New Laws for 2026

The most important new statutes, rules, instructions, forms, and related materials

for

California Criminal Law and Juvenile Justice

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GUIDE TO THIS MATERIAL

Each bill number is also a link to its full official text and Legislative Counsel's Digest, with links to Bill Analyses (Committee Reports) and others.

Many new statutes and rules fit in two or more categories. Often different aspects of the same bill are in different respective categories. There are many cross references. Only the most important new laws, and others, are included. Editorial features are added. When two bills have identical amendments, only the last one is included.

A complete list of new bills is online at "California Legislative Information," "Publications," "New Laws Report." All new Rules and Forms are at the Calif. Courts web site. See also the annual list of bills passed by the Public Safety Committees of both the Senate the Assembly. Both the Calif. Courts and the DMV have pages for new legislation affecting them.

This compendium is for information only and is not legal advice.

New statutory or rule text is in this font. **Existing statutory or rule text is in this font.** ~~**Deleted statutory or rule text is in this font.**~~

Selected Abbreviations:

AB = Assembly Bill

CCP = Code of Civil Procedure

CDCR = CA Dept. of Correct. and Rehab.

Def = Defendant or Defense.

DOJ = CA Dept. of Justice.

DV = Domestic Violence.

GBI = great bodily injury.

GC = Government Code.

HS = Health and Safety Code.

IST = Incompetent to Stand Trial

M = Minor.

MHD = Mental Health Diversion.

PC = Penal Code.

P = The People, Prosecution

P.O. = Probation Officer or Dep't.

SB = Senate Bill.

Stats = Statutes and Amendments to the Codes (published annually)

VC = Vehicle Code

V = The Victim or Alleged Victim

WI = Welfare and Inst. Code

W = Witness.

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HIGHLIGHTS AND LOWLIGHTS

- New categories of bills: "Artificial Intelligence" and "Health Care"
- New Rule of Court and new Standard of Judicial Administration on AI. Each Calif. Court allowing court staff and judicial officers to use AI must have Local Rules on this by Dec. 15, 2025. See "Artificial Intelligence."
- Unlawful sexual intercourse with a minor 3 years younger than Def., or if Def. is at least 21 and the minor is under 16, requires tier 1 PC 290 registration (unless Def. is not more than 10 yrs. older and this is Def's only registerable offense).
- There are no new or amended Evidence Code sections.
- PC 17 now allows for misdemeanor reductions of wobblers after prelim and before sentence. See "Criminal Procedure."
- Prisons should practice "normalization" and "dynamic security," as defined. See "State Prisons."
- The legislature quickly overturned a Cal. Supreme Court case, *P. v. Reynoza* (2024) 15 Cal.5th 982 on witness dissuasion. See Crimes.
- The maximum wage for 8 hours of work in County Jails is no longer limited to $2.00. See County Jails. (But most got no money at all, anyway.)
- Hand crew members get $7.25 while assigned to fires. See State Prisons, County Jail, and Juvenile Justice.
- PC 270.1 re: parents of truants, repealed. See Immigration.
- Civilian oversight boards or commissions, and county inspector generals get access to confidential peace officer and custodial officer records (scope uncertain). See "Peace Officers and Law Enforcement Officers"

Early Notices and Warnings.

The CALCRIM instructions on general and specific intent, 250 and 251 may be revoked and replaced with a heavily revised number 252 (and 253), that substitutes "mental state" for "intent," next February 20, 2026.

Trivia Question: The online publication "[State] Legal Ethics" said, in its August 2025 issue, California has "Adopt[ed] [the] Nation's First Court Rule on Generative AI." What is the name of that state? (Hint: it is not California.)

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APPEALS and APPELLATE COURT PROCEEDINGS

See "New and Amended Rules effective January 1, 2016,," Title 8, Division 4. Rules Relating to the Superior Court Appellate Division.

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ARREST, BAIL, AND RELEASE

See "Health Care" for sharp limits on arrest and bail based on requests from out-of-state for health care activity that is legal in California.

Law enforcement can't knowingly arrest a person for performing or obtaining legally protected health care activities here in Calif.

[This prevents arrests made pursuant requests by another state that criminalized its residents for traveling out-of-state, e.g., to Calif., to obtain abortions or gender affirming care that is illegal in their state of residence.]

AB 82. § 11 (Stats. 2025, ch. 679, § 11)

Amends PC 13378.2, three other PC §§, and 8 other §§ of GC and HS.

See (1) immediately below, (2) "Attorneys," and (3) "Criminal Procedure" for three more aspects of AB 82.

PC 13778.2, subd. (a), as amended by AB 82, § 11.

(a) A state or local law enforcement . . . officer shall not knowingly arrest . . . any person for performing . . . or aiding in . . . ~~an abortion in~~ *a legally protected health care activity, as defined in Section 1549.15, in* this state,

or obtaining ~~an abortion in~~ *a legally protected health care activity . . . in* this state, if the ~~abortion~~ *legally protected health care activity* is lawful under the laws of this state.

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Scheduled bail for a person arrested in connection with a proceeding in another state for an activity that would be protected health care in this state [i.e., abortion, or gender affirming care], must be set at $0.

AB 82, § 10 (Stats. 2025, ch. 679, § 10)

Amends PC 1269b, and 3 other PC §§, and 8 §§ of GC and HS.

See (1) immediately above, (2) Attorneys, and (3) "Criminal Procedure" for three other aspects of AB 82.

Background: PC 1549.15 defines "gender-affirming health care; legally protected health care activity; and "reproductive health care services."

PC 1269b as amended by AB 82 section 10.

(a). . . . (b). . . .

(c) [T]he . . . judges in each county [must] prepare . . . annually . . . a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except [VC] infractions. . . .

(d). . . . (e). . . . (f)(1). . . .

(f)(2) The countywide bail schedule shall set zero dollars ($0) bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in . . . ~~an abortion in~~ *a legally protected health care activity, as defined in [PC] 1549.15, in* this state, or . . . obtaining ~~an abortion in~~ *a legally protected*

health care activity . . . , in this state, if the ~~abortion~~ *legally protected health care activity* is lawful [in] this state. . . .

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ARTIFICIAL INTELLIGENCE

New Court Rule and Standard of Judicial Administration concerning court staff including judges, use of AI.

Cal. Rules of Court, rule 10.430.
Generative artificial intelligence use policies

(a) Definitions

As used in this rule, the following definitions apply:

(1) "Court staff" means all employees, contractors, volunteers, and any other persons working for or on behalf of the court.

(2) "Generative artificial intelligence" or "generative AI" means a computer-based system that uses machine learning or similar techniques to produce new content—such as text, images, audio, video, code, or data visualizations—in response to user inputs. Generative AI systems create content that is not pre-programmed or explicitly retrieved but synthesized based on underlying models trained on large datasets and may include integration with other sources, such as real-time access to proprietary databases.

(3) "Judicial officer" means all judges of the superior courts, all justices of the Courts of Appeal and the Supreme Court, all temporary and assigned judges, and all subordinate judicial officers.

(4) "Public generative AI system" means a generative AI system that allows anyone other than court staff or judicial officers to access the data that courts input or upload to the system or to use that data to train AI

systems. "Public generative AI system" does not include any system that the court creates or manages, such as a generative AI system created for internal court use, or any court-operated system the court uses to provide those outside the court with access to court data, such as a court-operated chatbot that answers questions about court services.

(b) Generative AI use policies

Any court that does not prohibit the use of generative AI by court staff or judicial officers must adopt a generative AI use policy by December 15, 2025. This rule applies to the superior courts, the Courts of Appeal, and the Supreme Court.

(c) Policy scope

A use policy created to comply with this rule must cover the use of generative AI by court staff for any purpose and by judicial officers for any task outside their adjudicative role.

(d) Policy requirements

Each court's generative AI use policy must:

(1) Prohibit the entry of confidential, personal identifying, or other nonpublic information into a public generative AI system. Personal identifying information includes driver's license numbers; dates of birth; Social Security numbers; National Crime Information and Criminal Identification and Information numbers; addresses and phone numbers of parties, victims, witnesses, and court personnel; medical or psychiatric information; financial information; account numbers; and any other content sealed by court order or deemed confidential by court rule or statute.

(2) Prohibit the use of generative AI to unlawfully discriminate against or disparately impact individuals or communities based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law.

(3) Require court staff and judicial officers who create or use generative AI material to take reasonable steps to verify that the material is accurate, and to take reasonable steps to correct any erroneous or hallucinated output in any material used.

(4) Require court staff and judicial officers who create or use generative AI material to take reasonable steps to remove any biased, offensive, or harmful content in any material used.

(5) Require disclosure of the use of or reliance on generative AI if the final version of a written, visual, or audio work provided to the public consists entirely of generative AI outputs. Disclosure must be made through a clear and understandable label, watermark, or statement that describes how generative AI was used and identifies the system used.

(6) Require compliance with all applicable laws, court policies, and ethical and professional conduct rules, codes, and policies when using generative AI.

Rule 10.430 adopted effective September 1, 2025.

Advisory Committee Comment

. . . .

Subdivision (c). California Standards of Judicial Administration, standard 10.80 covers the use of generative AI by judicial officers for any task within their adjudicative role.

Subdivision (d). This subdivision does not require any court to permit the use of generative AI by court staff or judicial officers. Courts may entirely prohibit the use of generative AI and may also set restrictions on how generative AI may be used for court-related work, such as allowing or prohibiting the use of specific generative AI tools, allowing use of generative AI only for particular tasks, or requiring approval for the use of generative AI. Courts that are required by subdivision (b) to adopt a use policy because they are not prohibiting the use of generative AI for court-related work can comply with subdivision (d) by adopting verbatim the nonoptional sections of the Model Policy for Use of Generative Artificial

Intelligence,[1] or by adopting a policy that uses substantially similar language. Courts adopting a generative AI use policy under this rule may make their policy more restrictive than the rule requires and may include provisions not covered by rule 10.430.

[1 This policy is apparently Exhibit A to the Judicial Council's "Invitation to Comment SP25-01," locatable through https://courts.ca.gov/policy-administration/invitations-comment . GB]

Standard 10.80. Use of generative artificial intelligence by judicial officers

(a) Definitions

As used in this standard, the following definitions apply:

(1) "Court staff" means [same as Rule 10.430(a)(1)]

(2) "Generative artificial intelligence" or "generative AI" means [same as Rule 10.430(a)(2).]

(3) "Judicial officer" means [same as Rule 10.430(a)(3.]

(4) "Public generative AI system" means [same as in Rule 10.430(a)(4).]

(b) Use of generative artificial intelligence

A judicial officer using generative AI for any task within their adjudicative role:

(1) Should not enter [same text as Rule 10.430(d)(1) concerning confidential, personal identifying, or other nonpublic information.].

(2) Should not use generative AI to [same text as Rule 10.430(d)(2): prohibiting discrimination as defined].

(3) Should take reasonable steps to verify that generative AI material, including any material prepared on their behalf by others, is accurate, and should take reasonable steps to correct any erroneous or

hallucinated output in any material used. [This is similar to Rule 10.430(d)(3).]

(4) Should take reasonable steps to remove any biased, offensive, or harmful content in any generative AI material used, including any material prepared on their behalf by others. . [This is similar to Rule 10.430(d)(3).]

(5) Should consider whether to disclose the use of generative AI if it is used to create content provided to the public. [This is substantially different from Rule 10.430(d)(5), which requires disclosure if the final product is entirely AI generated.]

Advisory Committee Comment

Subdivision (a). . . .

Subdivision (b). . . . In addition to the guidelines provided in this subdivision, judicial officers should be mindful of complying with all applicable laws, court policies, and the California Code of Judicial Ethics when using generative AI.

[Compare comment (b) to Rule 10.430(d)(6), "require[ing] compliance with most of the above that Judicial Officers need only be "mindful of complying" GB]

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A.I. generated police reports regulated.

SB 524 (Stats. 2025, ch. 587) Adds PC 13663

New PC 13663, in full.

(a) Each law enforcement agency shall maintain a policy to require an official report prepared by a law enforcement officer or any member of a law enforcement agency that is generated using artificial intelligence either fully or partially to contain both of the following:

(1) On each page of the official report, or within the body of the text, identify every specific artificial intelligence program used in a manner that makes such identification readily apparent to the reader and prominently state the following:

"This report was written either fully or in part using artificial intelligence."

(2) The signature of the law enforcement officer or member of a law enforcement agency who prepared the official report, either in physical or electronic form, verifying that they reviewed the contents of that report and that the facts contained in the official report are true and correct.

(b)(1) If a law enforcement officer or any member of a law enforcement agency uses artificial intelligence to create an official report, whether fully or partially, the first draft created shall be retained by the agency for as long as the official report is retained.

(2) Except for the official report, a draft of any report created with the use of artificial intelligence shall not constitute an officer's statement.

(c) The agency utilizing artificial intelligence to generate a first draft or official report shall maintain an audit trail for as long as the official report is retained that, at a minimum, identifies both of the following:

(1) The person who used artificial intelligence to create a report.

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

(d)(1) A contracted vendor shall not share, sell, or otherwise use information provided by a law enforcement agency to be processed by artificial intelligence except for either of the following purposes:

(A) The contracted law enforcement agency's purposes.

(B) Pursuant to a court order.

(2) A contracted vendor may access data processed by artificial intelligence for the purposes of troubleshooting, bias mitigation, accuracy improvement, or system refinement.

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

(1) "Artificial intelligence" means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. "Artificial intelligence" as used in this section applies to artificial intelligence systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and artificial intelligence systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative artificial intelligence.

