets any of the following conditions:

a) Is a title insurer that engages in the "business of title insurance" as defined, an underwritten title company, or an escrow company.

b) Functions as a broker or salesperson by engaging in any specified acts.

c) Engages in the making or servicing of loans secured by real property. (Pen. Code, § 532f, subd. (j)(4).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Author's Statement**: According to the author, "State and Federal officials from the Federal Bureau of Investigation to the California Attorney General have recognized the growing problem of crimes related to real estate fraud. For example, scammers take advantage of struggling homeowners and take mortgage payments that should be going to the lender. Perpetrators tend to prey on older victims who are facing financial hardship and target their main source of wealth—their home.

"If a scammer is convicted of a crime related to real estate fraud, the maximum allowable probation period of one year for a misdemeanor or two years for a felony is often not enough time for the perpetrator to repay victims. This bill lengthens the maximum allowable probation period to five years for a targeted list of crimes relating to real estate fraud. This increased judicial oversight ensures that victims of real estate fraud get the money they are owed."

2) **Effect of the Bill**: AB 2553 would extend the duration of probation terms to a maximum of five years for specified misdemeanors and felonies generally related to real estate crimes. Probation is the suspension of a custodial sentence and a conditional release of a defendant into the community. Probation can be "formal" or "informal." Formal probation is under the direction and supervision of a probation officer. Generally, the level of probation supervision will be linked to the level of risk the probationer presents to the community.

Defendants convicted of misdemeanors, and most felonies, are eligible for probation based on the discretion of the court. When considering the imposition of probation, the court evaluates the safety of the public, the nature of the offense, the interests of justice, the loss to the victim, and the needs of the defendant. (Pen. Code, § 1202.7.) The court also has broad discretion to impose conditions that foster the defendant's rehabilitation and protect public safety. (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1120.) A valid condition must be reasonably related to the offense and aimed at deterring misconduct in the future. (*Id.* at 1121.)

AB 1950 (Kamlager), Chapter 328, Statutes of 2020, limited probation to two years for a

felony and one year for a misdemeanor, except where "an offense that includes specific probation lengths within its provisions." (Pen. Code, § 1203.1, subd. (l)(1).) According to AB 1950's author:

> Probation - originally meant to reduce recidivism - has instead become a pipeline for re-entry into the carceral system.
>
> Research by the California Budget & Policy Center shows that probation services, such as mental healthcare and addiction treatment, are most effective during the first 18 months of supervision. Research also indicates that providing increased supervision and services earlier reduces an individual's likelihood to recidivate. A shorter term of probation, allowing for an increased emphasis on services, should lead to improved outcomes for both people on misdemeanor and felony probation while reducing the number of people on probation returning to incarceration.
>
> AB 1950 would restrict the period of adult probation for a misdemeanor to no longer than one year, and no longer than two years for a felony. In doing so, AB 1950 allows for the reinvestment of funding into supportive services for people on misdemeanor and felony probation rather than keeping this population on supervision for extended periods.

Since AB 1950 (Kamlager, Chapter Statutes of 2020), numerous efforts have been made to establish exceptions to AB 1950's general rule. Data on the effects of probation, however, suggests these extensions may not produce the desired public safety benefits.

California has steadily reduced its incarcerated population for much of the past decade leading to an approximate reduction of 40,000 in incarcerated populations.[1] Extending terms of probation risks unraveling that progress. A 2019 report from the Council of State Governments found that while parole and probation are designed to lower prison populations and help people succeed in their return to the community, certain data show they may have the opposite effect.[2] One effect of longer probation terms could mean more chance for violations and potentially, more time in confinement. The costs of incarcerating a person have also risen dramatically in recent years—from $91,000 per person in 2019 to $133,000 per person in 2024.[3] The passage of Proposition 36 has caused the Legislative Analyst's Office (LAO) to already project an increase of more than 4,000 people in confinement over the next two years.[4] Given data on the impacts of longer probation terms, it is unclear whether pursuing longer terms will have a beneficial public safety benefit.

3) **Argument in Support**: According to the *California District Attorneys Association*, "Real estate fraud schemes—such as deed fraud, mortgage fraud, and foreclosure scams—often

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[1] *Spring 2025 Population Projections* (May 2025) California Department of Corrections and Rehabilitation <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2025/05/Spring-2025-Population-Projections_May_2025_revised-1.pdf> [as of Apr. 9, 2026].
[2] *Confined and Costly: How Supervision Violations are Filling Prisons and Burdening Budgets* (2019) The Council of State Governments Justice Center <https://csgjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf /> [as of Apr. 9, 2026].
[3] Harris, et al., *California's Prison Population* (Sept. 2024) Public Policy Institute of California <https://www.ppic.org/publication/californias-prison-population/> [as of Apr. 9, 2026].
[4] *The 2025-26 Budget: California Department of Corrections and Rehabilitation* (Feb. 25, 2025) Legislative Analyst's Office <https://lao.ca.gov/Publications/Report/4986> [as of Apr. 9, 2026].

result in significant financial losses to victims, including the loss of homes or life savings. While courts routinely order restitution in these cases, current law limits probation terms to one or two years in most cases, which is often insufficient time for offenders to fully repay victims. As a result, once supervision ends, many perpetrators stop making restitution payments, leaving victims without meaningful recourse.

"AB 2553 provides a targeted and practical solution by extending the maximum probation period for specified real estate fraud offenses to up to five years. This additional time ensures that courts retain jurisdiction long enough to enforce restitution orders and hold offenders accountable for the financial harm they have caused. Importantly, the bill focuses on a defined set of offenses and does not broadly expand probation for unrelated crimes.

"From a public safety and victim protection perspective, this measure is critical. Real estate fraud can devastate individuals and families, and ensuring restitution is a key component of justice. AB 2553 strengthens accountability, reinforces deterrence, and helps restore confidence that those who commit these crimes will be required to repay what they have taken."

4) **Argument in Opposition**: According to the *Sister Warriors Freedom Coalition*, "California has implemented various criminal justice reforms, shifting state resources away from a legacy of over-incarceration and towards prevention, intervention, and treatment. However, efforts to extend probationary periods contain many issues that are antithetical to this recent trend. A few years ago, this legislature passed a historic reform, AB 1950 (Kamlager-Dove), that limited the term of probation to no more than two years for a felony conviction and one year for a misdemeanor conviction, with limited exceptions. AB 2553 seeks to reverse this progress.

"A 2018 Justice Center of the Council of State Governments study found that a large portion of people violate probation and end up incarcerated as a result.1 The study revealed that 24% of prison admissions in California are the result of supervised violations,2 vastly increasing amount of money we spend annually to incarcerate people for these violations. Prior to the AB 1950 reform, 20% of people incarcerated in a California prison were behind bars for supervised probation violations.3 Most violations are 'technical' and minor in nature, such as missing a drug rehab appointment or socializing with a friend who has a criminal record. Probation — originally meant to reduce recidivism — has instead become a pipeline for reentry into the carceral system.

"Supervision revocations, especially for technical violations, are a major driver of costly jail and prison admissions, and even short jail stays can create serious hardships for individuals, including loss of employment, decreased wages, housing insecurity, and family instability.4 Prior to the AB 1950 reform, incarceration for supervision revocations cost California taxpayers at least $2 billion annually.5 We encourage the legislature to allow for the recent reform to continue taking effect before we make any further changes."

5) **Related Legislation**:

   a) AB 1816 (Davies) would require an offender, who has to register as a sex offender as a condition of probation, if the probation department files a petition to the court and the court makes a finding the defendant has not successfully completed probation and

additional time is necessary for programming, authorize the court to order the term of probation to continue for a period not exceeding one additional year. AB 1816 is pending hearing in the Assembly Appropriations Committee.

b) AB 1886 (Elhawary) would remove the exclusion of wards that have been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements from the 12-month limitation. AB 1886 is pending hearing in the Assembly Public Safety Committee.

c) AB 2237 (Patterson) would authorize a court to impose punishment in misdemeanor cases to suspend the sentence for a period of time not exceeding 3 years for an individual granted probation and ordered to register as a sex offender. AB 2237 failed passage in this committee and was granted reconsideration.

6) **Prior Legislation**:

a) AB 1316 (Bonta), Chapter 575, Statutes of 2025, among other things, limited to 12 months the period of time a ward may remain on probation, except that a court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest. The bill would require the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing.

b) AB 2106 (McCarty), Chapter 1007, Statutes of 2024, required, in instances where a defendant is charged with a controlled substance offense and granted probation, the court to order a drug treatment program or drug education, if an appropriate program with capacity to accept the defendant has been identified by the probation officer.

c) AB (Petrie-Norris), Chapter 264, Statutes of 2023, authorized a court, for entities with more than 10 employees, to impose a period of probation for a maximum period of 5 years in specified crimes relating to, among other things, dumping in waterways, pesticides, oil dumping and spills, waste management, and animal cruelty.

d) AB 890 (Patterson), Chapter 818, Statutes of 2023, required the court to order a person granted probation for a violation of specified laws involving any amount of controlled substances, to successfully complete a fentanyl and synthetic opiate education program, if one is available.

e) AB 503 (Stone), of the 2021-22 Legislative Session, would have limited to 6 months the period of time a ward may remain on probation, except that a court may extend the probation period for a period not to exceed increments of 6 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's best interest. AB 503 was vetoed by the Governor.

f) AB 1753 (Gallagher), of the 2021-22 Legislative Session, would have prohibited the period of probation from exceeding 3 years if the court grants probation to a person punished for crimes involving the sale or purchase of specified animals. AB 1753 was held in the Assembly Wildlife, Parks, and Water Committee.

g) SB 73 (Wiener), Chapter 537, Statutes of 2021, authorized the prohibitions on probation to be waived by a court in the interests of justice for defined crimes relating to controlled substances.

h) AB 1950 (Kamlager), Chapter 328, Statutes of 2020, restricted the period of probation for a felony top 2 years and for misdemeanor to no longer than one year, except as specified.

i) AB (Jones-Sawyer), Chapter 574, Statutes of 2019, made the imposition of the 180-day confinement condition on probation permissive rather than mandatory for a person who is granted probation after being convicted of furnishing or transporting specified controlled substances.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Realtors (Sponsor)
California District Attorneys Association
Office of the District Attorney of Orange County
Orange County Realtors

Opposition

ACLU California Action
California Coalition for Women Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Justice2jobs Coalition
LA Defensa
Sister Warriors Freedom Coalition
1 Private Individual

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

Date of Hearing: April 14, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2631 (Bauer-Kahan) – As Amended April 6, 2026

SUMMARY: Adds exercising any rights protected by the First Amendment of the United States Constitution to the prohibited violations for which an order for a warrant for the interception of a wire may not be issued. Specifically, **this bill**:

1) Expands the definition of a prohibited violation to include exercising any rights protected by the First Amendment of the United States Constitution

2) Clarifies that a California Corporation that provides electronic communication services or remote computing services shall not produce records when served with a warrant seeking a prohibited violation by a federal court as well as a state court.

EXISTING LAW:

1) Provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (U.S. Const., 1st Amend.)

2) Authorizes the Attorney General, chief deputy attorney general, chief assistant attorney general, district attorney or the district attorney's designee to apply to the presiding judge of the superior court for an order authorizing the interception of wire or electronic communications under specified circumstances. (Pen. Code, § 629.50, et. seq.)

3) Defines a number of terms for the purposes of sections relating to the interception of a wire communication including "prohibited violation" which means any violation of law that creates liability arising for, or arising out of either of the following: Providing, facilitating, or obtaining an abortion that is lawful under California law; or, intending or attempting to provide, facilitate, or obtain an abortion that is lawful under California law. (Pen. Code, § 629.51)

4) Provides that the court may grant oral approval for an emergency interception of wire, electronic pager or electronic cellular telephone communications without an order as specified. Approval for an oral interception shall be conditioned upon filing with the court, within 48 hours of the oral approval, a written application for an order. Approval of the ex parte order shall be conditioned upon filing with the judge within 48 hours of the oral approval. (Pen. Code, § 629.56.)