(2) "Contracted vendor" means a third party which has made artificial intelligence available to law enforcement for the purpose of generating a draft police report.

(3) "First draft" means the initial document or narrative produced solely by artificial intelligence.

(4) "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.

(5) "Official report" means the final version of the report that is signed by the officer under paragraph (2) of subdivision (a).

From the Assembly Committee on Privacy and Consumer Protection's report for the July 16, 2025, hearing.

[The omitted footnotes (fn.) documented the source of the info. GB]

3) **AI and Police Reports.** . . . Typically, after responding to an incident, an officer must file a report detailing key facts related to the investigation. These reports become the official record of the incident. . . . However, these reports can be time-consuming to produce: . . . GenAI offers the potential to streamline this process by enabling faster and more efficient report creation.

. . . [C]ompanies such as Axon and Truleo have developed GenAI-powered services to assist in drafting initial police reports. These systems allow officers to link body-worn camera footage to GenAI tools that analyze the incident and generate a draft report. Officers are encouraged to narrate events in real time, as the technology relies on audio rather than video to produce the report. This technology has already been adopted in several Bay Area communities, including East Palo Alto, Campbell, and San Mateo. [fn. omitted.] This technology was summarily described by the U.S. Department of Justice's Office of Community Oriented Policing Services:

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

Proponents of this technology claim it frees up officers to spend more time in their communities. However, the only randomized controlled trial evaluating this claim found no measurable difference in the time officers spent creating police reports. [fn. omitted] This finding mirrors results from similar deployments of ambient AI scribes in healthcare settings where the time saving aspects of the technology appear to have been overblown. [fn. omitted] In both contexts, the lack of significant time savings may stem from the fact

that the AI-generated report serves only as an initial draft, which still requires careful review and editing before becoming an official record.

Some advocates also suggest that AI-generated reports may reduce bias compared to those written by humans. Yet, it is well documented that GenAI systems can reflect and even amplify societal biases embedded in their training data. [fn. omitted] Despite this, Detective Jason Lucas of the Oklahoma City Police Department asserted, "Everything the AI-generated report says was heard; it's not creating evidence." [fn. omitted] While this statement implies a high level of reliability, it misrepresents how GenAI works. These systems do not simply transcribe; they make probabilistic inferences based on input data and prompts. For example, when processing body-worn camera audio, the entire recording may be fed into the model alongside a prompt such as "draft a police report." The result is not a strict summary but a generated narrative that may combine unrelated elements or introduce inaccuracies.

¶. . . . ¶

Police reports play a critical role in . . . charging decisions, as well as . . . pretrial release decisions. An AI-generated police report calls into question whether the facts in such a report are sufficiently reliable to support prosecutorial charging, or judicial pretrial detention decisions. [fn. omitted.]

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ATTORNEYS

Attorneys can't issue subpoenas in California for a proceeding in another state about performing or obtaining what would be legally protected health care in California.

AB 82, § 11 (Stats. of 2025, ch. XXX, § 11)

Amends PC 629.51, 1269b, 13778.2, and 13778.3, and §§ of GC and HS.

See "Arrest, Bail, and Release" and "Criminal Procedure and Investigations" for two other aspects of AB 82.

From PC 13778.2 as amended by Sec. 11 of AB 82

(c)(2) No state court, judicial officer, or court employee or clerk, or authorized attorney shall issue a subpoena . . . in connection with a proceeding in another state regarding an individual performing, . . . , or aiding in the performance of [or obtaining] ~~an abortion in~~ *a legally protected health care activity, as defined . . . , in* this state, . . . if the ~~abortion~~ *legally protected health care activity* is lawful under the laws of this state.

[Comment by GB: This seems to prohibit attorneys from issuing a subpoena, under PC 1334-1334.6 (Attendance of Witnesses Outside the State) to a W in this state to have the Cal. Court require W to attend a criminal prosecution in another state concerning what is protected health care activity here. This would perhaps have been more noticeably placed, among those sections.]

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CONTROLLED SUBSTANCES (drugs) AND ALCOHOL

The Jan. 1, 2026, sunset date deleted, thus indefinitely legalizing possession of hypodermic needles and syringes solely for personal use.

AB 309 (Stats. 2025, ch. 685.) **Amends BP 4145.5 and HS 11364**

From the Senate Floor Analysis for Aug. 20, 2025: [underlines added]

This bill:

1) Deletes the Jan[.] 1, 2026, sunset date to indefinitely authorize a physician or pharmacist to furnish hypodermic needles and syringes and for a person 18 years . . . or older to, without a prescription . . . , obtain hypodermic needles and syringes . . . for personal use from a physician or pharmacist.

(2) . . . .

(3) Deletes the Jan[.] 1, 2026, sunset date to indefinitely specify that . . . it [isn't] a crime to [have] hypo[.]needles or syringes . . . for personal use

From HS 11364, as amended (underlines added)

(a) It is unlawful to possess an opium pipe or any device . . . or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in (1) [various subdivisions of HS 11054 and 11055] or (2) a controlled substance that is a narcotic drug classified in [HS 11056, 11057, and 11058] .

(b) . . . .

(c) This section does not apply to an individual obtaining controlled substance checking services, as described in [HS 11300 et seq.]

(d) ~~Until January 1, 2026, as~~ *As* a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases . . . , and to prevent subsequent infection of sexual partners, newborn children, or other[s] . . . , this section shall not apply to the possession solely for personal use of hypodermic needles or syringes.

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COUNTY JAIL

Wage cap of $2.00 for 8 hours of work at county jails is deleted.

AB 248 (Stats. 2025, ch. 252) Amends PC 4019.3

PC 4019.3 as amended.

The board of supervisors may ~~provide that each prisoner confined in or committed to a county jail shall be credited with a sum not to exceed two dollars ($2) for each eight hours of work done by him in such county jail.~~ *credit each prisoner with a sum of money to be determined by the board if the prisoner is confined in or committed to a county jail and performs a work assignment.*

From the Assembly Comm. on Public Safety's Rpt. for March 11, 2025

According to . . . organizations [supporting] this bill, data received through a Public Records Request sent to all 58 counties, the 48 county sheriffs' offices who provided [responsive] records . . . , 44 (92%) indicated that workers . . . in their county's jails are not paid monetary wages.

[PC] 4019.3 has not been amended since 1975, when . . . the wage limit . . . [was increased] from fifty cent[s] to two dollars. . . .

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Wages of County Jail hand crew members assigned to an active fire must be equal to $7.25 per hour.

AB 247 (Stats. 2025, ch. 681)

Amends PC 4019.2; Adds PC 2714, and adds WI 1760.46.

Urgency, effective October 13, 2025

See Juvenile Justice Laws for AB 247 applied to juvenile hand crews.

See County Jail for AB 247 applied to county jail hand crew members.

See also uncodified section 1 of AB 812 in "State Prisons," "Recall and resentencing of hand crew members" on the importance of hand crews.

From amended PC 4019.2

(a) . . . . (b) . . . (c)(1) . . . [H]and crew members shall be paid an hourly wage equal to [$7.25] while assigned to an active fire incident. . . .

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COURTS AND COURT STAFF

See: Artificial Intelligence.

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CRIMES

See "Sexual Assault" for a change in the definition of rape of a person who because of mental or physical disability cannot give consent.

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Witness dissuasion can be before OR [not necessarily 'and'] after Def is charged, abrogating* People v. Reynoza *(2024) 15 Cal.5th 982.

AB 535 (Stats. 2025, ch. 373.) Amends PC 136.1

From the Senate Comm. on Public Safety report for June 24, 2025:

Last year, in *People v. Reynoza* (2024) 15 Cal.5th 982 [*Reynoza*], the . . . Supreme Court considered whether [PC] 136.1, subd[.] (b)(2), which prohibits dissuading or attempting to dissuade a [V or W] from causing a charging document "to be sought and prosecuted, and assisting in the prosecution thereof," requires conduct occurring both before and after criminal charges have been filed.

¶. . . .¶ [The Court concluded that PC 136.1, subd. (b)(2)] does not permit a conviction to be based solely on proof of dissuasion from "assisting in the prosecution" of an already-filed charging document. ([*Reynoza, supra,* at p. 1013.)

This bill changes the "and" in subdivision (b)(2) to "or" clarifying that post-charging dissuasion alone is sufficient to establish guilt . . . "

From PC 136.1, subd. (b)(2), as amended:

(b) . . . ~~[E]very~~ [A] person who attempts to prevent or dissuade another person who has been the [V] of a crime or who is [W] to a crime from doing any of the following . . . shall be punished by . . .county jail for [up to] one year or in the state prison:
(1) . . . .
(2) Causing a complaint, indictment, information, *or* probation or parole violation to be sought and prosecuted, ~~and~~ *or* assisting in the prosecution thereof.

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Structural damage from a disaster doesn't prevent burglary conviction.

AB 468 (Stats. 2025, ch. 533) Amends PC 459

From PC 459 as amended:

(b) The fact that the structure entered has been damaged by a natural or other disaster, or the extent of that damage, does not preclude conviction [of burglary].

For another aspect of AB 468, see "Looting" immediately below.

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"Looting" recast and expanded; and punishment increased.

AB 468 (Stats. 2025, ch. 533) Repeals and adds PC 463

[PC 463 is not simply amended; it is completely re-written; some of the content is repeated and much content is new.]

For another aspect of AB 468, see the entry immediately above.

From the Legislative Counsel's Digest:

This bill . . . recast[s] the offense of looting to include first degree burglary, 2nd degree burglary, grand theft, trespass, and theft from a vehicle, when those offenses are committed in an evacuation zone, to the crime of looting.

Th[is] bill . . . also . . . define[s] an evacuation zone to include an evacuation area or an area subject to an evacuation warning, and to include any residential dwelling units in such an area for a period of one year after the evacuation order, or up to 3 years if the property is undergoing construction.

The bill would impose increased penalties for these offenses committed within an evacuation zone, as specified.

Existing PC 463 is ~~completely repealed~~, and then added back [that is, reworded and re-enacted] in the same bill.

From PC 463 as added [editorial features added]

(a) [Definitions of "Evacuation order;" "Evacuation zone;" "Local emergency"; "Reconstruction"; and "State of emergency."]

(b) All of the following offenses when committed during and within an affected county in a "state of emergency" or a "local emergency," or under an "evacuation order," resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster are looting and, except as provided in subd[.] (c), are punishable as follows:

(1) A violation of [PC] 459, punishable as a second-degree burglary pursuant to [PC 461, subd. (b)], is punishable by . . . county jail for one year or pursuant to [PC 1170, subd. (h)].

(2) A violation of [PC] 487 or 487a, subd. (a)], except grand theft of a firearm, is punishable by . . . county jail [up to] one year or pursuant to [PC 1170, subd. (h)].

(3) Grand theft of a firearm . . . is punishable by . . . state prison, as set forth in [PC 489, subd. (a)].

(4) A violation of [PC] 488 is punishable by . . . county jail for six months.

(c) All of the following offenses when committed during and within an evacuation zone are looting and . . . are punishable as follows:

(1) A violation of [PC] 459, punishable as a [1st Deg.] burglary [by] [PC 461, subd. (a)], is punishable by . . . state prison for . . . [2, 4, or 7] years.

(2) A violation of [PC] 459, punishable as a [2nd Deg.] burglary [by] [PC 461, subd. (b)], is punishable [by PC 1170, subd. (h)].

(3) A violation of [PC] 487 or [PC 487a, subd. (a)], except grand theft of a firearm, is punishable [by PC 1170, subd. (h)}.

(4) A violation of [PC] 602, with the intent to commit larceny, [is] punishable by . . . county jail for one year or [by PC 1170, subd. (h)].

(5) . . . [T]heft from an unlocked vehicle is punishable by . . . county jail for one year or pursuant to [PC 1170, subd. (h)]. . . .

(d)(1) A person convicted of an offense [in subd. (b)(1), (b)(2), or (b)(3)] or an offense . . . in subd[.] (c) who is granted probation shall, as a condition . . . , be confined in a county jail for at least 180 days, except that the court may, . . . where the interest of justice would best be served, reduce or eliminate that mandatory jail sentence if the court specifies on the record and enters into the minutes the circumstances . . . .

(2) [Also] . . . , the court may require any person granted probation . . . under [subd. (b)(1)] to serve up to 240 hours of community service and may require any [probationer] . . . [under subd. (b)(2) or (b)(3) or subd. (c)] to serve up to 160 hours of community service.

(3) A person convicted under [(b)(4)] who is granted probation shall. . . be confined in a county jail for at least 90 days, except that the court may, . . . [in] the interest of justice . . . , reduce or eliminate that mandatory minimum . . . if the court specifies on the record and enters into the minutes the circumstances . . . . [Also] . . . , the court may require any [probationer] . . . to serve up to 80 hours of community service. . . .

//

Impersonating a first responder during an emergency is a wobbler; and is also an aggravating factor of looting.

SB 571 (Stats. 2025, ch. 545) Amends PC 451.5, adds PC 463.2 & 538i

From the Legislative Counsel's Digest

This bill . . . authorize[s] the court to consider the fact, if pled and proven, that the defendant committed the crime of looting while impersonating emergency personnel as a factor in aggravation.

Existing law prohibits . . . impersonating a peace officer, firefighter, or employee of a state or local government agency, or a search and rescue team, ... A violation [is] a misdemeanor.

This bill . . . make[s] it a . . . misdemeanor or a felony, for a person, other than a first responder to wear, exhibit, or use the uniform, insignia, . . . certificate . . . or writing of a first responder with the intent of fraudulently impersonating a [one] within an area under an evacuation order . . . .