5) Provides that no order entered under this chapter shall authorize the interception of any wire, electronic pager or electronic cellular telephone or electronic communication for any period

longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days. (Pen. Code, § 629.58.)

6) Requires that written reports showing what progress has been made toward the achievement of the authorized objective, including the number of intercepted communications, be submitted at least every 10 days to the judge who issued the order allowing the interception. (Pen. Code, § 629.60.)

7) Requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council and the Director of the Administrative Office of the United States Court on interceptions conducted under the authority of the wiretap provisions and specifies what the report shall include. (Pen. Code, § 629.62.)

8) Provides that a California corporation that provides electronic communication services or remote computing services shall not comply with a warrant issued by another state if it is related to a prohibited violation. (Pen. Code, § 1524.2.)

9) Provides that a California corporation or a corporation whose principal offices are located in California that provides electronic communications services shall not, in California, provide information or assistance with the terms of a warrant, court order, subpoena or wiretap order that relates to the investigation or enforcement of a prohibited violation. (Pen. Code, § 1546.5.)

FISCAL EFFECT:

COMMENTS:

1) **Author Statement:** According to the author, "The First Amendment's protection of free speech and anonymous political expression is not merely an abstract legal principle, it is the foundation of a functioning democracy. The Department of Homeland Security has issued hundreds of administrative subpoenas to major tech companies, including Google, Meta, Reddit, and Discord demanding names, email addresses, phone numbers, and other identifying data tied to social media accounts that track or criticize ICE. The ACLU has argued that the ability to criticize the government anonymously is "baked into" First Amendment rights, and yet people have reportedly faced real-world consequences, including having immigration agents appear at their homes, simply for speaking out online. When users believe their identity may be exposed for criticizing government agencies, they may self-censor, and this chilling effect does not require arrests or prosecutions to take hold. If the government can unmask and retaliate against those who document or criticize its actions, it effectively silences the public watchdogs that democracy depends on. AB 2631 protects First Amendment rights by preventing California corporations from being compelled to hand over records related to first amendment protected activities."

2) **Federal Wiretapping Law**

a) The Fourth Amendment Protects Telephone Communications.

The United States Supreme Court ruled in *Katz v. United States* (1967) 389 U.S. 347, that telephone conversations were protected by the Fourth Amendment to the United States Constitution. Intercepting a conversation is a search and seizure similar to the search of a

citizen's home. Thus, law enforcement is constitutionally required to obtain a warrant based on probable cause and to give notice and inventory of the search.

b) Title III Allows Wiretapping Under Strict Conditions

In 1968, Congress authorized wiretapping by enacting Title III of the Omnibus Crime Control and Safe Streets Act. (See 18 U.S.C. § 2510 et seq.) Out of concern that telephonic interceptions do not limit the search and seizure to only the party named in the warrant, federal law prohibits electronic surveillance except under carefully defined circumstances. The procedural steps provided in the Act require "strict adherence." (*United States v. Kalustian* (9th Cir. 1976) 529 F.2d 585, 588), and "utmost scrutiny must be exercised to determine whether wiretap orders conform to Title III." Several of the relevant statutory requirements may be summarized as follows:

i. Unlawfully intercepted communications or non-conformity with the order of authorization may result in the suppression of evidence.

ii. Civil and criminal penalties for statutory violations.

iii. Wiretapping is limited to enumerated serious felonies.

iv. Only the highest ranking prosecutor may apply for a wiretap order.

v. Notice and inventory of a wiretap shall be served on specified persons within a reasonable time but not later than 90 days after the expiration of the order or denial of the application.

vi. Judges are required to report each individual interception. Prosecutors are required to report interceptions and statistics to allow public monitoring of government wiretapping.

c) The Necessity Requirement

Have Other Investigative Techniques Been Tried Before Applying to the Court for a Wiretap Order?

3) **Wire or Electronic Communication:** Under existing law, the Attorney General or a district attorney may make an application to a judge of the superior court for an application authorizing the interception of a wire, electronic pager or electronic cellular telephone. The law regulates the issuance, duration and monitoring of these orders and imposes safeguards to protect the public from unreasonable interceptions. The law also limits which crimes for which an interception may be sought to the following:

i) Importation, possession for sale, transportation or sale of controlled substances;

ii) Murder or solicitation of murder or commission of a felony involving a destructive device;

c) A felony in violation of prohibitions on criminal street gangs;

d) Possession or use of a weapon of mass destruction;

e) A violation of human trafficking and,

f) Sexual exploitation of a minor under Penal Code Sec. 311.4.

g) An attempt or conspiracy to commit any of the above.

4) **Prohibited violation**: Existing law provides that no magistrate shall enter an order authorizing interception of wire or electronic communications for the purpose of investigating or recovering evidence of a prohibited violation. The law also prohibits a corporation from complying with a warrant that seeks information relating to a prohibited violation. Prohibited violation is currently defined as providing, facilitating, or obtaining, or intending to do any of those things, related to a legally protected health care activity.

   This bill would expand the definition of "prohibited violation" to include exercising any rights protected by the First Amendment of the United States Constitution

5) **Applies to Federal warrants and subpoenas**: This bill extends to subpoenas, warrants etc. issued by the federal government to existing provisions prohibiting the compliance with subpoenas, warrants, etc. by California electronic communications corporations when the subpoena, warrant, etc. is seeking information on a prohibited violation.

   Federal administrative subpoenas have been sent to tech companies in an attempt to obtain the content of communications as well as subscriber information and other user information, The information being sought is often regarding people who have accounts tracking ICE agents or criticizing their activities. Administrative subpoenas do not require a court order review and they do not need to be complied with, but some companies have responded or are unsure of how to act and there is not clear statutory basis on which they can rely. This bill would clarify that they should not release information relating to a prohibited violation.[1]

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

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

8) **Related Legislation**: None

9) **Prior Legislation:**

   a) AB 1242 (Bauer-Kahan), Chapter 627, Statues of 2022, in part prohibited the issuance of an order for interception of wire for a prohibited violation, defining a prohibited violation as providing, facilitating, or obtaining an abortion.

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[1] See Frenckel et al., *Homeland Security Wants Social Media Sites to Expose Anti-ICE Accounts*, N.Y.Times (Feb. 13, 2026).

b) AB 1356 (Bauer-Kahan), Chapter 191, Statutes of 2021, prohibited a person, business, or association from knowingly publicly posting, displaying, disclosing, or distributing the personal information or image of a reproductive health services patient, provider, or assistant without that person's consent.

c) SB 54 (de Leon), Chapter 495, Statutes of 2017, prohibited state and local law enforcement agencies from using money to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes and proscribed other activities or conduct in connection with immigration officials.

REGISTERED SUPPORT / OPPOSITION:

Support

None submitted.

Opposition

None submitted.

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

Date of Hearing: April 14, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2664 (Bauer-Kahan) – As Amended March 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Prohibits any person from, within 100 feet of an entrance or exit of a place of religious worship, as specified, and within 8 feet of a person or occupant of vehicle, passing a leaflet or handbill, displaying a sign to, or engaging in oral protest or education of a person or occupant of a vehicle, or harassing, obstructing, threatening, or intimidating another person or occupant of a vehicle. Specifically, **this bill**:

1) Forbids any person within a radius of 100 feet from an entrance or exit of a place of religious worship, from intentionally approaching another person or occupant of a motor vehicle within eight feet of that person or occupant, unless they consent, to do either of the following:

   a) Pass a leaflet or handbill to, display a sign to, or engage in oral protest or education with the other person or occupant.

   b) Harass, obstruct, threaten, or intimidate the other person or occupant.

2) Mandates eight feet shall be measured from the body of the person seeking to enter or exit a place of religious worship, or the exterior of the occupied motor vehicle seeking to enter or exit a parking lot, to the body of, or any sign or object held by, another person.

3) States 100 feet shall be measured from the entrance or exit of the place of religious worship to the body of, or any sign or object held by, a person.

4) States a first violation of this prohibition is a misdemeanor, punishable by up to six months in county jail, or a fine not more than $1,000, or by both imprisonment and fine.

5) States a second or subsequent violation of this prohibition is a misdemeanor punishable by up to one year in county jail, or by a fine of not more than $5,000, or by both imprisonment and fine.

6) States the provisions of this bill are severable.

7) States the intent of the Legislature as follows: "The Legislature recognizes that access to places of worship is imperative to the free exercise of religion in the State of California. Ensuring the safety and unimpeded access of individuals entering and exiting places of worship is therefore a compelling government interest and essential for the immediate preservation of public peace and safety. Toward that end, this section is aimed at making clear that conduct that intentionally obstructs a person's lawful exercise of that person's

religious freedom under the California Constitution and United States Constitution is unlawful. The Legislature further finds that the protection of persons from deliberate and physical interference with their access to places of worship may be accomplished without infringing on constitutionally protected speech or activity and affirms that its intent is to not seek to favor one viewpoint over another or to limit speech regarding any specific topic."

EXISTING LAW:

1) Defines "crime of violence" as an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another. (Pen. Code, § 423.1, subd. (a).)

2) Defines "interfere with" as meaning to restrict a person's freedom of movement. (Pen. Code, § 423.1, subd. (b).)

3) Defines "intimidate" as meaning to place a person in reasonable apprehension of bodily harm to herself or himself or to another. (Pen. Code, § 423.1, subd. (c).)

4) Defines "nonviolent" as meaning to conduct that would not constitute a crime of violence. (Pen. Code, § 423.1, subd. (d).)

5) Defines "physical obstruction" as rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person. (Pen. Code, § 423.1, subd. (e).)

6) Defines "reproductive health services" as meaning reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy. (Pen. Code, § 423.1, subd. (f).)

7) Defines "reproductive health services client, provider, or assistant" as a person or entity that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide any services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility. (Pen. Code, § 423.1, subd. (g).)

8) States "reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located. (Pen. Code, § 423.1, subd. (h).)

9) Provides that every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment, as specified (Pen. Code, § 423.2, subds. (a)-(f)):

    a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with,

any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant; or

b) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant; or

d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility; or

f) Intentionally damages or destroys the property of a place of religious worship. (Pen. Code, § 423.2.)

10) Makes a first violation involving nonviolent physical obstruction a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed $2,000. (Pen. Code, § 423.3, subd. (a).)

11) Makes a second or subsequent violation involving violation involving nonviolent physical obstruction a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed $5,000. (Pen. Code, § 423.3, subd. (b).)

12) Makes a first violation involving force, threat of force, or physical obstruction that is a crime of violence or intentional property damage a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed $25,000. (Pen. Code, § 423.3, subd. (c).)

13) Makes a second or subsequent violation involving force, threat of force, or physical obstruction that is a crime of violence or intentional property damage a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed $50,000. (Pen. Code, § 423.3, subd. (d).)

14) Provides that in imposing fines pursuant to this section, the court shall consider applicable factors in aggravation and mitigation set out in Rules of the California Rules of Court, and shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of

1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or of the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2. (Pen. Code, § 423.3, subd. (e).)

15) States that this title establishes concurrent state jurisdiction over conduct that is also prohibited by the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), which provides for more severe misdemeanor penalties for first violations and felony-misdemeanor penalties for second and subsequent violations. State law enforcement agencies and prosecutors shall cooperate with federal authorities in the prevention, apprehension, and prosecution of these crimes, and shall seek federal prosecutions when appropriate. (Pen. Code, § 423.3, subd. (f).)

16) No person shall be convicted under this article for conduct in violation of Section 423.2 that was done on a particular occasion where the identical conduct on that occasion was the basis for a conviction of that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248). (Pen. Code, § 423.3, subd. (g).)