The bill . . . also make[s] it a . . . misdemeanor or a felony, to impersonate a first responder on the internet or by electronic means during an evacuation order or within 30 days of its termination for the purpose of defrauding another, as specified.

From added PC 463.2:

(a) In sentencing a [Def] convicted of a [PC] 463, the court may consider the fact, if pled and proven, that [Def] committed the crime while impersonating emergency personnel as a factor in aggravation . . . .

From added PC 538i

(a) Any person, other than a first responder, who willfully wears, exhibits, or uses the uniform, [etc.], or writing of a first responder with the intent of fraudulently impersonating a first responder in an area subject to an evacuation order or who willfully . . . impersonates a first responder on an internet website, or by other electronic means, during an evacuation order or within 30 days of its termination, for purposes of defrauding another, shall be punished by either . . . county jail [up to] one year, by a fine [up to $2,000], or by both . . . , or by imprisonment pursuant to [PC 1170, subd. (h)] and by a fine [up to $20,000].

//

Threats to daycares, schools, universities, workplaces, houses of worship, or medical facilities that will result in death or GBI.

SB 19 (Stats. 2025, ch. 594) Adds PC 422.3

See Juvenile Justice Law for special provisions for Minors.

From the Senate Committee on Public Safety's summary

This bill creates a new crime of threatening to commit a crime that will result in death or [GBI] at a daycare, school, university, workplace, house of worship, or medical facility, punishable as an alternate felony-misdemeanor.

From added PC 422.3

(a) . . . [A]ny person who willfully threatens, by any means, including, but not limited to, an image or threat . . . on an internet web page, to commit a crime that will result in death or [GBI] to another person or persons at a daycare, school, university, workplace, house of worship, or medical facility with specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, if the threat on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or persons to reasonably be in sustained fear for their own safety or the safety of others at these locations, shall be punished by . . . county jail [up to] one year or . . . pursuant to [PC 1170, subd. (h)].

(b) [Special provision if the person is under 18. See Juvenile Justice Law.]

(c) This section does not preclude . . . prosecution under any other law, except that a person shall not be convicted for the same threat under both this section and [PC] 422.

//

Stalking: "credible threat" expanded to include threats to V's pet, servicer animal, emotional support animal, or horse.

SB 221 (Stats. 2025, ch. 576.) Amends PC 646.9

From the Legislative Counsel's Digest:

[It is a wobbler (stalking) for] a person [to] willfully, maliciously, and repeatedly follow[ ] or willfully and maliciously harass[ ] another person and . . . make[ ] a credible threat with the intent to place that person in reasonable fear for [V's] safety, or the safety of the [V's] immediate family.

This bill . . . expand[s] the meaning of "credible threat" to include threats to a person's pet, service animal, emotional support animal [see HS 122317 et seq.], or horse.

From PC 646.9 as amended:

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place [V] in reasonable fear for their safety, or the safety of their immediate family, is guilty of . . . stalking, punishable by . . . county jail for [up to] one year, or by a fine of [up to] $1,000, or by both . . . , or by . . . state prison.

¶ . . . .¶

(g) . . . "[C]redible threat" means a verbal or written threat, including ~~that~~ *a threat* . . . through . . . an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, *including threats to a person's pet, service animal, emotional support animal, or horse,* made [intending] to place [V] in . . . fear for their safety, or the safety of their family, . . . with the apparent ability to carry [it] out . . . so as to cause [V] to . . . fear for their safety or [for] their family.

It is not necessary . . . that [Def.] [intended] to . . . carry out the threat.

The present incarceration of a person making the threat shall not be a bar to prosecution under this section. . . .

//

Key programming devices, key duplicating devices, and signal extenders added to the list of burglary tools.

AB 486 (Stats. 2025, ch. 367.) Amends PC 466

From the Legislative Counsel's Digest

[It is] a misdemeanor to have specified tools or other items, with the intent to feloniously break or enter into a building or other specified place.

[It is] a misdemeanor to make, alter, or repair specified instruments if the person knows or has reason to believe the instrument is intended to be used in the commission of a misdemeanor or felony.

This bill . . . add[s] key programming devices, key duplicating devices, and signal extenders, as defined, to the list of instruments that are an element of the above offenses.

From PC 466 as amended [paragraph break added.]

~~Every~~ *(a)* ~~person having upon him or her in his or her possession~~ *A person who possesses* **a picklock, crow, keybit, crowbar, screwdriver, vise grip pliers, water-pump pliers, slidehammer, slim jim, tension bar, lock pick gun, tubular lock pick, bump key, floor-safe door puller, master key, ceramic or porcelain spark plug chips or pieces,** ~~or~~ *key programming device or key duplicating device, signal extender, or* **other instrument or tool with** *the* **intent** ~~feloniously~~ **to** *feloniously* **break or enter into any building, railroad car, aircraft, or vessel, trailer coach, or vehicle as defined in the Vehicle Code,**

or who ~~shall~~ knowingly ~~make~~ *makes* or ~~alter,~~ *alters,* or ~~shall attempt~~ *attempts* to make or alter, ~~any~~ *a* key or other instrument named above so that ~~the same~~ *it* will fit or open the lock of a building, railroad car, aircraft, vessel, trailer coach, or vehicle as defined in the Vehicle Code, without being requested to do so by ~~some~~ *a* person having the right to open the same, or who ~~shall make, alter, or repair~~ *makes, alters, or repairs* any instrument or thing, knowing or having reason to believe that it is intended to be used in ~~committing~~ *the commission of* a misdemeanor or felony, is guilty of a misdemeanor. . . .

(b) . . . [T]he following terms have the following meanings:

(1) "Key programming device" or "key duplicating device" . . . .
(2) "Signal extender" . . . .

//

"Signal jammers," largely outlawed except as authorized by the FCC.

SB 701 (Stats. 2025, ch. 458) Adds PC 636.6

"Signal Jammer" is defined below at added PC 636.1, subd. (f)(1).

From the **"Author's Statement"** from the Assembly Committee on Public Safety report for July 1, 2025.

"Signal jammers are an increasingly prevalent problem across the US. They've been used in conjunction with burglaries, car thefts, bank heists, and more, blocking critical communication frequencies that WiFi, GPS, radio, and cell signals all rely on.

"While signal jammers are already illegal under federal law and [FCC] rules, they continue to pose a major threat to emergency response and public safety due to an absence of adequate California state regulations."

From the Legislative Counsel's Digest

This bill . . . make[s] it a crime to manufacture, import, market, purchase, sell, or operate a signal jammer . . . unless authorized . . . by the [FCC], punishable as an infraction for a first offense, and a misdemeanor for a 2nd. . . .

The bill . . . make[s] it a misdemeanor to operate a signal jammer in conjunction with the commission of a misdemeanor or felony, punishable by a fine of up to $1,000 or by imprisonment.

The bill . . . make[s] it a crime to willfully or maliciously use a signal jammer to block state or local public safety communications, if the person knows or should know that [this] is likely to result in death or GBI and [that] is sustained by any person as a result . . . , punishable as [a wobbler]. . . .

From new PC 636.6:

(a)(1) A person who manufactures, imports, markets, purchases, sells, or operates a signal jammer, unless authorized . . . by the [FCC], is guilty of an infraction, punishable by a fine [up to $500] for a first offense.

(2) A second or subsequent violation . . . is a misdemeanor, punishable by . . . county jail [up to 1] year, by a fine [up to $1,000], or by both . . . .

(b) [Operating] a signal jammer in conjunction with the commission of a misdemeanor or felony is . . . a misdemeanor, punishable by . . . county jail [up to] one year, or by a fine [up to $1,000], or by both . . . .

(c) A person who willfully or maliciously uses a signal jammer to block state or local public safety communications, and who knows or should know that using the signal jammer is likely to result in death or [GBI] [which] is sustained by any person as a result . . . , is . . . punishable by . . . county jail [up to] one year or pursuant to [PC 1170, subd. (h)].

(d) . . . .

(e) . . . .

(f) [Definitions]:

(1) "Signal jammer" means a device that intentionally blocks, jams, or interferes with authorized radio or wireless communications.

(2) "Public safety communications" [defined].

//

Battery against public transportation providers expanded.

AB 394 (Stats. 2025, ch. 147) Amends PC 243.3

From the Legislative Counsel's Digest

. . . [W] when a battery is committed against the person of an operator, . . . or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle . . . and [Def] knows or reasonably should know that [V] is engaged in the performance of their duties, the penalty is . . . county jail [up to] one year, a fine [up to] $10,000, or both . . . .

[I]f [V] is injured, the . . . fine [is up to] $10,000, [custody is] county jail [up to] one year or . . . state prison for 16 months, 2, or 3 years, or by both that fine and imprisonment.

This bill . . . expand[s] this crime to apply to an employee, public transportation provider, or contractor of a public transportation provider.

From PC 243.3 as amended

~~When~~ ***If*** **a battery is committed against the person of an operator, . . . or passenger on a bus, taxicab, streetcar, cable car . . . or other motor vehicle, including [onr] . . . on stationary rails or on a track . . . suspended in the air, used for the transportation of persons for hire, or against a schoolbus driver, or . . . a station agent or ticket agent . . . ,** ***or against a public transportation provider, or against an employee or contractor of a public transportation provider,*** **and [Def] knows or reasonably should**

know that [V], in the case of an operator, driver, or agent, *employee, or contractor,* is engaged in the performance of ~~his or her~~ *their* duties, or is a passenger the offense [is] punished by a fine [up to $10,000] or by . . . county jail [up to] one year, or by both . . . .

If an injury is inflicted on [V], the offense [is] punished by a fine [up to $10,000], or by . . . county jail [up to] one year or in the state prison for 16 months, or two or three years, or by both that fine and imprisonment.

//

Truancy, PC 270.1 re: certain parents of certain truants, repealed.

AB 461 (Stats. 2025, ch. 154) Repeals PC 270.1

From the Legislative Counsel's Digest:

. . . [T]he Compulsory Education Law generally makes persons between the ages of 6 and 18 years of age subject to compulsory full-time education, unless exempted.

[Before this bill,] a parent or guardian of [such] a pupil . . . whose child is a chronic truant, . . . who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered support services to address the pupil's truancy, guilty of a misdemeanor . . . punishable by a fine of up to $2,000, or . . . county jail for up to one year, or both . . . .

This bill . . . repeal[s] that criminal offense.

From the Senate Committee on Public Safety report for July 15, 2025:

Need For This Bill According to the author.

Criminalizing parents for their children's truancy ignores the root causes of absenteeism and only deepens family hardships, especially as many immigrant families now fear sending their children to school. . . .

//

CRIMINAL PROCEDURE and INVESTIGATIONS

See "Racial Justice Act" for clean-up and clarifying legislation.

See "Attorneys" for a limitation on attorney's issuing subpoenas in connect with out of state or federal cases concerning performing or receiving matters that would be protected health care in this state.

//

PC 17 now allows the court to reduce wobblers prior to trial.

AB 321 (Stats. 2025, ch. 611) Amends PC 17

[The most common times this change will be used will surely be at trial confirmations and when the case is assigned out for trial. GB]

From the Legislative Counsel's Digest

[Before this bill,] [PC 17] provide[d] that a [wobbler] is a misdemeanor under certain circumstances, including when, at or before the preliminary examination or [prior to holding Def. to answer under PC] 872 or when or after granting probation, or after a judgment other than prison or [PC 1170(h)], the magistrate [sic] determines that the offense is a misdemeanor.

This bill [now] make[s] a crime a misdemeanor under that condition any time the court, prior to trial, determines that the offense is a misdemeanor. The

bill . . . also require[s], following a denial of a motion under this provision, a subsequent motion to be made only upon a showing of changed circumstances.

From the Assembly Committee on Public Safety's report for March 4, 2025, page 3:

This bill proposes to remove the reference in subdivision (b)(5) limiting a court's discretion to reduce a felony to a misdemeanor at or before a preliminary hearing, to any time without reference to whether it is before or after the preliminary hearing.

From the Senate Committee on Public Safety's Report for June 10, 2025:

"This bill expands the pre-sentencing opportunities for a judge to reduce a wobbler."

From PC 17 as amended.

(a) . . . .

(b) When a crime is punishable, in the discretion of the court, either by imprisonment in the state prison or imprisonment in a county jail under [PC 1170 subd. (h)], or by fine or imprisonment in the county jail, it is a misdemeanor for all purposes under the following circumstances:

(1) After a judgment imposing a punishment other than imprisonment in the state prison or . . . in a county jail under [PC 1170, subd. (h)].

(2) When the court, upon committing [Def.] to ~~the Division of Juvenile Justice,~~ *a secure youth treatment facility,* designates the offense to be a misdemeanor.

(3) When the court grants probation to [Def.] and [when] granting probation, or on application of [Def.] or probation officer thereafter, the court declares the offense to be a misdemeanor.

(4) When [P] files . . . a complaint specifying that the offense is a misdemeanor [unless Def. objects, in which it will be a felony].

(5) ~~When,~~ *(A)* ~~at or before the preliminary examination or prior to filing an order pursuant to Section 872, the magistrate determines~~ *When the court determines, prior to trial, either on its own motion or the motion of a party,* that the offense is a misdemeanor, in which event the case shall proceed as if the defendant had been arraigned on a misdemeanor complaint.

(B) Following a denial of a motion pursuant to subparagraph (A), a subsequent motion . . . may only be made upon a showing of changed circumstances, which includes, but is not limited to, newly available facts relevant to the charge or defendant's personal circumstances, or change in the applicable law.