17) Requires the Attorney General, under the Reproductive Rights Law Enforcement Act to carry out certain functions relating to anti-reproductive-rights crimes in consultation with, among others, subject matter experts. The Attorney General must:

    a) Collect information relating to anti-reproductive-rights crimes, including, but not limited to, the threatened commission of these crimes and persons suspected of committing these crimes or making these threats;

    b) Direct local law enforcement agencies to provide to the Department of Justice (DOJ), in a manner that the Attorney General prescribes, any information that may be required relative to anti-reproductive-rights crimes, as specified; and,

    c) Develop a plan to prevent, apprehend, prosecute, and report anti-reproductive-rights crimes, and to carry out the legislative intent. (Pen. Code, § 13777, subds. (a) & (b).)

18) Requires the Attorney General to implement this section to the extent the Legislature appropriates funds in the Budget Act or another statute for this purpose. (Pen. Code, § 13777, subds. (c).)

19) Requires the Commission on the Status of Women and Girls to convene an advisory committee that consists of members of the organizations identified as subject matter experts. Requires the advisory committee to make two reports to specified legislative entities, the POST, and the Commission on the Status of Women and Girls, the first by December 31, 2007, and the 2nd by December 31, 2011, to evaluate the implementation of the act and making recommendations. (Pen. Code, § 13777.2, subd. (a)-(c).)

20) Requires POST to develop a two-hour telecourse on anti-reproductive-rights crimes and make the telecourse available to all California law enforcement agencies and to the advisory committee. (Pen. Code, §§ 13777.2, subd. (d) & 13778, subd. (a).)

21) Makes it a misdemeanor to, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten another person in the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part, because of one or more of specified actual or perceived characteristics of the victim, including disability, gender, religion, race, or sexual orientation. (Pen. Code, §§ 422.6, subd. (a) & 422.55, subd. (a).)

22) Makes it a misdemeanor to knowingly deface, damage, or destroy the real or personal property of another person for the purpose of intimidating or interfering with the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part, because of one or more of the same actual or perceived characteristics of the victim. (Pen. Code, §§ 422.6, subd. (b) & 422.55, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: None submitted

2) **First Amendment Generally:** First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech." (U.S. Const, 1st Amend.) The California Constitution also protects free speech. "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press." (Cal. Const., art. I, § 2.) "[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." (*Ashcroft v. American Civil Liberties Union* (2002) 535 U.S. 564, 573.)

   Peaceful picketing and leafletting are expressive activities involving speech protected by the First Amendment. (*United States v. Grace* (1983) 461 U.S. 171, 172.) Public ways and sidewalks occupy a special position in terms of First Amendment protection because of their historic role as sites for discussion and debate. (*Ibid.*)

   > These places - which we have labeled "traditional public places" - have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. (*Pleasant Grove City v. Summum* (2009) 555 U.S. 460, 469, *quoting Perry Ed. Assn. v. Perry Local Educators' Assn.* (1983) 460 U.S. 37, 45; *McCullen v. Coakley* (2014) 573 U.S. 464, 476.)

   However, publicly owned or operated property does not become a "public forum" simply because members of the public are permitted to come and go at will. (See *Greer v. Spock* (1976) 424 U.S. 828, 836.) Although whether the property has been "generally opened to the public" is a factor to consider in determining whether the government has opened its property to the use of the people for communicative purposes, it is not determinative of the question. We have regularly rejected the assertion that people who wish "to propagandize protests or

views have a constitutional right to do so whenever and however and wherever they please." (*Adderley v. Florida* (1966) 385 U.S. 39, 47-48; *Cox v. Louisiana* (1965) 379 U.S. 536, 554-55)

However, the court may afford the government somewhat wider leeway to regulate features of speech unrelated to its content.

> Even in a public forum the government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions 'are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information. (*Ward v. Rock Against Racism* (1989) 491 U.S. 781, 791 *quoting Clark v. Community for Creative Non-Violence* (1984) 468 U.S. 288, 293; *McCullen v. Coakley*, 573 U.S. at 477.)

This statute appears content neutral, and as explained below, is almost identical to a statute that was validated, at least as it pertains to reproductive healthcare clinics, by the U.S. Supreme Court in another case. As a content neutral statute, it is likely the court will review it as a time, place, and manner restriction. As such, if it is narrowly tailored to serve a significant government interest and leaves open ample alternative channels for communication of information, it may be approved.

Since it is likely a time, place, and manner restriction, the inquiry becomes highly fact intensive. Two cases stand on either end of the Court's determination of what legal scholars have called the "floating buffer zone": *Colorado v. Hill* (2000) 530 U.S. 703 (which is the model for this statute) and *McCullen v. Coakley, supra*, 573 U.S. 464.

Additionally, it is worth noting, those statutes regulate communication around reproductive healthcare clinics and the Court's stated reasoning for approving the significant governmental interest in Colorado's statute was "the potential trauma associated with **confrontational protests for patients** who may be especially vulnerable both physically and emotionally when attempting to enter such a facility." (*Colorado v. Hill, supra*, 530 U.S. at 715.) (Emphasis added.) This statute revolves around "places of religious worship."

3) **Colorado v. Hill and Floating Buffer Zones**: In *Colorado v. Hill* (hereinafter "*Hill*"), the Supreme Court upheld a Colorado statute that is substantially similar to this bill. It prohibited, within 100 feet of a reproductive healthcare facility "knowingly approaching" within 8 feet of another person, without their consent, for purposes of passing leaflets, handbills, displaying signs, or engaging in oral protest or education. (See Colo. Rev. Stat. § 18-9-122; *Hill, supra,* 503 U.S. at 730.)

The Court in *Hill* found: (a) the state had a legitimate interest in protecting the health and safety of its citizens' "unimpeded access to healthcare facilities"; (b) the statute was a valid time, place, and manner restriction that leaves ample alternative channels for communication; and is content-neutral. Specifically, the Court in *Hill* was convinced that the state had a legitimate interest that "may justify a special focus on unimpeded access to health care

facilities and the avoidance of potential trauma to patients associated with confrontational protests." (*Hill, supra,* 503 U.S. at 715, citing *Madsen v. Women's Health Center, Inc.* (1994) 512 U.S. 753; *NLRB v. Baptist Hospital, Inc.* (1979) 442 U.S. 773.) Furthermore, the Court focused on the ease of alternate channels for communication including oral statements from beyond the eight-foot bubble. While there is considerable bluster among some circuits about *Hill*, it still controls, and even courts that do not think it is constitutional must admit it is currently controlling.[1]

4) **McCullen v. Coakley:** In 2014, nearly 15 years after *Hill*, a unanimous Court agreed in *McCullen v. Coakley, supra,* 503 U.S. 464, that a Massachusetts law prohibiting a person from standing on a public sidewalk within 35 feet of an abortion facility was unconstitutional. However, there was a strong disagreement between Chief Justice Robert's decision on behalf of five justices (C.J. Roberts, JJ. Ginsburg, Breyer, Sotomayor, and Kagan) and the concurring opinions filed by Justices Kennedy, Scalia and Alito. The majority opinion agreed that the law was neither content nor viewpoint based and, therefore, was not subject to strict scrutiny, but found it unconstitutional because it was not narrowly tailored. By contrast, the concurring justices would have struck the law down because they thought the law was either content or viewpoint based.[2]

> Even though an act is content neutral, it still must be narrowly tailored to serve a significant governmental interest to comply with the First Amendment. The tailoring requirement does not simply guard against an impermissible desire to censor. The government may attempt to suppress speech not only because it disagrees with the message being expressed, but also for mere convenience. Where certain speech is associated with particular problems, silencing the speech is sometimes the path of least resistance. But by demanding a close fit between ends and means, the tailoring requirement prevents the government from too readily sacrificing speech for efficiency. … **Handing out leaflets in the advocacy of a politically controversial viewpoint is the essence of First Amendment expression; no form of speech is entitled to greater constitutional protection.** When the government makes it more difficult to engage in these modes of communication, it imposes an especially significant First Amendment burden. (Emphasis added.) (*McCullen, supra,* 573 U.S. at pp. 476 and 489.)

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[1] The author submitted a ruling from the Southern District of California denying a preliminary injunction on a San Diego ordinance that is similar to this bill except it covers health care facilities, places of worship, and school grounds. *(Blythe v. City of San Diego*, Case No.: 24-cv-02211-GPC-DDL (S.D. Cal January 14, 2025).) It is worth pointing out that Judge Curiel did not directly address issues pertaining directly to places of worship – namely in instances where places of worship are directly accessed from sidewalks or where it impedes the free exercise of religion. For instance, in Sacramento, both Blessed Sacrament and St. Francis are accessed from a square or sidewalk. A variety of demonstrations may be occurring in and around those churches, but having nothing to do with the churches. However, if a group of Lutherans or Evangelicals got together and wanted to pass out literature about turning away from the liturgy or denying the Catholic Eucharist – it may present a challenge based on denial of the free exercise of religion.

[2] See https://firstamendment.mtsu.edu/article/mccullen-v-coakley/

The Massachusetts statue was slightly different than the instant statute in that it established a 35 foot bubble, but it is important to note that the Court made very little reference to *Hill* and at least three Justices expressed a desire to overrule *Hill*. The Majority expressed the judgment that the Massachusetts statute criminalized simply standing, while not speaking or holding a sign. It pointed out that McCullen's advocacy was neither aggressive nor vitriolic. She simply stood near the entrance and handed leaflets and pamphlets to women entering the facility.

Furthermore, the majority held that the Massachusetts law, which created a standing buffer, prohibited people from communicating from the sidewalk and was broader than necessary to achieve the government objective.

> Petitioners wish to converse with their fellow citizens about an important subject on the public streets and sidewalks—sites that have hosted discussions about the issues of the day throughout history. Respondents assert undeniably significant interests in maintaining public safety on those same streets and sidewalks, as well as in preserving access to adjacent healthcare facilities. But here the Commonwealth has pursued those interests by the extreme step of closing a substantial portion of a traditional public forum to all speakers. It has done so without seriously addressing the problem through alternatives that leave the forum open for its time-honored purposes. The Commonwealth may not do that consistent with the First Amendment. (*McCullen*, 573 U.S, at 496-497.)

Therefore, these two cases: *Hill* and *McCullen* – 15 years apart – set the stage for determining whether an eight foot floating buffer within 100 feet of a place of worship is: (a) a content and viewpoint neutral law subject to intermediate scrutiny; and (b) narrowly tailored to achieve the government objective.

5) **Cases Questioning Hill in Recent Years:** There have been a growing number of circuit courts that have expressed skepticism about whether *Hill* was rightly decided and whether it should be overruled. First, the 7th Circuit in two cases, *Coalition for Life v. City of Carbondale* and *Price v. Chicago*, seem to ask the Court to overrule *Hill*.

> In *Hill*, the Supreme Court upheld a similar "bubble zone" Colorado statute as a content-neutral time, place and matter restriction. *Hill*, 530 U.S. at 719-720. More recently, this Circuit upheld a similar "bubble zone" ordinance enacted by the *City of Chicago* after holding that *Hill* remained good law and directly controlled the issue, even though *Hill* was decided more than twenty years ago and appears inconsistent with other Supreme Court decisions. *Price*, 915 F.3d at 1119 ['While the Supreme Court has deeply unsettled *Hill*, it has not overruled the decision. So, it remains binding on us.']. (*Coal. for Life St. Louis v. City of Carbondale* (S.D. Ill. July 6, 2023, No. 23-cv-01651-SPM) 2023 U.S. Dist. LEXIS 116179, at *1-2, affirmed

> by 2024 U.S. App. LEXIS 5657 (7th Cir.); *Price v. City of Chicago* (7th Cir. 2019) 915 F.3d 1107, 1109.)

The 7th Circuit expressed frustration with *Hill*, but conceded it was still binding precedent, even after *McCullen*, as explained below. The court also held that Chicago's ordinance was somewhat different. To date, the Supreme Court has applied the intermediate standard of scrutiny to abortion-clinic buffer zones, with mixed results.