(c) When [Def] is committed to ~~the Division of Juvenile Justice~~ *a secure youth treatment facility* for a crime punishable . . . either by imprisonment in the state prison or . . . in a county jail under [PC 1170, subd. (h)], or by fine or imprisonment in the county jail [up to] one year, the offense shall, upon the discharge of [Def] from the ~~Division of Juvenile Justice,~~ *secure youth treatment facility,* . . . be deemed a misdemeanor for all purposes.

//

No orders for wiretaps and interception of electronic communication may be issued for investigating or recovering evidence of a legally protected health care activity

AB 82, § 9 (Stats. 2025, ch. 679, § 9)

Amends PC 629.51, 3 other §§ of PC, and 8 §§ of GC and HS.

See "Arrest," (2 entries) and "Attorneys" for three other aspects of PC 82.

From the Legislative Counsel's Digest

(4) Existing law authorizes a court to issue various orders relating to criminal investigations, including the interception of wire or electronic communications . . . [including] a search warrant upon specified grounds.

Existing law prohibits the issuance of any orders or warrants for the purpose of investigating or recovering evidence of a prohibited violation.

[Before this bill, a] "prohibited violation" . . . [was] a violation of a law that creates liability for, or arising out of, either providing, . . . , or obtaining an abortion or intending or attempting to [do so] that is lawful [in] this state.

This bill . . . instead define[s] a prohibited violation as a violation of a law that creates liability for, or arising out of, either providing . . . or obtaining a legally protected health care activity or intending or attempting to provide, facilitate, or obtain a legally protected health care activity, as defined.

The above is accomplished by changing the definition of a "prohibited violation" in PC 629.51, subd. (a)(5)(A)

(a)(5)(A) "Prohibited violation" means any violation of law that creates liability for, or arising out of, either of the following:
(i) Providing, facilitating, or obtaining ~~an abortion~~ *a legally protected health care activity, as defined . . .* that is lawful under California law.
(ii) Intending or attempting to provide, facilitate, or obtain ~~an abortion~~ *a legally protected health care activity, as defined . .* that is lawful [here].

//

DISMISSAL AFTER CONVICTION AND SENTNECE SERVED

Dismissal after Fire Camp service now prohibits denials of emergency medical technician and firefighter licenses and certificates.

SB 245 (Stats. 2025, ch. 746) Amends PC 1203.4b

From the Legislative Counsel's Digest

[A Def] who successfully participated in the California Conservation Camp [Fire Camp] program as an incarcerated individual hand crew member, successfully participated as a member of a county incarcerated individual hand crew, or participated in an institutional firehouse program, except as specified, [can] petition the court to have the pleading dismissed, as described, thus releasing the person of any penalties and disabilities of conviction, except as otherwise provided. . . .

This bill . . . prohibit[s] an individual who has had their criminal pleading dismissed under these provisions from being denied a certification as an emergency medical technician or any other license or certification required to work as a firefighter based solely on their arrest or conviction history, as described. . . .

From Penal Code section 1203.4b as amended.

(b)(7). . .* [A Def's] *arrest and conviction history at the time of their participation as [a] hand crew member . . . or the acts underlying that arrest and conviction history, shall not form the basis for any state or local agency to deny a [Def] who is granted an order pursuant to this section an emergency medical technician certification or any other license or certification necessary to work as a firefighter.

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EVIDENCE

See "Sexual Assault" for testing of rape kits and other medical evidence.

There are no new Evidence Code provisions this year.

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FINES, FEES, AND PENALTIES

For Restitution Fines, see "Restitution and Restitution Fines."

//

FIREARMS AND RELATED MATTERS

Certain Juveniles adjudicated to have committed certain delinquent acts (crimes) are now included in those who must relinquish firearms.

AB 383 (Stats. 2025, ch. 362) Amends PC 1524, 29615, and 29810.

See "Juvenile Justice Law" and "Search and Seizure" for additional aspects of certain juveniles and certain wards who are prohibited from having firearms.

From the Legislative Counsel's Digest:

Existing law prohibits a [M] who is adjudged a ward of the juvenile court due to the commission of specified serious or violent offenses from subsequently owning, possessing, or having under their custody or control a firearm until they are 30 years of age. A violation . . . is . . . a misdemeanor or . . . a felony.

Existing law . . . prohibits certain . . . persons, including [those] . . . convicted of a felony . . . from owning, possessing, or having under their custody or control a firearm or ammunition.

Existing law requires a person subject to those orders [sic] to relinquish any firearms or ammunition they own, possess, or have under their custody

or control and specifies the procedures to be used to relinquish those firearms or ammunition. . . . Existing law makes it an infraction for [Def] to fail to timely file that form.

This bill . . . make[s] those procedures . . . applicable to a [M] who is prohibited from owning, possessing, or having under their custody or control a firearm until they are 30 years of age.

From PC 29810 as amended.

(a)(1) Upon conviction ~~of~~ *of, or adjudication for,* any offense that renders a person subject to Section 29800, 29805, *29815, 29820,* or ~~29815,~~ *29825,* the person shall relinquish all firearms they own, possess, or have under their custody or control in the manner provided in this section within 48 hours of the conviction *or adjudication* if the ~~defendant~~ *person* remains out of custody or within 14 days of the conviction *or adjudication* if the ~~defendant~~ *person* is in custody.

//

Unloaded guns in a qualified lock box, as restrictively defined, can be carried in a public transit facility as defined.

AB 1078, §§ 1 & 12 (Stats. 2025, ch. 570, §§ 1 & 12)

Amends PC 171.7 and 15 other PC §§, and rewrites 3 others, on firearms.

This entry focuses on PC 171.7 and PC 26230). For a glimpse of the larger picture of this bill, mostly concerning licensing, see the end of this entry.]

From the Assembly Floor Analysis for Sept. 10, 2025:

Major provisions: [as passed by the Assembly]:

1) Stated that the prohibition against a person knowingly possessing a firearm in a public transit facility does not apply to a person transporting an unloaded firearm locked in a lock box, as specified

From PC 171.7 as amended:

(a) . . .. (1) "Public transit facility" [is very broadly defined]

(2) "Firearm" [defined].

(b) It is unlawful for ~~any~~ *a* person to knowingly possess any of the following in a public transit facility:

(1) ~~Any~~*A* firearm.

¶ . . . .¶

(c)

¶ . . . .¶

(3) [Subd. (b)(1)] does not apply to a person transporting an unloaded firearm locked in a lock box in compliance with [PC 26230, subd. (a)(8)].

From PC 26230 as amended:

[The definition of a lock box referred to in PC 171.5, subd. (c)(3), above:]

. . . a lock box, as defined in [the Cal. Code Regs.],which is a firearm safety device, as defined in [PC] 16540, and that is listed on [DOJ's] Roster of Firearm Safety Devices Certified for Sale pursuant to [PC] 23650 and [PC] 23655, for the purpose of transporting the firearm.

A glimpse of the larger picture of the other 20 sections of this bill: For gun licensing cases, this entire bill should be reviewed.

From the Assembly Floor Analysis for Sept. 10, 2025

Summary [of the entire 21-section bill]: [This bill] [e]stablishes, among other things, new criteria for a non-California resident application for a concealed carry weapons (CCW) license or license renewal, requires the

applicant to attest that the jurisdiction in which the applicant has applied is the primary location in California in which they intend to travel or spend time, and requires that the applicant has completed live-fire shooting exercises for each pistol, revolver, or other firearm for which the applicant is applying to be licensed to carry in California.

//

A host of laws concerning Ghost Guns and other illegal manufacture.

AB 1263 (Stats. 2025, ch. 536)

Amends PC 29805 & adds 29816; and adds and amends §§ of the Civ. Code.

From the Senate Committee on Public Safety's report for July 1, 2025

The purpose of this bill is to

1) Impose additional obligations and duties on firearm industry members under the Firearm Industry Responsibility Act with regard to firearm accessories and firearm manufacturing devices . . . .

2) Establish new civil and criminal penalties related to the unlawful manufacture of a firearm.

3) Add several violations related to undetectable, unserialized, and unlawfully manufactured firearms, assault weapons, and other restricted firearms and firearm accessories to the list of crimes for which a conviction results in a 10-year ban on the purchase or possession of firearms.

¶ . . . .¶

Need for This Bill. According to the Author: In response to California's effective efforts to regulate the sale of core ghost gun industry products. . . some ghost gun industry entities have shifted to sell machines, parts, products, and services designed to facilitate unlicensed individuals' illegal

manufacture of ghost guns, machine gun conversion devices, and other unlawful weapons, using consumer-level 3D-printers and CNC milling machines. . . . .

//

FORMS

New forms for January 1, 2026, may still be issued before that date (this is written Dec. 12, '25). "Latest Changes" in Forms can be found at https://courts.ca.gov/rules-forms/court-forms/latest-changes .

//

Retail Crime Restraining Orders (RCRO, in the new RT series)

These forms, promulgated on July 1, 2025, in five languages, implement PC 490.8, subds. (e), (d), (i), and (j), which permit P., a city attorney, county counsel, or an attorney representing a retail establishment, to request an RCRO for a person who was arrested, or cited, at least twice, for one of the crimes listed in subd. (b) within the same place.

Some of the forms in this series are: RT-100, "Petition for Retraining Order"; RT-100-Info "How Do I Get an Order to Prohibit Retail Crime"; RT-120 "Response to Petition for Retail Crime Restraining Order" and RT-120-INFO "How Can I Respond to a Petition for Retail Crime Restraining Order?" and RT-130 "Retail Crime Restraining Order (CLETS-RTO)"

NB: form 120-INFO provides that the respondent "is entitled to court-appointed counsel."

//

Form CLETS-002 (new), required by P when requesting restraining protective orders under PC 136.2, 273.5(j), 368(l), 646.9(k), or 1203.097(a)(2).

The requirement is in Rule of Court 1.51(a)(2) as amended effective January 1, 2026 (q.v.).The form is not available as of this writing, Dec. 12, 2025.

//

HABEAS CORPUS

PC 1473 clarified expanded regarding RJA claims.

SB 734, § 3.5 (Stats. 2025, ch. 784, § 3.5.) Amends PC 1473.

See "Immigration;" "Peace Officers and Law Enforcement Officers;" and "Racial Justice Act;" for three other aspects of SB 734

From the Legislative Counsel's Digest.

. . . . Th[is] bill require[s], if the defendant is represented by an attorney in [an RJA case], in the prosecution of a writ of habeas corpus, . . . and the . . . petition is based, in whole or in part, on the conduct of a law enforcement officer, the attorney [must] to serve a copy of the motion [sic: probably should be "motion or petition"] on the law enforcement agency employing the officer.

[This bill also rewrites and rewords PC 1473, subd. (e), and adds a new PC 1473, subd. (e)(8).]

From PC 1473 as amended by SB 734 section 3.5:

(e) . . . [A] writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentence was sought, obtained, or imposed in violation of [PC 745, subd. (a)] if that section applies based o the [judgment] date [per PC 745(j)].

(1) . . . .

(2) A petitioner, or their counsel, may file a motion for relevant evidence under [PC 745, subd. (d)] upon the prosecution of a petition under this subdivision, or in preparation to file a petition.

(3) A petition raising a [this] claim . . . for the first time, or on the basis of new discovery [from] the state or other new evidence that could not have been previously known . . . with due diligence, shall not be deemed a successive or abusive petition.

(4) If the petitioner has a habeas corpus petition pending in state court, but it has not yet been decided, the petitioner may amend the existing petition with a [PC 745] claim.

(5) The petition shall state if the petitioner requests . . . counsel and the court shall appoint counsel if the petitioner cannot afford counsel and either the petition pleads a plausible allegation of a violation of s[PC 745, subd. (a)] or the State Public Defender requests counsel be appointed. . . .

(6) If [Def] is represented by an attorney and the petition alleges a violation of [PC 745, subd. (a)(1) or (a)(2)], based in whole or in part on the conduct of one or more law enforcement officers, the attorney shall serve a copy of the motion on the [employing] law enforcement agency or agencies . . . .

(7)(A) The court shall review a petition raising a [PC 745] claim . . . and . . . determine if the petitioner has made a prima facie showing. [That] determination shall be based on the petitioner's showing and the record. The court may request an informal response from the state.

~~(e)~~*(B)* ~~[Deleted langauge]~~ **If the petitioner** ~~[delected language]~~ **makes a prima facie** ~~[deleted language]~~ ***showing, the*** **court shall issue an order to show cause why relief shall not be granted and hold an evidentiary**

hearing . . . . [Def] may appear remotely, and the court may conduct the hearing through the use of remote technology, unless counsel indicates that the defendant's presence in court is needed. ~~**[Deleted language]**~~

(C) If the court determines that the petitioner has not established a prima facie showing, the court shall state the factual and legal basis for its conclusion on the record or issue a written order detailing the factual and legal basis for its conclusion.

(8) If the court finds a violation of subdivision (a) [sic.], the court shall impose one or more of the applicable remedies as outlined in [PC 745, subd. (e)] . . . .

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HEALTH CARE

Law enforcement can't knowingly arrest a person for performing or obtaining legally protected health care activities here in Calif.

[This prevents arrests made pursuant requests by another state that criminalized its residents for traveling out-of-state, e.g., to Calif., to obtain abortions or gender affirming care that is illegal in their state of residence.]

AB 82. § 11 (Stats. 2025, ch. 679, § 11)

Amends PC 13378.2, three other PC §§, and 8 other §§ of GC and HS.

See (1) immediately below, (2) "Attorneys," and (3) "Criminal Procedure" for three more aspects of AB 82.

PC 13778.2, subd. (a), as amended by AB 82, § 11.

(a) A state or local law enforcement . . . officer shall not knowingly arrest . . . any person for performing . . . or aiding in . . . ~~an abortion in~~ *a legally protected health care activity, as defined . . . in* this state, or obtaining ~~an abortion in~~ *a legally protected health care activity . . . in* this state, if the ~~abortion~~ *legally protected health care activity* is lawful under the laws of this state.

//

Scheduled bail for a person arrested in connection with a proceeding in another state for an activity that would be protected health care in this state [i.e., abortion, or gender affirming care], must be set at $0.

AB 82, § 10 (Stats. 2025, ch. 679, § 10)

Amends PC 1269b, and 3 other PC §§, and 8 §§ of GC and HS.

See (1) immediately above, (2) Attorneys, and (3) "Criminal Procedure" for three other aspects of AB 82.

Background: PC 1549.15 defines "gender-affirming health care; legally protected health care activity; and "reproductive health care services."

PC 1269b as amended by AB 82 section 10.

(a). . . . (b). . . .

(c) [T]he . . . judges in each county [must] prepare . . . annually . . . a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except [VC] infractions. . . .

(d). . . . (e). . . . (f)(1). . . .

(f)(2) The countywide bail schedule shall set zero dollars ($0) bail for an individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in . . . ~~an abortion in~~ *a legally protected health care activity, as defined in [PC] 1549.15, in* this state, or . . . obtaining ~~an abortion in~~ *a legally protected health care activity . . . , in* this state, if the ~~abortion~~ *legally protected health care activity* is lawful [in] this state. . . .

//

Health care providers can't release medical info. Re: gender affirming care pursuant to an out-of-state subpoena in a criminal action.

SB 497, § 6 (Stats. 2025, ch. 764, § 6)

Amends PC 1326, and 4 §§ of the Civ. Code, CCP, and HS.

See "Attorneys," "Arrest" (2 entries); and Criminal Procedure" for AB 82 provisions related to health care.

From PC 1326 as amended by SB 497, section 6.

(a) The process by which the attendance of a witness before a court or magistrate is required is a subpoena. . . .

(b). . . .

(c)(1). . . . [A] provider of health care, health care service plan, or contractor shall not release medical information related to *an individual seeking or obtaining gender-affirming health care or . . . mental health care or* a person or entity allowing a child to receive [such] care in response to any foreign subpoena . . . based on a violation of another state's laws authorizing a criminal action *that interferes with an individual's rights to seek or obtain gender-affirming health care or . . .*

mental health care or **against a person or entity that allows a child to [such] care.**

(2) . . . , "[G]ender-affirming health care" and "gender-affirming mental health care" [are defined].

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IMMIGRATION

See "Habeas Corpus," "Peace Officers and Law Enforcement Officers, and " "Racial Justice Act," for three aspects of SB 734

See "Crimes," "Truancy."

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The "No Vigilantes Act" aims to prevent impersonating law enforcement officers, while ensuring oversight and accountability.

SB 805 (Stats. 2025, ch. 126)

Adds to Title 1, Div. 7 of the Gov. Code, Ch. 17.45, (GC §7288); amends PC 538d, 538e, 538f, 538g, 538h, and 1299.07, and adds PC 13653 and 13654

Urgency, took effect Sept. 20, 2025, but some sections had delayed operative dates, and a stipulation in the lawsuit discussed below delayed some sections.

N.B. in PC 538d, and in some other statutes, the phrase "peace officer" is replaced by "law enforcement officer," which means "a peace officer as defined in Section 830, and any federal law enforcement officer."

From the Assembly Comm. on Public Safety report for July 15, 2025

1) **Author's Statement**: . . . "Masked individuals with no name identification, no uniforms, driving unmarked vehicles, and carrying firearms are taking our neighbors – both immigrants and American citizens – in broad daylight. When asked by members of the public to provide badge numbers, they refuse. We assume they are federal agents from Homeland Security or ICE. However, unless these individuals provide proper identification, we simply do not know.

"When we receive reports of these individuals using excessive force . . . there is no way to ensure oversight or accountability. Across the country, there have also been reports of criminals impersonating ICE officers, using threats and intimidation to target vulnerable communities. When immigration enforcement officers fail to identify themselves, they create opportunities for vigilantes . . . . This . . . fosters confusion, fear, and mistrust . . . .

SB 805, the No Vigilantes Act, will . . . require law enforcement operating in California to display identification featuring their name or badge number. It will also authorize law enforcement to request identification from anyone claiming to be an officer if there is reasonable suspicion of criminal activity, such as impersonating a peace officer, kidnapping, or when there is a legitimate safety concern. Additionally, it will prohibit bounty hunters from engaging in any form of immigration enforcement.

From the Senate Floor Analysis for Sept. 11, 2025:

1) *Provisions on Law Enforcement Visibly Displaying Identification.*
This bill requires law enforcement agencies operating in California to . . . publicly post a . . . policy on the visible display of identification by their sworn personnel. . . . [T]his . . . applies to state and local California [and to], federal law enforcement agencies, and [those] from other states. The policy must . . . require[ ] that all sworn peace officers visibly display identification when performing enforcement duties, [with] specified . . . exceptions[] [such as] . . . for officers from specified state agencies . . . engaged in plain-clothes operations.

This bill also makes it a misdemeanor for a law enforcement officer . . . in California who is not wearing a uniform to willfully and knowingly fail to visibly display identification that includes their agency and either a name, or badge number, or both, when performing their enforcement duties.

However, this bill provides that if the agency employing the [offending] law enforcement officer . . . has a policy in place addressing the visible display of identification, the criminal sanction would not apply.

¶ . . . . ¶ Because this bill imposes an obligation on federal law enforcement agencies operating in California, both in regard to the policy requirement and [the] requirement to visibly display identification . . . , this bill raises the question of to what extent the State can regulate the conduct of federal law enforcement officers. . . . with regard to principles of federal preemption and intergovernmental immunity. The Supremacy Clause states that the Laws of the [U.S. are] the supreme Law of the Land. (U.S. Const., art. VI, cl. 2.) . . . .

The doctrine of intergovernmental immunity. . . . makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." . . . And yet, generally-applicable state laws can apply to federal entities. (*Johnson v. Maryland* (1920) 254 U.S. 51, 56.) A related doctrine is federal preemption. . . . .

Here, requiring federal law enforcement officers who are not in uniform to wear visible identification while operating in California, a violation of which is potentially subject to criminal punishment, may be considered to directly regulate federal officers and to conflict with the federal regulations that immigration officers simply identify themselves at the time of arrest. . . .

. . . .

2) *False Personation Provisions*. Several [PC] provisions . . . prohibit the fraudulent impersonation or attempted impersonation of peace officers and other public officers and employees. . . . (See [PC] 538d-538h.)

[The] law also prohibits the false impersonation of a peace officer, firefighter, public utility employee, state or local government agency employee or officer, and a member of a search and rescue team via an

internet website, or by other electronic means for purposes of defrauding another. ([PC] 538d-538h.)

This bill prohibits the false personation of these same individuals by *any* other means, rather than only those . . . that take place on an internet website or by other electronic means. One such example might be through communication sent via the postal service.

In addition, with regards to false personation of a peace officer, this bill expands the crime to cover not just false personation of peace officers, but to "law enforcement officers" which this bill defines as including California peace officers and any federal law enforcement officer. . . .

3) *Bail Agent Provisions.* A bail fugitive recovery agent is authorized to investigate, surveil, locate, and arrest a [Def] in a pending *criminal* case whose bond has been forfeited or who otherwise has violated a bond condition, for surrender to the . . . court, jail, or police. . . . ([PC] 1299.01, subd. (a)(1); Ins. Code, § 1802.3, subd. (a).). . . .

Enforcing federal immigration law is beyond the scope of their authority. (Pen. Code, § 1299.01, subd. (a)(4); Ins. Code, § 1802.3, subd. (a).) This bill prohibits an individual authorized to apprehend a bail fugitive. . . from using that position for the purposes of "immigration enforcement" except pursuant to a valid judicial warrant or court order. . . .

This bill also prohibits an individual authorized to apprehend a bail fugitive from disclosing . . . in any . . . manner, personally identifiable information of any bail fugitive that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant or court order.

[A lawsuit against this new law and the law immediately below, the "No Secret Police Act," SB 627, was filed on Nov. 17, 2025, in the U.S. District Court for the Central Dist[.] of Cal., titled "The United States of America, plaintiff, v. State of California; et al, defendants, case no. 2:25-cv-10999. A motion for preliminary injunction is set for Jan. 12, 2026, and the court has ordered, pursuant to the parties' stipulation that these new laws won't be enforced against federal personnel until the court rules on plaintiff's motion

for a preliminary injunction. See the "Civil Rights Litigation Clearinghouse. https://clearinghouse.net/case/47330/

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The "No Secret Police Act" makes it is a misdemeanor or infraction, for law enforcement officers, including federal officers, to wear a mask in their duties, except as specified.

SB 627 (Stats. 2025, ch. 125) Adds GC 7289 and PC 185.5

From the Legislative Counsel's Digest:

[It is] a misdemeanor to wear a mask, . . . , or any personal disguise . . . with the purpose of evading or escaping discovery, recognition, or identification while committing a public offense, or for concealment, flight, evasion, or escape from arrest or conviction . . . .

This bill . . . make[s] it [an infraction or a misdemeanor for] a law enforcement officer to wear a facial covering in the performance of their duties, except as specified. . . . [A] law enforcement officer [is] anyone designated by California law as a peace officer . . . , and any officer or agent of a federal law enforcement agency or . . . of another state, or any person acting on behalf of a federal law enforcement agency or agency of another state.

¶. . . . ¶

The bill . . . require[s] any law enforcement agency operating in California to, by July 1, 2026, maintain and publicly post a written policy limiting the use of facial coverings, as specified. The bill . . . exempt[s] personnel of any agency from the crime of wearing a facial covering if an agency maintains a policy pursuant to this section no later than July 1, 2026.

¶ . . . ¶

The bill . . . define[s] a law enforcement agency . . . as any entity of a city, county, or other local agency, that employs anyone designated by

California law as a peace officer, any federal law enforcement agency, or any [such] agency of another state.

[This bill has an uncodified section 1 detailing the harms of law enforcement officers wearing masks. GB]

[A lawsuit against this new law and the law immediately above, the "No Vigilantes Act, SB 805, was filed Nov. 17, 2025, in the U.S. District Court for the Central District of Cal., titled "The United States of America, plaintiff, v. State of California; et al, defendants, case no. 2:25-cv-10999. It is discussed in the entry immediately above.

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CDCR's "Interaction with [ICE]" web page.

The title above is also a link to the web page, and the URL is https://www.cdcr.ca.gov/interaction-with-the-u-s-immigration-and-customs-enforcement/ .

The full name of the web page is "Interaction with the U.S. Immigration and Customs Enforcement."

Here are the Frequently Asked Questions (FAQs) on that page.

What is CDCR's policy for engaging with the U.S. Immigration and Customs Enforcement (ICE) on immigration-related issues?

CDCR is required [by] [PC] 5025 to identify [prisoners] who may be subject to deportation within 90 days of intake into the prison system. . . . CDCR conducts an initial inquiry with ICE for individuals who are foreign born. CDCR also complies with federal holds placed by ICE under [PC] 5026.

Shortly before an individual's release, CDCR [must] review their file for state and federal holds, warrants, and detainers, including those placed by ICE. If the file indicates that an individual is a noncitizen, but no ICE detainer exists, CDCR contacts ICE to determine if a detainer will be placed. If an ICE detainer exists, within 10-15 days of an incarcerated person's scheduled release date, CDCR contacts ICE to determine whether ICE intends to take custody of the individual upon release. Coordination with ICE is limited to the transfer of custody.

Important: CDCR does not determine an incarcerated person's immigration status. ICE is responsible for making all immigration determinations.

Does CDCR hold an incarcerated person beyond their scheduled release date . . . to coordinate with ICE for pickup?

No, CDCR will not hold an individual past their scheduled release date.

If ICE declines to pick up, release occurs as required by law.

Does an incarcerated person's immigration status affect their status while incarcerated?

No. . . . [I]mmigration status can [not] be used to restrict placement in any program or service, including security-level housing . . . fire camps and minimum support facilities, and Division of Rehabilitative Programs (DRP) community–based re-entry facilities.

How does CDCR coordinate with external law enforcement and government entities, including ICE?

. . . CDCR interacts with a variety of external law enforcement and government agencies to ensure public safety and compliance with legal requirements. Th[is] . . . include[s] communications with ICE related to an individual's immigration status or a detainer. Coordination with external agencies is conducted in accordance with state and federal laws, including [PC] 5025 and 5026, [and] applicable court rulings and legislative mandates.

Is CDCR compliant with Senate Bill 54, the California Values Act, which limits law enforcement agencies' communication with immigration agencies?

Yes. . . . [T]he California Values Act (SB 54) [Gov. Code §§ 7282, 7282.5, and 7284 to 7284.12. . . .)] . . .govern[s] local and state law enforcement agencies' interactions with ICE. However, [GC] 7284.4 specifically excludes CDCR from some of these provisions. Separately, the Act imposes requirements on CDCR for individuals in custody with immigration-related holds or requests from ICE.

In compliance with SB 54, CDCR developed procedures to protect the rights of individuals with ICE requests. These include:

- Providing a consent form that informs individuals of their right to decline ICE interviews or have an attorney present during such interviews.
- Notifying individuals of any ICE detainer placed on them through a "Notice of Detainer."