> [Following *Hill*], [n]o new buffer-zone case reached the Court until McCullen in 2014. At issue was a Massachusetts law imposing a fixed 35-foot buffer zone around the entrance, exit, and driveway of every abortion clinic in the state. [Internal citation omitted.] Certain persons were exempt and could freely enter the zone: those entering or leaving the clinic; employees or agents of the clinic; law enforcement, firefighters, construction and utility workers, and other municipal agents; and persons using the sidewalk or public way to reach a destination other than the clinic. Everyone else was kept out on pain of criminal penalty.
>
> But the Massachusetts buffer-zone law did not survive intermediate scrutiny. Citing *Schenck* and *Madsen* (but not *Hill*), the Court held that the Commonwealth's safety and access objectives were sufficiently weighty under the intermediate standard of review. [Internal citation omitted.] 'At the same time,' however, 'the buffer zones impose serious burdens on [the sidewalk counselors'] speech.' [Internal citation omitted]. Relying again on *Schenck*, the Court observed that the fixed 35-foot buffer zone made it 'substantially more difficult' for sidewalk counselors to "distribute literature to arriving patients" and to engage in the kind of personal and compassionate conversations required for their messages to be heard. (*Price v. City of Chicago* (7th Cir. 2019) 915 F.3d 1107, 1115-118.)

However, the U.S. Supreme Court, in 2025, denied certiorari on both *Coalition for Life v. City of Carbondale, supra*, and the other case from the 3rd Circuit, *Turco v. City of Englewood v. New Jersey* (3rd. Cir. 2019) 935 F.3d 155, leaving *Hill* intact.

> Given the Court's analysis in *Hill*, we simply cannot conclude that the eight-foot buffer zones established under the Ordinance posed a severe burden on speech, and the record is clearly inadequate to support such a conclusion as a matter of law. Rather, we conclude that there are material issues of genuine fact regarding the extent to which Turco retained the ability to communicate despite enactment of the eight-foot buffer zone. (*Turco v. City of Englewood* (3d Cir. 2019) 935 F.3d 155, 167.)

The U.S. Supreme Court faced two questions deciding whether to grant certiorari on *Turco* and *Price*: (a) whether the Cities' speech-free buffer zones, including zones outside an

abortion clinic, violate the First Amendment; and (b) whether the court should overrule *Hill v. Colorado*. As noted above, the Court denied cert. on both cases. However, Justices Thomas and Alito both dissented and would have granted cert.

> A number of us have since described [Hill] decision as an 'absurd,' 'defunct,' 'erroneous,' and 'long discredited' 'aberration' from the rest of our First Amendment jurisprudence.[3] We have long stopped applying *Hill*. See, e.g., City of Austin, 596 U. S., at 76, 142 S. Ct. 1464, 212 L. Ed. 2d 418. And, a majority of this Court recently acknowledged that Hill "distorted [our] First Amendment doctrines." Dobbs v. Jackson Women's Health Org., 597 U. S. 215, 287, 142 S. Ct. 2228, 213 L. Ed. 2d 545, and n. 65 (2022). Following our repudiation in *Dobbs*, I do not see what is left of *Hill*. Yet, lower courts continue to feel bound by it. The Court today declines an invitation to set the record straight on Hill's defunct status. (*Coal. Life v. City of Carbondale* (2025) 145 S.Ct. 537, 538.)

Dobbs, a case that denied Americans the constitutional right of privacy in reproductive choices, and in pure dicta, shaded *Hill*:

> They have flouted the ordinary rules on the starts here severability of unconstitutional provisions, as well as the rule that statutes should be read where possible to avoid unconstitutionality. And they have distorted First Amendment doctrines. (See *Dobbs, supra,* 597 U. S. at 286-87, fn. 65.)

To be clear, Justices Thomas and Alito should be viewed as outliers on issues related to reproductive health as they have expressed open hostility to choice in numerous aspects of life, including abortion and even birth control.[4] But this statute is not a floating buffer around a reproductive healthcare facility. It is a buffer around places of worship.

6) **Practical Application:** Whether the Court approves this statute, assuming it is enacted and litigated, is pure speculation. Additionally, it seems less likely that a court will view this bill as a content- or viewpoint-based regulation, and will uphold the measure against accusations it violates the First Amendment if it is narrowly tailored to achieve a significant government

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[3] See *City of Austin v. Reagan Nat. Advertising of Austin, LLC* (2022) 596 U. S. 61, 86-87, 92, 103-104 (Thomas, J., joined by Gorsuch and Barrett, JJ., dissenting) (internal quotation marks omitted).

[4] *Dobbs v. Jackson Women's Health Org.* (2022) 597 U.S. 215, 241, 273 ["Not only was there no support for such a constitutional right until shortly before Roe, but abortion had long been a crime in every single State. At common law, abortion was criminal in at least some stages of pregnancy and was regarded as unlawful and could have very serious consequences at all stages. American law followed the common law until a wave of statutory restrictions in the 1800s expanded criminal liability for abortions. By the time of the adoption of the Fourteenth Amendment, three-quarters of the States had made abortion a crime at any stage of pregnancy and the remaining States would soon follow. Roe either ignored or misstated this history, and Casey declined to reconsider Roe's faulty historical analysis. It is therefore important to set the record straight.].)

interest.

A significant government interest appears readily apparent in this case if we consider the rise of violence against non-Christian religions like Judaism and Islam. According to information provided by the author:

> Amidst rising antisemitism and hate, many Jewish People fear simply going to synagogue. A recent study from AJC reported that 26% of Jewish people in the United States don't feel safe attending Jewish institutions.[5] Additionally, the Anti-Defamation League reported in 2024 that antisemitic incidents have increased across the United States by 344% over the last five years. A disturbing pattern of protests outside houses of worship – including incidents at Wilshire Boulevard Temple and Adas Torah in Los Angeles – have made it clear that this fear is real. While this threat is particularly felt by the Jewish community, safe access to places of worship must be protected for all faiths and religions.

According to the New York Times,

> Many synagogues around the country, already accustomed to having a heavy security presence, increased precautions after the United States and Israel struck Iran in late February, Mr. Segal said. Law enforcement agencies have also increased attention to Jewish institutions.
>
> 'For anybody who hasn't reached out to their law enforcement partners, now is the time,' Mr. Segal said, referring to synagogues and other Jewish organizations.
>
> A recent survey by the American Jewish Committee, a nonprofit, found that 91 percent of American Jews say they feel less safe in the United States in the wake of high-profile attacks last year, including the arson attack at the home of Pennsylvania's governor, Josh Shapiro, and the killing of two Israeli Embassy aides last spring outside a Jewish museum in Washington. More than half said that they had changed their behavior out of fear. On March 5, Secure Community Network, an organization that provides security consulting for Jewish institutions in North America, sent out a bulletin to hundreds of law enforcement agencies around the country warning that threats would rise significantly after the start of war in the Middle East.[6]

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[5] https://www.ajc.org/AntisemitismReport2025/AmericanJews; https://www.adl.org/resources/report/audit-antisemitic-incidents-2024

[6] Graham, "*Attack on Synagogue Comes Amid Significant Rise in Antisemitic Incidents*," New Tork Times, March 12, 2026, located at https://www.nytimes.com/2026/03/12/us/antisemitism-synagogue-attack-michigan.html

Furthermore, since 2025, there has been a rise in violence here in the United States against Muslims. As reported by the Center for the Study of Organized Hate:

> "Since the start of 2026, harmful content targeting Muslims across social media platforms has escalated at an alarming pace. For much of January and February, Islamophobic posts maintained a steady and persistent presence, continuing the deeply hostile climate that has built since the start of the Israeli war on Gaza in October 2023. The onset of the US-Israel war on Iran on February 28 accelerated this trend sharply, sending Islamophobic content targeting Muslim Americans to new extremes. Political rhetoric has compounded the crisis. Senior Trump administration officials and some members of Congress have framed the war in overtly religious terms, drawing on Christian nationalist narratives, and inflaming anti-Muslim hatred. Secretary of War Pete Hegseth described Iran as driven by 'prophetic Islamic delusions.' …
>
> House Speaker Mike Johnson, while referring to Iran, stated that 'we're the Great Satan in their analogy and their misguided religion.' Muslim civil rights groups have condemned such language as dangerous and inflammatory. Political leaders at the highest levels framing a military campaign in language that indicts an entire faith and draws on Christian nationalist rhetoric contributes to an environment in which Muslims and those perceived to be Muslim become targets of suspicion, hostility, and violence. … Beyond dehumanization, [CSOH] found social media posts that cross the line from hatred into explicit incitement to violence, including direct calls to exterminate Muslims. Some posts frame the elimination of Muslims as an act of self-defense or civilizational survival, lending a veneer of patriotic duty to the genocidal rhetoric. In the current climate, this content functions as a call to action directed at a community that is already experiencing rising rates of bias, harassment, discrimination, and hate-fueled violence."

Quelling violence against any religion in the United States, a place that was founded, in part, on religious tolerance and the free exercise of religion, is perhaps one of the most important interests of our government and certainly significant. However, the most challenging question is whether or not this proposal is sufficiently narrowly tailored to ensure alternate channels of expression and does not impose serious burdens on speech that is beyond what is necessary to achieve the government interest.

First, the definition of "place of religious worship" includes any building, structure, or space that is used primarily for religious worship activities or to provide religious education or instruction. The definition also includes the parking lot, parking lot entrance, and driveway entrance of any such building or structure.

As explained above, the author's statement of harm this bill seeks to remedy explains there is a rise in antisemitic attacks in California and the U.S. However, at the outset of the proposed statute it refers to "ensuring the safety and unimpeded access of individuals entering and exiting places of worship." Presumably, the author does not intend a court to assume this statute only applies to places of worship affiliated with Judaism.

This may be too broad to be narrowly tailored since it could hinder speech having nothing at all to do with people coming in and out of a place of worship or an area around a place of worship. For instance, as noted in *McCullen*, the Court seemed troubled by a statute that prohibited even quietly standing by and handing out leaflets or handbills if closer than eight feet and within 100 feet from an entrance. (*McCullen*, 573 U.S, at 496-497.) Additionally, like *McCullen*, other people, including delivery people, pedestrians, and possibly people affiliated with other parts of a shared building, could all obstruct an entrance or exit of a place of worship with no concern for violating this statute.

The Court in *McCullen* noted that ordinary abatement efforts could be deployed to avoid obstruction from entering or exiting the place of religious worship. If the stated government interest is avoiding obstruction from places of worship, the desire for the statute seems to hold less weight. Avoiding obstruction could be handled via local zoning ordinances, prohibitions against solicitation (similar to those around private businesses), and traffic enforcement.

Moreover, it is already a crime to intimidate, threaten, or otherwise interfere with a person's right in the free exercise of religion and when entering and exiting a place of worship. The Freedom of Access to Clinic and Church Entrances Act created new crimes for videotaping, photographing, or recording patients or providers within 100 feet of the facility (i.e., the "buffer" zone) or disclosing or distributing those images. It also increased misdemeanor penalties for violations of the FACCE Act and expanded online privacy laws and peace officer trainings relative to anti-reproduction-rights offenses. (See Pen. Code, § 423.1, et seq.; Gov. Code, § 6218.)

Finally, because the proposed statute includes parking lots, it could prohibit speech having nothing to do with the place of worship and be attached to another building. Many places of worship share space and parking lots with other buildings. For instance, Blessed Sacrament in the City of Sacramento faces both commercial and residential buildings. If a person wished to display a sign in the window of a residence or business that read *"PAPAL AUTHORITY IS HERESY"* or even a strictly political sign like *"PROTECT ALL LGBTQIA PEOPLE"* a court may be concerned with interfering with the business owner's or resident's right to express their view in the form of a sign attached to their business or home.

There is little concern of obstruction in that case since the sign is affixed to a window in close proximity to the place of worship and there is no immediate threat of violence, harassment, or intimidation. Given the proximity of some places of worship to public streets and sidewalks, it could be something as innocuous as handing out menus for local restaurants. Accordingly, a court may find that the statute is too broad and prohibits more than just the speech at issue in a valid time, place, and manner restriction. However, as stated above, this is a highly fact-intensive analysis, and it is pure speculation to opine how a court may rule.