Additionally, CDCR complies with SB 54's prohibitions against restricting access to in-prison educational, rehabilitative, and credit-earning opportunities based solely on immigration status. Immigration status is also not a factor in determining custodial classification or program eligibility.

How does CDCR handle citizenship and immigration information?

When individuals are received at a CDCR Reception Center, they are asked about their place of birth and citizenship. . . . [T]o determine whether an incarcerated person may be foreign-born, CDCR may have multiple sources of information with conflicting information. When presented with conflicting information, CDCR will request verification of the individual's immigration status with ICE.

If, during a prior term of incarceration, CDCR has received information from ICE that the individual is a U.S. citizen because he or she was born in the U.S., CDCR will not refer the individual to ICE.

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Guidance from the California Attorney General

The California Attorney General has issued several "Legal Advisories" and related material on the criminal law and immigration:

- **Guidance to Criminal Defense Attorneys, Criminal Prosecutors, and Immigration Attorneys. *Obligations under Section 1016.3 of the Penal Code*** (undated)
  https://oag.ca.gov/system/files/attachments/press-docs/1016.3%20Guidance%20for%20Prosecutors%20and%20Defense%20Counsel.pdf

- "**Securing Equal Access to Justice for All. Guidance and Model Policies to Assist California's Superior Courts in Responding to Immigration Issues."** (December 2024.)
  https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/court.pdf

- **"The California Attorney General's Guidance to Prosecutors on Hate Crimes."** (January 2025)
  https://oag.ca.gov/system/files/media/hc-prosecutor-guidance.pdf

- "Information Bulletin," "Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act." No. 2025-DLE-03 (January 17, 2025)
  https://oag.ca.gov/system/files/media/2025-dle-03.pdf

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The PC 1016.5 immigration advisement that courts must give in accepting guilty and no contest pleas, must be given verbatim.

SB 281 (Stats. 2025, ch. 666) Amends PC 1016.5

From PC 1016.5 as amended:

(a) Prior to acceptance of a plea of guilty or nolo contendere to any offense . . . , except . . . infractions . . . , the court shall administer the following advisement *verbatim* on the record to [Def]:

If you are not a ~~citizen,~~*citizen of the United States,* you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(b) [Unchanged] (c) [Unchanged] (d) [nonsubstantive change only]]

(e) For a plea accepted prior to Jan[.] 1, 2026, it is not the intent of the Legislature . . . that a court's failure to provide a verbatim advisement . . . requires the vacation of judgment and withdrawal of the plea or otherwise [is] grounds for finding a prior conviction invalid . . . . However, this section does not inhibit a court in . . . its discretion, or as otherwise required by law, from vacating a judgment and permitting []Def] to withdraw a plea as otherwise authorized by law.

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JURY AND JURY INSTRUCTIONS

See "Early Warnings and Notices" for the possible Feb. 20, 2026, revisions of instructions on general and specific intent.

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Juror acknowledgment and agreement updated.

AB 223 (Stats. 2025, ch. 29. Amends CCP 232

CCP 232 as amended.

(a) Prior to the examination of prospective trial jurors in the panel . . . for voir dire, the following perjury ~~acknowledgement~~ *acknowledgment* and agreement shall be obtained from the panel, which shall be acknowledged by the prospective jurors with the statement "I do":

"Do ~~you, and each of you, understand and agree~~ *you understand and agree, under penalty of perjury,* that you will accurately and truthfully ~~answer, under penalty of perjury, all questions propounded to you concerning~~ *answer all questions about* your qualifications and ~~competency~~ *ability* to serve as a ~~trial~~ juror in ~~the matter pending before this court;~~ *this case,* and that failure to do so may ~~subject you to criminal prosecution."~~ *result in criminal prosecution?"*

(b) As soon as the selection of the trial jury is completed, the following acknowledgment and agreement shall be obtained from the trial jurors, which shall be acknowledged by the statement "I do":

"Do you ~~and each of you~~ understand and agree that you will ~~well and truly try the cause now pending before~~ *carefully consider the case being heard in* this court, and ~~a true verdict render according only to~~ *that you will reach a verdict based only on* the evidence presented to you and ~~to~~ the instructions ~~of the court."~~ *on the law given by the court?"*

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Revised and New CALCRIMs approved at the September 2025 Judicial Council Meeting.

Where to find them: California Courts web site, Criminal Jury Instructions Advisory Committee, at

https://courts.ca.gov/advisory-body/criminal-jury-instructions-advisory-committee

8 New instructions. 56 Instructions themselves were revised. 19 had revisions only to the bench notes or commentary.

Posttrial Introductory

CALCRIM No.202. Note-Taking and Read[ ] Back of Testimony

Homicide

CALCRIM No.505. Justifiable Homicide: Self-Defense or Defense of Another

CALCRIM No.508. Justifiable Homicide: Citizen Arrest (Non-Peace Officer)

CALCRIM No.511. Excusable Homicide: Accident in the Heat of Passion

CALCRIM No. 520. . . . Murder With Malice Aforethought (PC § 187)
*Denotes changes only to bench notes and other commentaries.

CALCRIM No.524. Second Degree Murder: Peace Officer (PC § 190(b), (c))

CALCRIM No. 525. Second Degree Murder: Discharge From Motor Vehicle (PC § 190(d))

CALCRIM No.526. Implied Malice Murder: Aiding and Abetting

CALCRIM No. 571. Voluntary Manslaughter: Imperfect Self-Defense or Imperfect Defense of Another Lesser Included Offense (PC § 192)
*Denotes changes only to bench notes and other commentaries.

CALCRIM No.580. Involuntary Manslaughter: Lesser Included Offense (PC § 192(b))

CALCRIM No.581. Involuntary Manslaughter: Murder Not Charged (PC § 192(b))

CALCRIM No. 582. Involuntary Manslaughter: Failure to Perform Legal Duty Murder Not Charged (PC § 192(b))

CALCRIM No.590. Gross Vehicular Manslaughter While Intoxicated (PC § 191.5(a))

CALCRIM No.592. Gross Vehicular Manslaughter (PC § 192(c)(1))

CALCRIM No.593. Misdemeanor Vehicular Manslaughter (PC § 192(c)(2)) *Denotes changes only to bench notes and other commentaries.

CALCRIM No.600. Attempted Murder (PC §§ 21a, 663, 664) *Denotes changes only to bench notes and other commentaries.

CALCRIM No.603. Attempted Voluntary Manslaughter: Heat of Passion Lesser Included Offense (PC §§ 21a, 192, 664) *Denotes changes only to bench notes and other commentaries.

CALCRIM No. 604. Attempted Voluntary Manslaughter: Imperfect Self-Defense Lesser Included Offense (PC §§ 21a, 192, 664)

<u>Assaultive Crimes and Battery</u>

CALCRIM No.810. Torture (PC § 206)

CALCRIM No.820. Assault Causing Death of Child (PC § 273ab(a))

CALCRIM No. 830. Abuse of Elder or Dependent Adult Likely to Produce Great Bodily Harm or Death (PC § 368(b)(1))

CALCRIM No. 860. Assault on Firefighter or Peace Officer With Deadly Weapon or Force Likely to Produce Great Bodily Injury (PC §§ 240, 245(c) & (d))

CALCRIM No. 862. Assault on Custodial Officer With Deadly Weapon or Force Likely to Produce Great Bodily Injury (PC §§ 240, 245, 245.3)

CALCRIM No. 863. Assault on Transportation Personnel or Passenger With Deadly Weapon or Force Likely to Produce Great Bodily Injury (PC §§ 240, 245, 245.2)

CALCRIM No. 875. Assault With Deadly Weapon or Force Likely to Produce Great Bodily Injury (PC §§ 240, 245(a)(1) (4), (b))

CALCRIM No. 970. Shooting Firearm or BB Device in Grossly Negligent Manner (PC § 246.3)

CALCRIM No. 982. Brandishing Firearm or Deadly Weapon to Resist Arrest (PC § 417.8))

CALCRIM No. 983. Brandishing Firearm or Deadly Weapon: Misdemeanor (PC § 417(a)(1) & (2))

Sex Offenses – Related Issues

CALCRIM No.1120. Continuous Sexual Abuse (PC § 288.5(a)) *Denotes changes only to bench notes and other commentaries.

CALCRIM No. 1141. Distributing Obscene Matter Showing Sexual Conduct by a Minor (PC §§ 311.1(a), 311.2(b))

CALCRIM No. 1142. Distributing or Intending to Distribute Obscene Matter (PC § 311.2(a))

CALCRIM No.1144. Using a Minor to Perform Prohibited Acts (PC § 311.4(b), (c))

CALCRIM No. 1145. Possession of Matter Depicting Minor Engaged in Sexual Conduct (PC § 311.11(a))

CALCRIM No.1180. Incest (PC § 285) *Denotes changes only to bench notes and other commentaries.

Kidnapping

CALCRIM No.1215. Kidnapping (PC § 207(a)) *Denotes changes only to bench notes and other commentaries.

CALCRIM No.1240. Felony False Imprisonment (PC §§ 236, 237)

CALCRIM No.1242. Misdemeanor False Imprisonment (PC § 236)

CALCRIM No.1244. Human Trafficking of a Minor for Commercial Sex Act (PC § 236.1(c))

Criminal Threats and Hate Crimes

CALCRIM No.1300. Criminal Threat (PC § 422)

CALCRIM No.1301. Stalking (PC § 646.9(a), (e) (h)) *Denotes changes only to bench notes and other commentaries.

Criminal Street Gangs

CALCRIM No.1402. Gang-Related Firearm Enhancement (PC § 12022.53)

Arson

CALCRIM No.1501. Arson: Great Bodily Injury (PC § 451)

CALCRIM No.1530. Unlawfully Causing a Fire: Great Bodily Injury (PC § 452)

CALCRIM No.1551. Arson Enhancements (PC §§ 451.1, 456(b))

Burglary

CALCRIM No.1703. Shoplifting (PC § 459.5) *Denotes changes only to bench notes and other commentaries.

CALCRIM No.1705. Unlawful Entry of a Vehicle (PC § 465(a)) (**NEW**)

CALCRIM No.1760. Automotive Property Theft for Resale (PC § 496.5) (**NEW**)

CALCRIM No.1761. Unlawful Deprivation of Retail Business Opportunity (PC § 496.6(a) (**NEW**)

Theft

CALCRIM No.1800. Theft by Larceny (PC § 484) *Denotes changes only to bench notes and other commentaries.

CALCRIM No.1801. Grand and Petty Theft (PC §§ 486, 487488, 490.2, 490.3, 491)

CALCRIM No.1810. Diversion of Construction Funds (PC § 484b) (**NEW**)

CALCRIM No. 1851. Petty Theft or Shoplifting With Two or More Prior Convictions (PC § 666.1) (**NEW**)

Vehicle Offenses

CALCRIM No. 2100. Driving a Vehicle or Operating a Vessel Under the Influence Causing Injury (Veh. Code, § 23153(a), (f), (g)) *Denotes changes only to bench notes and other commentaries.

CALCRIM, No. 2101. Driving With 0.08 Percent Blood Alcohol Causing Injury (Veh. Code, § 23153(b)) *Denotes changes only to bench notes and other commentaries.

CALCRIM, No. 2102. Driving With 0.04 Percent Blood Alcohol Causing Injury With a Passenger for Hire (Veh. Code, § 23153(e)) *Denotes changes only to bench notes and other commentaries.

Controlled Substances

CALCRIM, No. 2307. Possession of Hard Drug With Prior Controlled Substance Convictions (Health & Saf. Code, § 11395) (**NEW**)

Weapons

CALCRIM No. 2501. Carrying Concealed Explosive or Dirk or Dagger (PC §§ 21310, 16470)

CALCRIM, No. 2503. Possession of Deadly Weapon With Intent to Assault (PC § 17500)

CALCRIM, No. 2514. Possession of Firearm by Person Prohibited by Statute: Self-Defense

CALCRIM, NO. 2578. Explosion of Explosive or Destructive Device Causing Death, Mayhem, or Great Bodily Injury (PC § 18755)

CALCRIM, No. 2593. Purchase, Possession, or Use of Tear Gas or Tear Gas Weapon (PC § 22810(a), (e)(1), (g)) (**NEW**)

Crimes Against the Government

CALCRIM, No. 2670. Lawful Performance: Peace Officer

CALCRIM, No. 2720. Assault by Prisoner Serving Life Sentence (PC § 4500)

CALCRIM, No. 2721. Assault by Prisoner (PC § 4501)

CALCRIM, No. 2745. Possession or Manufacture of Weapon in Penal Institution (PC § 4502)

CALCRIM, No. 2746. Possession of Firearm, Deadly Weapon, or Explosive in a Jail or County Road Camp (PC § 4574(a))

CALCRIM, No. 2747. Bringing or Sending Firearm, Deadly Weapon, or Explosive Into Penal Institution (PC § 4574(a) (c))

Vandalism, Loitering, Trespass, and Other Miscellaneous Offense

CALCRIM, No. 2964. Purchasing Alcoholic Beverage for Person Under 21: Resulting in Death or Great Bodily Injury (Bus. & Prof. Code, § 25658(a) & (c))

Enhancements and Sentencing Factors

CALCRIM, No. 3130. Personally Armed With Deadly Weapon (PC § 12022.3)

CALCRIM, No. 3145. Personally Used Deadly Weapon (PC §§ 667.61(e)(3), 1192.7(c)(23), 12022(b)(1) & (2), 12022.3)

CALCRIM, No. 3149. Personally Used Firearm: Intentional Discharge Causing Injury or Death (PC §§ 667.61(e)(3), 12022.53(d))

CALCRIM, No. 3150. Personally Used Firearm: Intentional Discharge and Discharge Causing Injury or Death Both Charged (PC §§ 667.61(e)(3), 12022.53(d))

CALCRIM, No. 3160. Great Bodily Injury (PC §§ 667.5(c)(8), 667.61(d)(6), 1192.7(c)(8), 12022.7, 12022.8) *Denotes changes only to bench notes and other commentaries.