7) **New Felony and Jail Overcrowding:** This bill creates both a new misdemeanor and an alternate misdemeanor-Realignment felony for breaching the floating buffer zone of eight feet within 100 feet of a place of religious worship. It also includes fines ranging between $10,000 and $25,000. Existing law requires that any person who is sentenced to a Realigned felony is either sentenced to county jail or state prison, depending on whether they have a prior conviction for a serious or violent felony or registerable sex offense. (See Pen. Code, § 1170, subd. (h)(5).)

   AB 109, The Criminal Justice Realignment Act, was implemented in 2011 in response to prison overcrowding. In part, it shifted to county jails the responsibility for incarcerating lower-level offenders previously incarcerated in state prison. (Pen. Code, § 1170, subd. (h).) This, however, increased the pressure on county jails to house larger populations and to make difficult decisions about how to manage their growing jail populations. These pressures manifest differently by county based on a number of factors including jail capacity and whether the county jail system is operating under a court-mandated population cap. Such caps have been in place in some counties long before *Brown v. Plata* addressed state prison overcrowding. (Sarah Lawrence, Court-Ordered Population Caps in California County Jails (Dec. 2014).)[7]

   In 2024, CalMatters published an article explaining that jails are facing increasing death rates even as the population may be declining. As the article explains, most of the people who died were pre-trial inmates – meaning they have not been convicted. Aside from natural causes, the two major causes of death for inmates in county jail were suicide, followed by overdoses, particularly fentanyl. The Board of State and Community Corrections ("BSCC") have repeatedly warned about failures in the county jails and refusal by locals to adhere to required state standards.

   Until recently, BSCC was not even notified about deaths inside the county-run lockups. Nor was the pandemic the driving factor: California in 2022 had the smallest share of deaths due to natural causes in the past four decades. A surge in overdoses drove the trend of increasing deaths. And almost every person who died was waiting to be tried. A previous CalMatters investigation found that three-quarters of those held in county jails had not been convicted or sentenced, with many awaiting trial more than three years. (Duara and Kimelman, *"California jails are holding thousands fewer people but far more people are dying in them,"* Cal Matters (March 25, 2024).)[8]

   The Vera Institute noted that in Los Angeles County, "…budgeted $1.3 billion to detain people held by the Los Angeles County Sheriff's Department. Total jail spending amounts to $134.22 per county resident annually."[9] County jails are overcrowded in many counties and have an alarming rate of inmate death. According to a BSCC summary of community insights on California jails, "Individuals described deeply disturbing conditions in California's jails. Facilities are dirty and incarcerated persons are responsible for their upkeep. Respondents described overcrowded and unsanitary conditions with rodents, bugs, urine, and feces.

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[7] https://law.stanford.edu/search-sls/?q_as=california%20county%20jails.
[8] https://calmatters.org/justice/2024/03/death-in-california-jails/.
[9] https://www.vera.org/publications/what-jails-cost-cities/los-angeles-ca

Based on the precarious state of California's jails post-Realignment, it is critical that the state take care in deciding on new crimes wherein an inmate may be sentenced to up to three years in county jail if convicted of a felony, to avoid exacerbating the already heavy burden of ensuring constitutional prisons and jails.

8) **Argument in Support**: According to *Jewish California*, "The Anti-Defamation League reported in 2024 that antisemitic incidents have surged 307% over the last five years in California. As a result, Jewish community members are increasingly scared to go to synagogue. According to a recent American Jewish Committee study, 26% of Jewish Americans do not feel safe attending Jewish institutions.

"Here in California, we have witnessed this fear. Troubling protests outside Wilshire Boulevard Temple and Adas Torah in Los Angeles have left congregants feeling harassed and intimidated simply for trying to attend synagogue. We know similar incidents targeting other faith communities are increasing as well, threatening our collective First Amendment right to worship. AB 2664 responds to this crisis with a targeted, constitutionally sound solution.

"The bill establishes a 100-foot "Safe Worship Zone" around the entrances of houses of worship, within which protesters may not approach congregants without their consent. These protections ensure that people can enter and leave religious institutions without being confronted, surrounded, obstructed, or intimidated. This approach is not new. Bubble zone laws structured in similar ways have long been law across the country and have been upheld by the U.S. Supreme Court, which has consistently found this law to be a proper balance between two fundamental rights: the right to protest and the right to worship freely.

"Critically, this bill protects Californians of all faiths. No congregant should have to face intimidation to practice their faith. At a moment of heightened tensions impacting many faith communities, AB 2664 makes clear that California will act to protect religious life and the dignity of all who engage with their faith."

9) **Argument in Opposition**: According to the *ACLU California Action*, "We strongly believe in the principle that free expression for ourselves requires free expression for others, as the First Amendment guarantees us all the essential right to assemble peacefully to advocate for any cause. From speaking in public, through books and radio to film, television, and the internet — we have consistently fought to make sure people have the right to say, think, read, and write whatever they want without fear of government reprisal.

"The United States Supreme Court has repeatedly emphasized that public ways and sidewalks "occupy a 'special position in terms of First Amendment protection' because of their historic role as sites for discussion and debate."[10] Since "time out of mind," these places have been used "for purposes of assembly, communicating thoughts between citizens, and discussing public questions."[11] As currently drafted, AB 2664 defines a "place of religious

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[10] *McCullen v. Coakley*, 573 U.S. 464, 476 (2014) (quoting *United States v. Grace*, 461 U.S. 171, 180 (1983)).
[11] *Id.* (internal quotations omitted)

worship" to be any space used primarily for "religious worship activities," which explicitly includes a "parking lot [and] . . . driveway entrances of any such . . . space."

"By restricting speech within 100 feet of places of religious worship, the bill would needlessly include public sidewalks, and in many places, people's private residence if they live within 100 feet of a place of religious worship, or its parking lot. Furthermore, this bill would prohibit within a buffer zone the ability to "display a sign," without ever approaching a person without their consent. If AB 2664 were to become law, this may include a person's private property who may have a sign with a political message visible to the public and suppress their political speech.

"In *McCullen v. Coakley* the Supreme Court made clear that ordinances creating buffer zones around specific locations within public for a satisfy the First Amendment only if the government has compiled a substantial record justifying the need for such buffer zone. Specifically, the government needs to show that (1) there is a significant history of problems, such as illegal behavior that interferes with people's ability to access the locations covered by the ordinance (2) the government has employed other more narrowly targeted means to try address those problems, and (3) the alternative means have failed to achieve the government's objective.

"The Court recognized that Massachusetts had "significant interests in maintaining public safety on . . . streets and sidewalks, as well as in preserving access to adjacent healthcare facilities."[12] But the Court nonetheless ruled that the law and the 35 foot buffer zone — which was much smaller than the buffer zone proposed in this bill — was not narrowly tailored to address this interest, and instead constituted the "extreme step of closing a substantial portion of a traditional public forum to all speakers."[13]

"Moreover, courts are particularly concerned about these kinds of buffer zones because they target "one-on-one communication, which is the most effective, fundamental, and perhaps economical avenue of political discourse."[14] Even if the government could establish a sufficient record of problems at all "places of religious worship" covered by this bill, it would still need to show that it tried to employ other more narrowly tailored methods to address them without success before it could adopt a buffer zone that complies with the First Amendment.

"For example, if the government has identified problems with people blocking others from entering into a place of worship, it will need to show that law enforcement has tried to address the problem through application of legal state or local law.[15] If there is a record of people's being harassed or assaulted at a place of religious worship, the government would need to show that it has attempted to enforce "generic criminal statutes forbidding assault [and] breach of the peace" without success before it could justify adopting an expansive

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[12] *Id.* at 497.
[13] *Id.*
[14] *Id.* at 488.
[15] See *id.* at 492 (noting that risks created by blocking entrances "can readily be addressed through existing local ordinances"); see also Cal. Penal Code § 647c ("Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.")

buffer zone covering all of California.[16] Finally, if the government were to identify problems at particular spaces, it could pursue the more narrowly tailored remedy of an injunction at those locations, rather than an overly broad ordinance that would apply to tens of thousands of religious spaces throughout California.[17]

"The enormous breadth of this ordinance is exacerbated by the fact that — by definition — it would restrict peaceful protests on a huge number of public streets and sidewalks, or even people's private residence. Fixed buffer zones pose serious First Amendment problems and should be permitted only in the most limited circumstances. The ACLU continues to ensure that buffer zones are imposed only when there are competing constitutional rights at stake and where protesters are provided with adequate ways to communicate their message. This proposal falls far short of this standard."

10) **Prior Legislation**:

a) AB 2099 (Bauer-Kahan), Chapter 821, Statutes of 2024, increased the penalty for a misdemeanor offense of posting on the internet or social media, threats of violence with the intent that another person imminently use that information to commit a violent crime against a reproductive health care worker to an alternate misdemeanor-felony punishable by up to one year in the county jail or 16 months, 2 or 3 years in addition to the existing $10,000 fine plus penalty assessments.

b) AB 1356 (Bauer-Kahan), Chapter 191, Statutes of 2021, increased penalties for current crimes under the California Freedom of Access to Clinic Act (Act), making them wobblers; created new crimes under the Act directed at videotaping, photographing, or recording patients or providers within 100 feet of the facility ("buffer" zone) or disclosing or distributing those images and makes these new crimes wobblers; increases current misdemeanor hate crime penalties making them wobblers; and, updated and expands online privacy laws and peace officer trainings relative to anti-reproduction-rights offenses.

c) SB 661 (Lieu), Chapter 354, Statutes of 2012 prohibited picketing, except on private property, targeted at a funeral during a time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral.

d) AB 279 (Huff), of the 2007-08 Legislation Session, would have made it an infraction for a person to disrupt a funeral service for a member or former member of the Armed Services and imposes a $250 fine, in addition to any other penalty provided by law. AB 279 was never heard by Assembly Judiciary Committee.

e) AB 2707 (Keene), of the 2005-06 Legislative Session, would have created a new misdemeanor for picketing within 300 feet of a burial site, mortuary, or church, and allowed a court to award damages including, but not limited to, punitive damages, and

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[16] *Id.*
[17] *Id.* at 492 ("We have previously noted the First Amendment virtues of targeted injunctions as alternatives to broad, prophylactic measures.")

may also award injunctive relief, attorney's fees, and any other appropriate relief against a person who violates the above provision. AB 2707 failed passage in this Committee

REGISTERED SUPPORT / OPPOSITION:

Support

30 Years After
Adat Shalom Los Angeles
Agudath Israel of California
Ajc - Los Angeles
Ajc - San Diego
Ajc Northern California
Anti-defamation League
Bay Area Center to Counter Antisemitism
Bay Area Jewish Coalition Education & Advocacy
Beverly Hills Synagogue
California Jewish Democrats
Chai Marin
Contra Costa Jewish Democrats
Hadassah, the Women's Zionist of America, INC.
Hillel of San Diego
Jcc/federation of San Luis Obispo
Jcrc Bay Area
Jcrc, Jewish Long Beach
Jewish California (formerly Jpac)
Jewish Center for Justice
Jewish Center of Berkeley
Jewish Community Relations Council of Sacramento
Jewish Democratic Coalition of the Bay Area
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties
Jewish Family Service LA
Jewish Family Service of San Diego
Jewish Family Service of the Desert
Jewish Family Services of Silicon Valley
Jewish Federation Bay Area
Jewish Federation Los Angeles
Jewish Federation of Greater Santa Barbara
Jewish Federation of Orange County
Jewish Federation of San Diego
Jewish Federation of the Desert
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Federation of Ventura County
Jewish Silicon Valley
Jfcs East Bay
National Council of Jewish Women CA
Northern California Jewish Labor Committee
Oakland Jewish Alliance

Palo Alto Jewish Alliance
Progressive Zionists of California
Sf Jews in School
Standwithus
Valley Beth Shalom

Opposition

ACLU California Action
California Public Defenders Association
Californians United for a Responsible Budget
Friends Committee on Legislation of California
Interfaith Movement for Human Integrity
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Oakland Privacy
San Francisco Public Defender

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

Amended Mock-up for 2025-2026 AB-2664 (Bauer-Kahan (A))

Mock-up based on Version Number 98 - Amended Assembly 3/19/26
Submitted by: Staff Name, Office Name

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

SECTION 1. Section 594.38 is added to the Penal Code, to read:

594.38. (a) The Legislature recognizes that access to places of worship is imperative to the free exercise of religion in the State of California. Ensuring the safety and unimpeded access of individuals entering and exiting places of worship is therefore a compelling government interest and essential for the immediate preservation of public peace and safety. Toward that end, this section is aimed at making clear that conduct that intentionally obstructs a person's lawful exercise of that person's religious freedom under the California Constitution and United States Constitution is unlawful. The Legislature further finds that the protection of persons from deliberate and physical interference with their access to places of worship may be accomplished without infringing on constitutionally protected speech or activity and affirms that its intent is to not seek to favor one viewpoint over another or to limit speech regarding any specific topic.

(b) For purposes of this section, "place of religious worship" means any building, structure, or space that is used primarily for religious worship activities or to provide religious education or instruction. A "place of religious worship" shall include the parking lot, parking lot entrances, driveway, and driveway entrances of any such building, structure, or space.

(c) Within a radius of 100 feet from an entrance or exit of a place of religious worship, a person shall not intentionally approach another person or occupant of a motor vehicle within 8 feet of that person or occupant, unless they consent, to do either of the following:

(1) Pass a leaflet or handbill to, display a sign to, or engage in oral protest or education with the other person or occupant.

(2) Harass, obstruct, threaten, or intimidate the other person or occupant.

(d) (1) For purposes of this section, 8 feet shall be measured from the body of the person seeking to enter or exit a place of religious worship, or the exterior of the occupied motor vehicle seeking to enter or exit a parking lot, to the body of, or any sign or object held by, another person.

(2) For purposes of this section, 100 feet shall be measured from the entrance or exit of the place of religious worship to the body of, or any sign or object held by, a person.

(e) (1) A first violation of this section is a misdemeanor, punishable by a fine not exceeding ~~ten thousand dollars ($10,000)~~ one thousand dollars ($1,000), imprisonment in a county jail ~~not exceeding one year~~, or by both that fine and imprisonment.

(2) A second or subsequent violation of this section is punishable by a fine not to exceed ~~twenty-five thousand dollars ($25,000)~~ five thousand dollars ($5,000), by imprisonment in a county jail for a period of not more than one year, ~~or by imprisonment pursuant to subdivision (h) of Section 1170,~~ or by both that fine and imprisonment.

(f) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Date of Hearing: April 14, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2669 (Gipson) – As Amended March 9, 2026

PULLED BY THE AUTHOR

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

Date of Hearing: April 14, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2683 (Ransom) – As Amended March 19, 2026

As proposed to be amended in Committee

SUMMARY: Makes any adult who solicits or recruits a minor to commit a felony guilty of child endangerment, and imposes a sentence enhancement for murder, if the murder victim is a minor and the murder occurred in a location where at least one other minor was present. Specifically, **this bill**:

1) Provides that any adult who solicits or recruits a minor to commit a felony guilty of child endangerment and makes a violation punishable as a sentence enhancement in the state prison for 2, 4, or 6 years.
2) Imposes a sentence enhancement for murder, consisting of an additional and consecutive term of imprisonment in the state prison of an unspecified period of time, if the murder victim is a minor and the murder occurred in a location where at least one minor was present.

EXISTING LAW:

1) Provides that any person, who under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully cause or permits that child to be placed in a situation where his or her person or health is endangered , shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years. (Pen. Code, § 273a, subd. (a))
2) Provides any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully cause or permits that child to be placed in a situation where his or her person or health may be endangered is guilty of a misdemeanor. (Pen. Code, § 273a, subd. (b))
3) Provides that a person granted probation in a child endangerment case must have certain minimum conditions that include a criminal protective order and a child abuser's treatment counseling program. (Pen. Code, § 273a, subd. (c))
4) Defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. (Pen. Code, § 187)
5) Provides that malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocations appears, or when the circumstances attending the killing show an abandoned and malignant heart. (Pen. Code, § 188)
6) Provides that all murder that is perpetrated by means of a destructive device or explosive, a weapon of mass destruction, knowing use of ammunition designed primarily to penetrate

metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or that is committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, or any specified sex offense, or murder that is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death, is murder of the first degree. All other kinds of murder are of the second degree. (Pen. Code, §189)

7) Provides that every person guilty of murder in the first degree shall be punished by death, imprisonment in the state prison for life without the possibility of parole, if a special circumstance exists, or imprisonment in the state prison for a term of 25 to life. Every person guilty of second degree shall be punished by imprisonment by imprisonment in the state prison for 15 years to life. (Pen. Code, § 190)
8) Provides for the types of murder that are eligible for the death penalty or life without the possibility of parole and included in that list is if the defendant. In the current proceeding, has been convicted of more than one offense of murder in the first or second degree. (Pen. Code, §190.2, subd. (a)(3))

FISCAL EFFECT: Unknown

COMMENTS:

1) **According to the author**: According to the author, "AB 2683 protects our most vulnerable population: our youth. The bill recognizes that when minors are used to commit crimes, it is a form of child endangerment. Across California, about 8 percent of youth report gang involvement, and those most often targeted are young people in low income communities, including Black and Latino youth, as well as foster and homeless youth. Cities like Stockton continue to see high levels of gang activity, with organized groups responsible for violent crimes, highlighting the real and ongoing risks to children. Current law does not clearly address this conduct for what it is: child endangerment, despite many of these young people being pressured, coerced, or manipulated rather than having acted on their own. AB 2683 makes clear that endangering and exploiting minors in criminal activity must be treated as child endangerment and that adults who recruit or use youth in felony crimes will be held accountable. By focusing on the individuals who recruit and use minors to commit felony crimes, AB 2683 helps shift the response away from punishing youth and toward holding the right people accountable."

2) **New type of child endangerment:** Child endangerment makes it a felony for any person to cause a child to suffer physical or mental suffering or having the care or custody of a child puts the child in a situation where their person or health is endangered. The author's concern is that the child endangerment provisions do not apply to a situation where an adult gang member or other adult recruits a juvenile to carry out crimes or bring them into ongoing criminal activity.

   According to a report by the US Department of Justice Office of Justice Programs, about eight percent of youth in California report gang involvement, one of the highest rates in the country.[1]

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[1] https://www.ojp.gov/ncjrs/virtual-library/abstracts/youth-gangs-who-risk

According to background from the author, "In cities like Stockton, gang activity remains a documented public safety concern. Law enforcement operations have identified organized groups responsible for violent crimes, including shootings and homicides, showing the scale and structure of these groups. Local conditions such as higher poverty rates, large youth populations, and existing gang presence also increase the likelihood of youth recruitment and involvement."

The existing child endangerment statute requires evidence of direct injury. This bill would create a new subsection of the child endangerment state providing for a felony for any adult who solicits or recruits a minor to commit a felony. The penalty for this offense would be 2, 4, or 6 years, the same penalty for the existing felony.

It is possible that under some circumstances, an adult may be liable as a party to a crime if they recruit a minor to commit a felony under an aiding and abetting statute if it is found that, even if they are not present, they have "advised and encouraged its commission," the minor is under 14 years old, or they have caused the person to commit a crime, by threats, menaces, command, or coercion. (Pen. Code, § 31) This child endangerment section would be in addition to any charges as an accessory a person may face.

3) **Enhancement on Murder:** In November of 2025 there was a shooting at a banquet hall in Stockton that resulted in a 21-year-old, two 9-year-olds and a 14-year-old being killed and 17 in total being struck by gunfire, including other children. The event was a party for a 2-year-old.[2] As of the date of the drafting of this analysis, no one has been charged with the offense, but news articles indicate arrests could happen soon.

   This bill would create an additional enhancement, the period which has not yet been specified, when a person, in the commission of a murder, murders a minor victim in a location where minors are likely to be present. And this additional enhancement will extend the date of parole eligibility.

   This bill could arguably apply to the murder of any minor who is somewhere children are allowed, but even if the intent is to apply to a situation like the incident in Stockton, it is not clear what an enhancement of any length would add to a person who could be facing death, life without parole, or multiple life sentences. Other enhancements, such as gang and gun enhancements, already exist that could extend a life sentence if they are appropriate.

4) **Argument in Support:** According to the *California Police Chiefs Association*, "Under current law, California has established strong policies to protect children from abuse and exploitation; however, as criminal organizations continue to evolve, there is a growing and deeply concerning trend of gangs and organized criminal enterprises deliberately recruiting and exploiting minors to commit crimes on their behalf. These individuals are often targeted precisely because of their age, as gang leaders understand that juveniles are subject to significantly reduced consequences under the law. In recent federal prosecutions in California, authorities have documented cases where violent criminal organizations, including cartel-affiliated groups, recruited teenagers to carry out shootings and attempted murders, knowing they would face fewer legal consequences than adult offenders.

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[2] https://www.lodinews.com/news/article_2aea6358-fa52-416b-8cba-683a5daca589.html

"From a law enforcement perspective, this dynamic presents a serious and growing public safety challenge. Gangs routinely use minors to carry out a range of criminal activity, including theft, robbery, drug trafficking, and acts of violence, while insulating higher-level organizers from accountability. In many cases, younger gang members are expected to commit violent acts as a way to prove loyalty or gain status within the organization. This practice not only places those minors in direct danger, but also allows adult offenders to manipulate and exploit them as tools to further criminal activity. Law enforcement agencies across California have also reported increases in violent juvenile crime tied to gang activity, underscoring the need for stronger tools to address this issue.

"This exploitation is particularly troubling because it creates a cycle in which minors are both victims and instruments of criminal conduct. Organized gangs benefit from the perception that juvenile offenders will receive minimal consequences, effectively using children as a shield against prosecution. As a result, individuals directing and facilitating these crimes are able to distance themselves from direct involvement while continuing to pose a significant threat to communities.

"AB 2683 represents an important step in addressing this issue by focusing accountability on those who exploit minors for criminal purposes. By strengthening the legal framework surrounding the use of children in criminal activity, this measure helps ensure that individuals who recruit, direct, or coerce minors into committing crimes are held responsible for that conduct. This approach is critical to disrupting criminal organizations that rely on this tactic and to protecting vulnerable youth from being drawn into cycles of violence and exploitation.

"From a broader public safety perspective, AB 2683 reinforces the principle that children should be protected—not used as instruments of crime. It supports law enforcement's ability to intervene earlier, hold the appropriate individuals accountable, and reduce the incentives for criminal organizations to target minors. In doing so, it advances both public safety and the long-term well-being of at-risk youth."

5) **Argument in Opposition:** According to the *California Coalition for Women Prisoners*, "There are more than 100 unique sentencing enhancements throughout California's Penal Code, with eight enhancements accounting for roughly 80% of the sentence years added since 2015. Given the pervasiveness of sentence enhancements throughout our Penal Code, there is no compelling evidence that more enhancements improve public safety in any way.

"This proposal undermines a great amount of study and evidence surrounding the efficacy behind longer criminal sentencing and its impact on crime deterrence. Evidence indicates that applying longer criminal sentences has failed to deter crime. The federal Department of Justice shared a paper discouraging increasing existing punishments. Other studies support this evidence, finding that the severity of punishment does not generally have an increased effect on deterrence. Rather, studies have concluded that certainty of punishment — that someone will be punished for a particular crime — has a greater deterrence effect than the severity of the punishment itself. Increasing criminal penalties of existing crimes will incur an additional $133,100 cost per person incarcerated each additional year they are sentenced.

"We must pursue a data-driven approach to reforming the criminal legal system to make

California safer, and the data is clear — enhancements do not improve public safety or effectively deter someone from committing crime."