CALCRIM, No. 3161. Great Bodily Injury: Causing Victim to Become Comatose or Paralyzed (PC § 12022.7(b)) *Denotes changes only to bench notes and other commentaries.

CALCRIM, No. 3162. Great Bodily Injury: Age of Victim (PC § 12022.7(c) & (d)) *Denotes changes only to bench notes and other commentaries.

CALCRIM, No. 3163. Great Bodily Injury: Domestic Violence (PC § 12022.7(e)) *Denotes changes only to bench notes and other commentaries.

CALCRIM, No. 3177. Sex Offenses: Sentencing Factors Torture (PC § 667.61(d)(3))

CALCRIM, No. 3218. Value of Stolen Property Sold, Exchanged, or Returned (PC § 12022.10) (**NEW**)

CALCRIM, No. 3219. Acting in Concert to Take, Damage, or Destroy Property (PC § 12022.65) (**NEW**)

CALCRIM, No. 3220. Amount of Loss (PC § 12022.6)

<u>Defenses and Insanity</u>

CALCRIM, No. 3470. Right to Self-Defense or Defense of Another (Non-Homicide)

CALCRIM, No. 3477. Presumption That Resident Was Reasonably Afraid of Death or Great Bodily Injury (PC § 198.5)

Posttrial Concluding

CALCRIM, No. 3516. Multiple Counts: Alternative Charges for One Event Dual Conviction Prohibited) *Denotes changes only to bench notes and other commentaries.

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JUVENILE JUSTICE LAW

See "Rules of Court," "New and amended rules effective January 1, 2016," "Title 5, Division 3, Juvenile Rules."

//

Juvenile probation cannot exceed one year unless extended.

AB 1376 (Stats. 2025, ch. 575) Adds WI 602.05.

See the entry immediately following for other provision of AB 1376.

From new WI 602.05.

(a) A minor adjudged to be a ward . . . pursuant to [WI] 601 or 602 who is subject to . . . probation pursuant to [WI] 727, with or without supervision of the probation officer, shall not remain on probation [more than] 12 months from the most recent disposition hearing, except as specified in subd[.] (b). . . .

(b) A court may extend the probation . . . after a noticed hearing and upon proof by a preponderance . . . that it is in the ward's and the public's best interest. . . .

(1) At the . . . hearing, the probation agency shall submit a report . . . detailing the basis for any request to extend probation.

(2) The court shall provide the ward and [P] with the opportunity to present . . . evidence. The court [can] receive evidence by testimony, declaration, and other documentary evidence.

(3) [When] the court finds . . . a basis for extending probation, the court shall state the reasons . . . . The court shall also set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported . . . .

(4) If the court finds good cause to continue the . . . hearing, probation shall continue until . . . the . . . hearing, . . . [the] continuance shall be for only as long as necessary.

(c) If the court extends probation . . . , the court shall schedule and hold subsequent noticed hearings . . . [at least] every six months . . . .

(d) . . . [P]robation [can be terminated] before . . . twelve-month[s].

(e) Prior to terminating jurisdiction over a youth who is described by [WI 607.2, subd. (a)], the court shall comply with the provisions of [WI 602.7].

(f) This . . . does not apply to any ward [for] whom the court ordered the [person's] care, custody, and control . . . to be under the supervision of the probation officer pursuant to [WI 727, subd. (a)(3)] for placement except that the requirement to comply with . . . [WI] 607.2 shall not be the sole basis for continuing an order imposing terms and conditions of probation, as referenced in [WI 730, subd. (b)]. If the court retains jurisdiction . . . , the ward shall not be subject to a petition pursuant to [WI] 777 or a violation of probation.

(g) This . . . does not apply to a ward while serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp pursuant to [WI] 730.

(h) This . . . does not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program pursuant to [WI 875, subd. (f)(2)] or to any ward who is discharged from a secure youth treatment facility pursuant to a probation discharge hearing described in [WI 875, subd. (e).]

Section 1 of this bill is uncodified legislative findings.

//

Under WI 730, the juvenile court no longer can order a "602" ward granted probation to pay a fine or, in lieu of restitution, to participate in an uncompensated work; other terms also changed.

AB 1376 (Stats. 2025, ch. 575)

Amends WI 729, 729.1, 729.2, 729.6, 729.8, 729.9, 730, and 742.16

See the entry immediately above for another aspect of AB 1376.

From WI 730 as amended:

(a)(1) When [M] is adjudged a ward of the court [under WI] 602], the court may order any of the types of treatment referred to in [WI] 727, and as an additional alternative, may commit [M] to a juvenile home, ranch, camp, or forestry camp. If there is no [such place] within the county, the court may commit [M] to the county juvenile hall. In addition, the court may also make any of the following orders:
(A) Order the ward to make ~~restitution, to pay a fine up to two hundred fifty dollars ($250) for deposit in the county treasury if the court finds that the minor has the financial ability to pay the fine, or to participate in uncompensated work programs.~~ *restitution.*

(B. . . . [C] . . . . (D) . . . .

(2) A court shall not commit a juvenile to any juvenile facility for a period that exceeds the middle term of imprisonment [for an adult].

(b) When a ward described in subd[.] (a) is placed under the supervision of the probation ~~officer~~ *officer,* or committed to the care, custody, and control of the probation officer, ~~the court~~ *or the court orders the youth on unsupervised probation pursuant to [WI 727, subd. (a)(2)], the court* may

make any and all reasonable orders for the conduct of the ~~ward including the requirement that the ward go to work and earn money for the support of the ward's dependents or to effect reparation and in either case that the ward keep an account of the ward's earnings and report the same to the probation officer and apply these earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.~~ ***ward, including conditions of probation that shall meet all of the following requirements:***

(1) The conditions are individually tailored, developmentally appropriate, and reasonable.

(2) The burden imposed by the conditions shall be proportional to the legitimate interests served by the conditions.

(3) . . . .

//

Threats by Minors to daycares, schools, universities, workplaces, houses of worship, or medical facilities that will result in death or GBI, may get special disposition treatment.

SB 19 (Stats. 2025, ch. 594) Adds PC 422.3

See "Crimes" for these statutes as it applies to Adult Defs.

From the Senate Committee on Public Safety's summary

This bill creates a new crime of threatening to commit a crime that will result in death or [GBI] at a daycare, school, university, workplace, house of worship, or medical facility, punishable as an alternate felony-misdemeanor.

[Note by GB: There are special provisions for Minors who do this.]]

From added PC 422.3

(a) . . . [A]ny person who willfully threatens, by any means, including, but not limited to, an image or threat . . . on an internet web page, to commit a crime that will result in death or [GBI] to [other(s)] at a daycare, school, university, workplace, house of worship, or medical facility with specific intent that the statement is to be taken as a threat, even if there is no intent of . . . carrying it out, if the threat on its face and under the circumstances . . . is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or persons to reasonably be in sustained fear for their own safety or the safety of others at these locations, shall be punished by . . . county jail [up to] one year or . . . pursuant to [PC 1170, subd. (h)].

(b) If a person who commits an act in violation of subdivision (a) is under 18 years of age, the person shall be referred to services pursuant to [WI 654], if eligible. If ineligible, the offense [is] a misdemeanor.

(c) [Additional provisions concerning punishment.]

//

Minors can't have firearms except as specified; a new exception is added: hunting education.

AB 383 (Stats. 2025, ch. 362) Amends PC 1524, 29615, and 29810.

See "Firearms and Related Matters" and "Search and Seizure" for other aspects of AB 383 on firearms and certain minors and certain wards.

From the Assembly Floor Analysis for July 16, 2025.

Major provisions:

¶ . . . .¶

[This bill] [e]xempt[s] [Ms] taking part in "hunting activities or hunting education" from the law prohibiting minors from possessing any firearm, where [M] has the prior written consent of a parent or . . . guardian, the minor is on lands owned or lawfully possessed by the parent or . . . guardian, and [M] is actively engaged in, or is in direct transit to or from, a lawful, recreational activity.

From PC 29615 as amended.

[Note, PC 29610 generally prohibits Minors from having firearms.]

Section 29610 shall not apply if one of the following circumstances exists:

[(a) to (c) unchanged.]

(d) [M] has the prior written consent of a parent or . . . guardian, [M] is on lands owned or . . . possessed by the parent or . . . guardian, and [M] is actively engaged in, or is in direct transit to or from, a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting ~~activity, or~~ *activity or hunting education, or* a motion picture, television, or video production, or entertainment or theatrical event . . . which involves the use of a firearm.

//

Minors discharged from a secure treatment facility on probation can be permitted to live in a county not their residence.

SB 857 (Stats. 2025, ch. 241, sec. 73) **Amends WI 755**

From the Legislative Counsel's Digest

[T]he juvenile court [can] permit a person adjudged a ward of the juvenile court, or placed on probation by the juvenile court, to reside in a county other than their county of legal residence. . . .

This bill . . . clarif[ies] that [this] appl[ies] to wards discharged to probation supervision after having been confined in a secure youth treatment facility, or after having been transferred to a less restrictive program from a secure youth treatment facility.

WI 755 as amended.

~~Any~~ *(a) A* person placed on probation by the juvenile court or adjudged to be a ward of the juvenile court may be permitted . . . to reside in a county other than the county of ~~his~~ *their* legal residence. . . .

~~Whenever~~ *(b). . . .*

(c) This section applies to wards discharged to probation supervision pursuant to Section 875 [concerning secure treatment facilities].

//

Wards on hand crews assigned to an active fire incident] at Pine Grove Youth Conservation Camp get an hourly wage "equal to" $7.25.

AB 247 (Stats. 2025, ch. 681)

Adds WI 1760.46, Amends PC 4019.2, adds PC 2714

Urgency, effective October 13, 2025.

See State Prisons for application of this bill to state prisoners.

See County Jail for application of this bill there.

New WI 1760.46

(a) A ward or youth hand crew member placed at the Pine Grove Youth Conservation Camp pursuant to [WI 730, 875, or 1760.45] shall be paid an hourly wage equal to [$7.25] while assigned to an active fire incident. . . .

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MENTAL HEALTH including IST.

See "Rules of Court," "New and Amended Rules effective January 1, 2026, "Title 4, Criminal Rules. The rules on mental incompetency, rules 4.130 to 4.133 are substantially rewritten.

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PAROLE and PRCS

See Sentences and Enhancements for minimum time before parole eligibility if Def. had custody of a V a minor under 14 (PC 206.1).

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PEACE OFFICERS AND LAW ENFORCEMENT OFFICERS

N.B. Some bills have changed "peace officers" to "Law Enforcement Officers" and defined that to include both California Peace Officers and law enforcement officers from other states and federal officers. See, e.g., PC 538d.

See "Artificial Intelligence" for SB 524 on AI-generated police reports.

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Punitive actions against public safety officers are prohibited on the basis of a court finding of RJA violations, but the underlying acts can be considered for that purpose.

SB 734 (Stats. 2025, ch. 784) Adds GC 3305.6, amends PC 13510.8.

See "Immigration;" "Habeas Corpus; and "Peace Officers and Law Enforcement Officers" for three other aspects of SB 734.

Added GC 3305.6 is part of the "Public Safety Officers Procedural Bill of Rights Act" PSOPBR, concerning discipline of peace officers.

From New GC 3305.6.

(a) A punitive action or denial of promotion on grounds other than merit shall not be undertaken by any public agency against any public safety officer because of a court finding made in a challenge brought pursuant to [the RJA, PC 745].

(b) This . . . does not prohibit a public agency from taking punitive action, denying promotion on grounds other than merit, or taking other personnel action against a public safety officer based on the underlying acts or omissions which formed . . . the action brought pursuant to [the RJA, PC 745]. . . .

(c) [A] court finding of a violation of [the RJA, PC 745] shall not be introduced . . . in any administrative appeal of a punitive action.

(d) This . . . does not grant immunity for civil or criminal liability for the underlying acts or omissions which formed . . . the action brought under [the RJA, PC 745].

From amended PC 13510.8:

The [Commission on Peace Officer Standards and Training; POST] shall revoke the certification of a . . . peace officer if the person is or has become ineligible to hold office as a peace officer pursuant [GC 1029 re: disqualification from employment as a peace officer].

¶ . . . . ¶

(h)(1) A revocation of certification shall not be [done] . . . because of a court finding made in a challenge brought pursuant to [PC] 745.

(2) This subd[.] does not prohibit revocation based on the underlying acts or omissions which formed the basis of the [PC 745] action . . . .

//

Civilian oversight boards or commissions, and county inspector generals get access to confidential peace officer and custodial officer records, as specified.

AB 847 § 1 (Stats. 2025, ch. 383, § 1)

Amends GC 25303.7 and PC 832.7. Due to "double-jointing," and "chaptering out," however, the similar text of § 832.7 in AB 1388, § 2.3 (Stats. 2025, ch. 729, § 2.3), is the actual operative version. This is discussed below and in the next entry as well.)

From the Legislative Counsel's Digest

Existing law, with specified exemptions, makes confidential the personnel records of peace officers and custodial officers and certain other

records maintained by their employing agencies. . . . [T]his exemption from disclosure does not apply to [specified] investigations . . . conducted by a grand jury, a district attorney's office, or the Attorney General's office.