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association

Opposition

ACLU California Action
California Coalition for Women Prisoners
California Public Defenders Association
Californians United for a Responsible Budget
Ella Baker Center for Human Rights
Initiate Justice
San Francisco Public Defender

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

MOCK-UP COMMITTEE AMENDMENTS

AMENDED IN ASSEMBLY MARCH 19, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL No. 2683

Introduced by Assembly Member Ransom

February 20, 2026

~~An act relating to crimes.~~ *An act to amend Section 273a of, and to add Section 12022.56 to, the Penal Code, relating to crimes.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, as amended, Ransom. ~~Crimes against minors.~~ *Crimes: child endangerment.*

Existing law makes it unlawful, under circumstances or conditions likely to produce great bodily harm or death, to willfully cause or permit a child to suffer, or to inflict thereon unjustifiable physical pain or mental suffering, or, having the care or custody of a child, to willfully cause or permit the person or health of that child to be injured, or to willfully cause or permit that child to be placed in a situation where their person or health may be endangered and a violation of these provisions punishable as a misdemeanor or felony.

This bill would make any adult who solicits or recruits a minor to commit a felony guilty of child endangerment pursuant to the provisions above and would, in addition and consecutive to any other punishment, make a violation punishable as a sentence enhancement in the state prison for 2, 4, or 6 years. By creating a new crime, the bill would impose a state-mandated local program.

Existing law defines murder as the unlawful killing of a human being, or a fetus, except as specified, with malice aforethought. Existing law punishes a person guilty of first-degree murder by death, imprisonment in the state prison for life without the possibility of parole, or

imprisonment in the state prison for a term of 25 years to life, and of 2nd-degree murder by imprisonment in the state prison for a term of 15 years to life. Existing law requires a person who personally uses a firearm to commit, among other certain specified felonies, murder to be punished by an additional and consecutive term of imprisonment in the state prison for 25 years to life if the person discharged the firearm and proximately caused great bodily injury or death.

This bill would impose a sentence enchantment for murder, consisting of an additional and consecutive term of imprisonment in the state prison of an unspecified period of time, if the murder victim is a minor and the murder occurred in a location where at least one other minor was present. The bill would make the enhancement extend the date of parole eligibility for a person who has been given an indeterminate sentence. By creating a new sentence enhancement, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Child Abuse and Neglect Reporting Act, provides that the intent and purpose of the act is to protect children from abuse and neglect, and requires all persons participating in the investigation of suspected child abuse or neglect to consider the needs of the child victim.~~

~~This bill would state the intent of the Legislature to enact legislation to address the criminal exploitation of minors and endangering of children.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

SECTION 1. Section 273a of the Penal Code is amended to read:

273a. (a) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child,

willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where ~~his or her~~ *their* person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

(b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where ~~his or her~~ *their* person or health may be endangered, is guilty of a misdemeanor.

(c) If a person is convicted of violating this section and probation is granted, the court shall require the following minimum conditions of probation:

(1) A mandatory minimum period of probation of 48 months.

(2) A criminal court protective order protecting the victim from further acts of violence or threats, and, if appropriate, residence exclusion or stay-away conditions.

(3) (A) Successful completion of no less than one year of a child abuser's treatment counseling program approved by the probation department. The defendant shall be ordered to begin participation in the program immediately upon the grant of probation. The counseling program shall meet the criteria specified in Section 273.1. The defendant shall produce documentation of program enrollment to the court within 30 days of enrollment, along with quarterly progress reports.

(B) The terms of probation for offenders shall not be lifted until all reasonable fees due to the counseling program have been paid in full, but in no case shall probation be extended beyond the term provided in subdivision (a) of Section 1203.1. If the court finds that the defendant does not have the ability to pay the fees based on the defendant's changed circumstances, the court may reduce or waive the fees.

(4) If the offense was committed while the defendant was under the influence of drugs or alcohol, the defendant shall abstain from the use of drugs or alcohol during the period of probation and shall be subject to random drug testing by ~~his or her~~ *their* probation officer.

(5) The court may waive any of the above minimum conditions of probation upon a finding that the condition would not be in the best interests of justice. The court shall state on the record its reasons for any waiver.

(d) Any adult who solicits or recruits a minor to commit a felony is guilty of child endangerment pursuant to subdivision (a) and shall, in addition and consecutive to any other punishment, be punished by an additional term in the state prison for two, four, or six years.

~~*SEC. 2. Section 12022.56 is added to the Penal Code, to read:*~~

~~*12022.56. Notwithstanding any other law, a person who, in the commission of murder pursuant to Section 187, murders a victim who is a minor in a location where at least one other minor was present, shall be punished by an additional and consecutive term of imprisonment in the state prison for ____ years. The enhancement shall extend the date of parole eligibility for a person who has been given an indeterminate sentence.*~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. It is the intent of the Legislature to enact legislation to address the criminal exploitation of minors and endangering of children.~~

O

Date of Hearing: April 14, 2026
Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2720 (Schiavo) – As Amended March 16, 2026

As Proposed to be Amended in Committee

SUMMARY: Requires each law enforcement agency with 25 peace officers to designate at least one human trafficking victim support coordinator by January 1, 2028. Specifically, **this bill**:

1) Provides each law enforcement agency that employs more than 25 full-time sworn peace officers shall designate at least one human trafficking victim support coordinator no later than January 1, 2028.

2) Provides that a human trafficking victim support coordinator may be a nonsworn employee.

3) Provides that a human traffic coordinator shall take the Peace Officer Standards and Training (POST) course on the commercial sexual exploitation of children and human trafficking no later than six months after designation.

4) Provides that upon completion of the POST course, the human trafficking victim support coordinator shall serve as a liaison between trusted community-based organizations and victims.

5) Requires, by July 1, 2028, each law enforcement agency to display on their website the following information:

   a) A list of trusted community-based organizations available to support human trafficking within the agency's jurisdiction.

   b) If applicable, the email address and the direct office phone line of any designated human trafficking support coordinators.

6) Defines "human trafficking" as a violation of 236,1 of the Penal Code.

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

EXISTING LAW:

1) States that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars. (Pen. Code, § 236.1, subd. (a).)

2) States that a person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of specified sex offenses is guilty of human trafficking and shall be punished by imprisonment tin the state prison for 8, 14, or 20 years and a fine of not more than $500.000. (Pen. Code, § 236.1, subd. (b).)

3) States that a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of specified sex offenses is guilty of human trafficking. (Pen. Code, § 236.1, subd. (c).)

4) Authorizes a city, county, city and county, or community-based non-profit to establish a domestic violence multidisciplinary personnel team and a human trafficking multidisciplinary personnel team consisting of two or more person strained in the prevention, identification, management, or treatment of domestic violence or human trafficking. (Pen. Code, § 1370)

5) Requires POST, in consultation with subject-matter experts including, but not limited to, law enforcement agencies, civil rights groups, academic experts, and the DOJ, to develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers, addressing hate crimes. (Pen. Code, § 13519.6, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement:** According to the author, "Existing law does not facilitate cooperation between law enforcement agencies (LEA) and human trafficking victim serving organizations. When human trafficking organizations inquire about individual cases or missing persons suspected of being trafficked there is no single individual that is the point of contact. This bill will ensure that all LEAs have a human trafficking victim support coordinator that will serve as a liaison between the agency and trusted victim serving organizations."

2) **Requirement of a human trafficking support coordinator:** According to background from the author, not all police agencies work well with community organizations designed to help human trafficking victims. This bill would require police agencies with 25 or more peace officers to designate a human trafficking victim support coordinator who will be trained by POST and be a liaison between trusted community-based organizations and victims.

   Under existing law, a locality may create an interdisciplinary personnel team to help human trafficking victims and improve their access to treatment and programs, known as Family Justice Centers. According to the California Family Justice Network, 28 such centers have been developed and two more are in the process of opening. The liaison within the police agency in this bill would be in addition to any existing Family Justice Center.

3) **Information to be published on an agency's website:** In order to give victims an ability to more easily find the assistance they need, this bill would require each law enforcement agency to display on their website a list of trusted community-based organizations available to support human trafficking victims within the agency's jurisdiction. Agencies shall also display the email address and any other contact information of the designated human trafficking victim support coordinator.

   The requirement that agencies publish on their website trusted community groups and contact information for their liaison is not clearly limited to law enforcement agencies with 25 or more peace officers. If the bill is amended in the future the author may wish to make this clarification.

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

5) **Prior Legislation**

   a) AB 449 (Ting), Chapter 524, Statutes 2023, required state and local law enforcement agencies to adopt a hate crime policy by July 1, 2024, and to submit those policies to the Department of Justice.

   b) AB 1947 (Ting), of the 2021-2022 Legislative Session, would have required law enforcement agencies to report their hate crime policy and brochure to the Department of Justice by a specified date and to require POST to develop a model hate crimes policy. AB 1947 died on the Senate inactive file.

   c) AB 998 (Grayson), Chapter 802, Statutes 2018, authorized a city, county, city and county, or community-based non-profit to establish a domestic violence multidisciplinary personnel team and a human trafficking multidisciplinary personnel team consisting of two or more person strained in the prevention, identification, management, or treatment of domestic violence or human trafficking.

REGISTERED SUPPORT / OPPOSITION:

Support

1 Private Individual

Opposition

None submitted.

Analysis Prepared by: Mary Kennedy / PUB. S. / (916) 319-3744

AMENDMENTS TO ASSEMBLY BILL NO. 2720
AS AMENDED IN ASSEMBLY MARCH 16, 2026

Amendment 1
On page 2, in line 3, after "(a)" insert:

(1)

Amendment 2
On page 2, in line 4, strike out "a" and insert:

at least one

Amendment 3
On page 2, between lines 6 and 7, insert:

(2) A human trafficking victim support coordinator may be a nonsworn employee.

Amendment 4
On page 3, in line 4, strike out "Email" and insert:

If applicable pursuant to subdivision (a), the email

Amendment 5
On page 3, in line 4, strike out "any other contact information" and insert:

the direct office phone line

Amendment 6
On page 3, in line 4, strike out "the" and insert:

any

Amendment 7
On page 3, in line 5, strike out "coordinator." and insert:

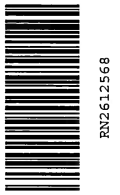
coordinators.

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 2720

AMENDED IN ASSEMBLY MARCH 16, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL **No. 2720**



Introduced by Assembly Member Schiavo

February 20, 2026

An act to add Section 13657 to the Penal Code, relating to law enforcement agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as amended, Schiavo. Human trafficking victim support coordinator.

Existing law generally provides for the regulation of law enforcement agencies. Existing law establishes the Commission on Peace Officer Standards and Training (POST) and charges it with, among other duties, developing and disseminating guidelines and training for all peace officers in this state. Existing law requires POST to develop and implement a course of instruction for the training of peace officers on commercial sexual exploitation of children and victims of human trafficking that includes, but is not limited to, certain topics and activities.

This bill would require each law enforcement agency with more than 25 peace officers to designate ~~a~~ *at least one* human trafficking victim support coordinator by January 1, 2028. The bill would require the coordinator to take the above-described course of instruction no later than 6 months after designation and, upon completion of the course, serve as a liaison between trusted community-based organizations and victims. The bill would require each law enforcement agency to, by

July 1, 2028, display specified information on their internet website, including ~~the~~ *specified* contact information ~~of the~~ *of any* human trafficking victim support ~~coordinator.~~ *coordinators.* By imposing new requirements on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

Page 2

SECTION 1. Section 13657 is added to the Penal Code, to read:

13657. (a) *(1)* Each law enforcement agency that employs more than 25 full-time sworn peace officers shall designate ~~a~~ *at least one* human trafficking victim support coordinator by no later than January 1, 2028.

Amendment 1
Amendment 2

\+ *(2) A human trafficking victim support coordinator may be a nonsworn employee.*

Amendment 3

(b) A human trafficking victim support coordinator shall take the course of instruction described in Section 13516.5 no later than six months after designation. Upon completion of the course, the human trafficking victim support coordinator shall serve as a liaison between trusted community-based organizations and victims.

(c) By July 1, 2028, each law enforcement agency shall display on their internet website the following information:

Page 3

(1) A list of trusted community-based organizations available to support human trafficking victims within the agency's jurisdiction.

(2) ~~Email~~ *If applicable pursuant to subdivision (a), the email* address and ~~any other contact information~~ *the direct office phone line* of ~~the~~ *any* designated human trafficking victim support ~~coordinator.~~ *coordinators.*

Amendments 4, 5 & 6

Amendment 7

Page 3

(d) For purposes of this section, the following definitions apply:

(1) "Human trafficking" means a violation of Section 236.1 of the Penal Code.

(2) "Law enforcement agency" means any department or agency of the state, or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Date of Hearing: April 14, 2026
Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 2760 (Sharp-Collins) – As Amended March 19, 2026

SUMMARY: Authorize counties to establish an Office of the Inspector General (OIG) to assist the board of supervisors with duties as they relate to the county animal control or chief probation.

EXISTING LAW:

1) Creates the independent OIG which shall not be a subdivision of any other governmental entity. The Governor shall appoint, subject to confirmation by the Senate, the Inspector General (IG) to a six-year term. The IG may not be removed from office during that term, except for good cause. (Pen. Code, § 6125.)

2) Makes the IG responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the Department of Corrections and Rehabilitation (CDCR), as defined, under policies to be developed by the Inspector General. (Pen. Code, § 6126, subd. (a).)

3) States that a county may create a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents, comprised of civilians to assist the board of supervisors with defined duties. (Gov. Code, § 25303.7, subd. (a)(1).)

4) Provides that members of the sheriff oversight board shall be appointed by the board of supervisors. The board of supervisors shall designate one member to serve as the chairperson of the board. (Gov. Code, § 25303.7, subd. (a)(2).)

5) Establishes that the members of the oversight board shall have access to the personnel records of peace officers and custodial officers required for the performance of the commission's oversight duties. The oversight board shall maintain the confidentiality of these records, as defined. (Gov. Code, § 25303.7, subd. (a)(3).)

6) Requires the chair of the sheriff oversight board to issue a subpoena or subpoena duces tecum whenever the board deems it necessary or important to examine the following:

   a) Any person as a witness upon any subject matter within the jurisdiction of the board.

   b) Any officer of the county in relation to the discharge of their official duties on behalf of the sheriff's department.

c) Any books, papers, or documents in the possession of or under the control of a person or officer relating to the affairs of the sheriff's department. A subpoena shall be served in accordance with defined procedures. (Gov. Code, § 25303.7, subd. (b)(1)-(2).)

7) Provides that a sheriff oversight board may conduct closed sessions, consistent with defined law, to review confidential records obtained under this section or otherwise related to its oversight duties, if those sessions comply with applicable confidentiality laws. (Gov. Code, § 25303.7, subd. (b)(4).)

8) Provides that a county, through action of the board of supervisors or vote by county residents, may establish an OIG, appointed by the board of supervisors, to assist the board of supervisors with its duties required pursuant to defined requirements that relate to the sheriff. (Gov. Code, § 25303.7, subd. (c)(1)(A).)

9) Establishes that the IG shall have the independent authority to issue a subpoena or subpoena duces tecum subject to defined procedures. (Gov. Code, § 25303.7, subd. (c)(2).)

10) States the IG shall have access to the personnel records of peace officers and custodial officers required for the performance of the inspector general's oversight duties. The IG shall maintain the confidentiality of these records. (Gov. Code, § 25303.7, subd. (c)(3).)

11) Specifies that the exercise of powers under this law or other investigative functions performed by a board of supervisors, sheriff oversight board, or inspector general vested with oversight responsibility for the sheriff shall not be considered to obstruct the investigative functions of the sheriff. (Gov. Code, § 25303.7, subd. (d).)

12) States that in counties with charters that provide for appointment and tenure of office for the chief probation officer, the provisions of the charter shall control as to those matters and, in counties that have established or hereafter establish merit or civil service systems governing the methods of appointment and the tenure for the chief probation officer, the provisions of the merit or civil service systems shall control as to those matters. (Gov. Code, § 27770, subd. (b).)

13) Requires the chief probation officer to perform the following duties and discharge the following obligations:

a) Community supervision of offenders subject to the jurisdiction of the juvenile court.

b) Operation of juvenile halls.

c) Operation of juvenile camps and ranches.

d) Community supervision of individuals subject to probation.

e) Community supervision of individuals subject to mandatory supervision.

f) Community supervision of individuals subject to postrelease community supervision.

g) Administration of community-based corrections programming.

h) Serving as chair of the Community Corrections Partnership.

i) Making recommendations to the court, including, but not limited to, pre-sentence investigative reports. (Gov. Code, § 27771, subd. (a).)

14) Specifies that the chief probation officer may perform other duties and may accept appointment to the Board of State and Community Corrections and collect the per diem. (Gov. Code, § 27771, subd. (b).)

15) Defines "animal control department" as the county or city animal control department. If the city or county does not have an animal control department, it means whatever entity performs animal control functions. (Food & Ag. Code, § 31606.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 2760 is about crafting public safety that reflects the full scope of systems that shape people's lives, beyond policing, including probation and animal control agencies that exercise authority with limited oversight. This bill takes a necessary step toward transparency and accountability by bringing these agencies under the independent review of the Office of Inspector General. At a time when Californians are demanding a more just and equitable system, AB 2760 ensures that oversight keeps pace with power, strengthens public trust, and moves us closer to an accountable public safety system."

2) **Effect of the Bill**: AB 2760 would include county animal control welfare departments and chief county probation offices under the OIG.

   The author notes, "Existing law does not consistently provide independent oversight of all public safety entities that exercise enforcement authority and directly impact community wellbeing." The author mentions that it is common for police and sheriff departments to be subject to Inspector General review, but probation and animal control departments are not despite their significant authority over vulnerable populations and justice-involved individuals and animals. The author additionally states, "this gap creates inconsistencies in oversight, limits public trust, and increases the risk of unchecked practices."

   Establishing a mechanism for independent oversight of the offices of county chief probation officers and county animal welfare departments could help increase transparency. But there does not appear to be much precedent in California for making this change. Los Angeles (LA) County has subjected their county probation office to independent oversight.[1] LA County's oversight commission has the power to "conduct unfettered, unannounced and publicly reported inspections" of facilities where youth in the care of probation are being

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[1] Loudenback, J. *Los Angeles County Probation Now Under Civilian Oversight, With Subpoena Power* (Oct. 4, 2019) The Imprint <https://imprintnews.org/los-angeles/los-angeles-county-probation-now-under-civilian-oversight-with-subpoena-power/38079> [as of Apr. 8, 2019].

held; the creation of a wholly independent grievance process; conduct investigations; and the capacity to compel data, documents and testimony."[2] One report noted the unique role of probation in juvenile justice and the potential gains that can be realized with a reimagining of how juvenile justice is administered. [3] Part of the report's reimagining of juvenile justice included transparency and accountability mechanisms, including recommendations for comprehensive transparency and accountability measures that could involve creating "youth and community oversight bodies."[4]

The federal government has long enshrined in law the use of Inspectors General (IG). As of a 2023 report issued by the Congressional Research Service, a total of 74 IG's have been created by statute and operate in the federal government.[5] IGs are meant to be independent, nonpartisan agency heads with direction to "prevent and detect waste, fraud, and abuse in the federal government."[6] OIGs administer reviews of agency programs and operations, including audits, investigations, inspections, and evaluations, then issue findings and recommendations.[7] Similarly, California created their OIG through statute. (Pen. Code, § 6125.) California's OIG is responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of CDCR. (Pen. Code, § 6126, subd. (a).) Part of our OIGs mission is to "serve as a model oversight agency that ensures transparency and accountability within California's correctional system."[8]

By subjecting specific agencies to the OIG, it is possible AB 2760 creates improved oversight, transparency, and accountability, which could then enhance public trust in these critical agencies.

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

4) **Argument in Opposition**: According to the Chief Probation Officers of California, "While County Probation Departments serve the counties in which they operate, they are also governed by a body of state laws ensuring both consistency and interoperability, which require extra care when considering new laws authorizing individual counties to implement standalone oversight authority to ensure these standalone practices are not in conflict with, or duplicative of, authority held by other entities.

"Under existing law and practice Probation departments serve both the county governance structure and Board of Supervisors, and as an arm of the court. There is significant authority and inspection obligations covering juvenile facilities such as that held by the Board of State and Community Corrections, Juvenile Justice Commission, the grand jury, departments of public health, fire marshal, environmental health, and the OYCR ombudsperson.

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[2] *Ibid.*
[3] Brown, N. *Building Safety in Los Angeles: A Policy Agenda for Local Health and Safer Communities* (Sept. 2022) Urban Peace Institute <https://www.urbanpeaceinstitute.org/wp-content/uploads/2025/05/Building-Safety-in-Los-Angeles.pdf> [as of Apr. 8, 2026].
[4] *Ibid.*
[5] Wilhelm, B. *Statutory Inspectors General in the Federal Government: A Primer* (Nov. 13, 2023) <https://www.congress.gov/crs-product/R45450> [as of Apr. 8, 2026].
[6] *Ibid.*
[7] *Ibid.*
[8] *2025 Annual Report.* (Mar. 2026) Office of the Inspector General <https://www.oig.ca.gov/wp-content/uploads/2026/03/2025-Annual-Report.pdf> [as of Apr. 8, 2026].

"Additionally, there is existing board of supervisors and court oversight, as well as various commissions, councils and subcommittees that engage in discussions looking at the delivery of services for persons ordered by the court to a term of probation.

"We are not aware of any gaps in oversight or inspection given the current structure administered by the wide array of governmental entities cited above, and are concerned this bill will not address something that is missing in existing law and practice but instead will lead to confusion and delay in administration of existing oversight and inspection practices.

"Existing structures and processes already provide transparency and coordination, and therefore this bill creates further layers and duplication that is not necessary."

5) **Related Legislation**:

a) AB 1608 (Wilson) would, among other things, rename the office as the Office of the Inspector General, High-Speed Rail and revise the title of the Inspector General as the Inspector General of the High-Speed Rail. AB 1608 is pending hearing in the Assembly Appropriations Committee.

b) AB 2407 (Macedo) would impose on the Inspector General the duty and responsibility to review financial disclosures and identify conflicts of interest for officials who make, or participate in making, decisions to execute contracts, or contract changes, for the High Speed Rail Authority. AB 2407 is pending hearing in the Assembly Transportation Committee.

6) **Prior Legislation**:

a) SB 1069 (Menjivar), Chapter 1012, Statutes of 2024, gave the Office of the Inspector General investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person and would authorize the Office of the Inspector General to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person.

b) SB 1488 (Glazer), of the 2021-22 Legislative Session, would have revised the duties and responsibilities of the BART Inspector General by, among other things, requiring the Inspector General to engage in fraud prevention activities and provide recommendations to strengthen internal controls that will prevent or detect fraud, waste, or abuse. SB 1488 was vetoed by the Governor.

c) AB 2699 (Ting), of the 2021-22 Legislative Session, would have would require the Office of the Inspector General's reports to be posted to the Inspector General's internet website and be made available to the public within 5 days of their release to the Governor and Legislature. AB 2699 was held on the Senate floor.

d) SB 112 (Committee on Budget), Chapter 364, Statutes of 2019, expanded the authority of the Office of the Inspector General to audit and oversee correctional investigations and grievances, updates hiring restrictions, sets conduct standards, and provides funding for these oversight activities.

e) SB 135 (Florez), of the 2003-04 Legislative Session, would have expanded the definition of peace officer to include the Inspector General and designated employees whose primary duty is investigating and reviewing veterans' programs. SB 135 was held in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None submitted.

Opposition

Chief Probation Officers of California (CPOC)

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