This bill . . . additionally grant[s] access to the confidential personnel records of peace officers and custodial officers and records maintained by their employing agencies . . . to civilian law enforcement oversight boards or commissions during investigations or related proceedings concerning the conduct of those officers.

The bill . . . require[s] those oversight boards to maintain the confidentiality of those records, and . . . authorize[s] them to conduct closed sessions, as specified, to review confidential records.

The bill [also] authorize[s] a county inspector general to access those personnel records, as specified.

From GC 25303.7 as amended.

(a)(1)A county may create a sheriff oversight board . . . comprised of civilians to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) . . . .

(3) 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 consistent with [PC 832.7].

(b)(1) The chair of the sheriff oversight board shall issue a subpoena or subpoena duces tecum in accordance with [CCP 1985 to 1985.4], whenever the board deems it necessary or important to examine the following [(A). . . . (B). . . . (C) [. . . .].

(b(2) . . . . ***(b)(3) . . . .***

(b)(4). A sheriff oversight board may conduct closed sessions, consistent with [GC] 54957, to review confidential records obtained under this

section or otherwise related to its oversight duties, if those sessions comply with applicable confidentiality laws, including, . . . [PC] 832.7. . . .

(c)(1) A county . . . may establish an office of the inspector general, . . . to assist the board of supervisors with its duties required pursuant to Section 25303 that relate to the sheriff.

(2) The inspector general shall have the independent authority to issue a subpoena or subpoena duces tecum [as specified in] subd[.] (b).

(3) The inspector general 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 inspector general shall maintain the confidentiality of these records consistent with [PC] 832.7. . . .

Query: Does this apply only to sheriff's oversight boards, or also municipal police oversight boards?

The "Senate Committee on Public Safety" report for July 8, 2025, says, at pages 9-10, ". . . [A]lthough the primary purpose of this bill appears to be ensuring that county sheriff oversight boards are granted access to relevant police [sic] records in manner consistent with that enjoyed by grand juries, a district attorney's office, the Attorney General's Office, or POST, the language of this provision also effectively authorizes such access to by any other duly established police oversight board, such as a municipal police oversight commission. Is this the intended scope of the bill?"

[Comment by GB: above paragraph seems to be referring to PC 832.7, which was amended by this bill and double-jointed with two other bills, including AB 1388. Because of that the version in AB 1388, § 2.3, is the one that has become effective and operative. That version is analyzed in the entry immediately below this one.]

[See AB 1388, immediately below for further discussion.

//

Agreements between an employing agency and a peace officer that require the agency to destroy, remove, or conceal misconduct investigations, are not confidential under the Public Records Act.

AB 1388 §§ 2.3 and 3 (Stats. 2025, ch. 729 §§ 2.3 and 3)

Amends PC 832.7 and 13510.9

For discussion of PC 832.7 as amended, see the entry immediately above concerning AB 847.

[PC 832.7 as amended by AB 1388, section 2.3:

[For analysis of the above amendment to PC 827.7, see the analysis of AB 847, immediately above.]

(a) . . . [T]he personnel records of [peace or custodial] officers and records maintained by a state or local agency pursuant to [PC] 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to [EC] 1043 and 1046 . . . .

This section does not apply to investigations or proceedings concerning . . . [peace or custodial] officers, or an agency . . . that employs those officers, conducted by a grand jury, a district attorney's office, the Attorney General's office, or the Commission on Peace Officer Standards and ~~Training.~~ *Training, or a civilian oversight board or commission for a law enforcement agency established pursuant to [GC 25303.7, subd. (a)] or other duly enacted municipal or county ordinance.*

(b)(1) . . . [T]he following [peace or custodial] officer personnel records and records maintained by a state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act [GC 7929.000 et seq.]:

[(A) to (E): these are all various serious events, such as gun discharge or curtained sustained findings of misconduct, such as excessive force]

(F) An agreement prohibited by [PC 13510.9, subd. (e)].

From the Legislative Counsel's Digest [concerning PC 13510.9]

Under [the California Public Records Act, CPRA or PRA], the personnel records of peace officers and custodial officers are [generally] confidential and not subject to public inspection. [There are, however,] certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer.

This bill . . . additionally exempt[s] agreements between an employing agency and a peace officer that, among other things, require the agency to destroy, remove, or conceal a record of a misconduct investigation.

From the Assembly Floor Analysis for Sept. 9, 2025 about *PC 13510.9*

Summary [This bill:] Prohibits a law enforcement agency from entering into an agreement with the peace officer that requires the agency to destroy a record of a misconduct investigation, or otherwise halt or make particular findings in a misconduct investigation, declares any such agreements void and unenforceable, and, [in addition,] specifies that such agreements are subject to disclosure under the California Public Records Act (CPRA).

¶ . . . .¶

According to the Author. "Every year, harmful police misconduct goes overlooked and concealed, leaving those affected without justice. Across the state, numerous officers have reached settlements with law enforcement agencies through non-disclosure agreements (NDAs), allowing their misconduct to remain hidden in exchange for a quiet departure. As a direct result, these officers are effectively shielded from accountability, allowing them to continue working in other law enforcement agencies. AB 1388 . . . end[s] the unjustifiable practice of law enforcement agencies entering into police misconduct [NDAs] . . .. It also ensures that these NDAs are made readily accessible to the public. . . ."

From PC 13510.9 as amended.

(e)(1) An agency employing a peace officer shall not enter into an agreement with a peace officer that requires any of the following:

(A)The agency to destroy, remove, or conceal a record of a misconduct investigation.

(B) The agency to halt or make particular findings in a misconduct investigation.

(C) The agency to otherwise restrict the disclosure of information about an allegation or investigation of misconduct pursuant to any provision of law, including, but not limited to, this section, or [PC] 832.7, 832.12, 1054.1, 13510.8, or 13510.85 . . . .

(2) A provision of an agreement inconsistent with this subdivision is contrary to law and public policy and is void and unenforceable.

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POSTCONVICTION DISCOVERY

Defendant's postconviction discovery rights expanded to cover more defendants and more material.

AB 1036 (Stats. 2025, ch. 444) Amends PC 1054.9

From PC 1054.9 as amended.

(a) [When Def.] is or has ever been convicted of a ~~serious felony or a violent felony resulting in a sentence of 15 years or more,~~ *felony resulting in [CDCR]* upon the prosecution of a postconviction writ of habeas corpus or a motion to vacate a judgment, or in preparation to file that writ or motion, and on a showing that good faith efforts to obtain discovery materials from trial counsel were . . . unsuccessful, the court shall, except as provided in subds[.] (b) or (d), ~~order~~ *or when a protective order*

prohibits disclosure, order that [Def] be provided reasonable access to any of the *discovery* materials described in subd[.] (c).

(b) . . . .

(c) *(1)* "[D]iscovery materials" means materials in the possession of [P] and law enforcement . . . ~~to which~~ *that* the same [Def.] would have been entitled at time of ~~trial.~~ *trial or materials that tend to negate guilt, mitigate the offense, mitigate the sentence, or otherwise are favorable or exculpatory to the defendant. "Discovery materials" includes all materials that [Def] would be entitled to if they were being tried today, irrespective of whether the materials were discoverable at the time of [Def's] original trial. "Discovery materials" includes [P's] jury selection notes.*

(2) . . . "[T]he prosecution" includes the prosecuting agency and counsel for the respondent to a habeas corpus petition.

(3) This section does not impose an additional obligation to investigate the existence of new discovery materials. This section does not prohibit a court from ordering the prosecution or law enforcement to investigate the existence of new discovery materials when appropriate.

(4)(A) If [P] believes there is good cause to shield jury selection notes from disclosure, they shall make a foundational proffer describing how information in their file would bear on their case strategy.

(B) If the court finds good cause, the court shall conduct an in camera review and order necessary redactions.

(C) [P's] lack of exercised peremptory challenges during jury selection shall constitute good cause to withhold disclosure of jury selection notes pursuant to this section.

(d) . . . . (e) . . . . (f) . . . .

(g)In criminal matters involving a conviction for a ~~serious or a violent~~ felony resulting in ~~a sentence of 15 years or more,~~ *incarceration in the*

[CDCR], **trial counsel shall retain a copy of a former client's files for the term of that client's imprisonment. An electronic copy is sufficient only if every item in the file is digitally copied ~~and preserved.~~ *in color and preserved. To the extent this section imposes new requirements on trial counsel, trial counsel shall begin retaining their physical files and digital color copies of evidence for all felony convictions on or after July 1, 2026.***

~~**(h) [Serious felony defined]. (i) Violent felony defined]**~~

~~**(j)Subd[.] (g) only applies prospectively, commencing January 1, 2019.**~~

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PRISON

See "*State* Prison." Cf. "County Jail"

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PROBATION

Probation, when granted for killing without malice while driving under the influence (PC 191.5), must be between 3 and 5 years.

AB 1087 (Stats. 2025, ch. 180) Amends PC 191.5

From the Legislative Counsel's Digest

. . . . Under existing law, if a person is convicted of driving under the influence and is granted probation [e.g., VC 23152], the period of probation shall [between 3 and 5] years, unless the maximum prison sentence for the offense is greater than 5 years, [then] the period of probation may be longer.

Existing law [PC 191.5] prohibits the unlawful killing of a human being, without malice aforethought, while driving under the influence. [This] is [a wobbler, a misdemeanor or a felony]. [If the person] is granted probation, the period of probation shall be not more than one year if the person is convicted of a misdemeanor and 2 years if the person [is] convicted of a felony.

This bill would increase the period of probation for a person who is convicted of [this] to be not less than 3 years and not more than 5 years.

From the Sen. Committee on Public Safety's report for July 8, 2025:

1. Need for This Bill According to the author: California law has a major disparity in how the criminal justice system grants probation to those who drive under the influence that results in an injury or death of another person. If you take the life of someone while driving under the influence, you shouldn't be on probation for less time than a person who didn't. . . .

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RACIAL JUSTICE ACT (RJA)

Racial Justice Act [RJA] cleanup and clarifying legislation.

SB 734, § 2.5 (Stats. 2025, ch. 784 § 2.5) Amends PC 745

N.B. This aspect of SB 734 is often called "AB 1071." AB 1071 did also became law (Stats. 2025, ch. 721) and it had similar amendments to PC 745 as does § 2.5 of SB 734. But, because SB 734 was enacted after AB 1071, and because the two bills were "double-jointed," SB 734's amendment (at its section § 2.5) is what is the effective and operative law.

See "Habeas Corpus," "Immigration," and "Peace Officers," for 3 other aspects of SB 734 that added GC 3305.6 and amend PC 1473, 1473.7, and 13510.8.

From the Legislative Counsel's Digest for AB 1071 re: PC 745..

[See the first N.B. above for why the digest for AB 1071 is used here].

This bill . . . authorize[s] the defendant in [PC 745, RJA] proceedings to file a motion for disclosure of all relevant evidence related to a potential violation of [PC 745]. The bill would also authorize the court to remedy a violation of these provisions with any other remedy not prohibited by another law.

From section 2.5 of SB 734 amending PC 745:

(a) The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin. A violation is established [by proof], by a preponderance . . . of . . . :

(1) The judge, an attorney . . . , a law enforcement officer . . . , an expert witness, or juror exhibited bias or animus towards []Def] because of [Def's] race, ethnicity, or national origin.

(2) During the . . . trial, in court and during the proceedings, the judge, an attorney . . . , a law enforcement officer . . . , an expert witness, or juror, used racially discriminatory language about [Def's] race, ethnicity, or national origin, or otherwise exhibited bias or animus towards [Def] because of]Def's] race, ethnicity, or national origin, whether or not purposeful. [There are two exceptions.]

(3) [Def] was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins [as is shown by specified comparisons to other cases in the county].

(4)(A) A longer or more severe sentence was imposed on [Def] than was imposed on other similarly situated individuals [as is shown by specified comparison to other cases in the county].

(b) [Def] may file a motion . . . , or a petition for writ of habeas corpus or a motion under Section 1473.7, . . . alleging a violation of subd[.] (a). . . . [Def] may also move to stay [a direct] appeal and request remand to the superior court to file a motion pursuant to this section. . . .

(c) . . . . (1) . . . . (2) . . . .

(3) If [Def] is represented by an attorney and the motion alleges a violation of [subd. (a)(1) or (a)(2)], based in whole or in part on the conduct of one or more law enforcement officers, the attorney shall serve a copy of the motion on the [employing] law enforcement agency or agencies. . . .

(4) . . . .

(d) ~~A [Def]~~ *In any proceeding alleging a violation of subd[.] (a), a [Def] or petitioner* may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state. A motion filed under this ~~section~~ *section, a motion under [PC 1473, subd. (a)(2)], or a motion under [PC 1473.7, subd. (a)(3)]* shall describe the type of records or information [Def] seeks. Upon a showing of good cause, the court shall order the records to be released.

(e) Notwithstanding any other law, [with exceptions], if the court finds, by a preponderance of evidence, a violation of subd[.] (a), the court shall impose a remedy . . . from the following list:
(1) Before a judgment has been entered, the court ~~may~~ *shall* impose any of the following remedies:
(A) ~~Declare a mistrial, if requested by the defendant.~~ *Grant [Def's] request for a mistrial.*
(B) Discharge the jury panel and empanel a new jury.
(C) If the court determines that it would be in the interest of justice, dismiss enhancements, special circumstances, or special allegations, or reduce one or more charges.
(D) Any other remedy not prohibited by another law.

(2). . . .

~~(3) When the court finds there has been a violation of subdivision (a), the defendant shall not be eligible for the death penalty.~~

~~(4)~~*(3)* . . . .

(f) . . . . (g) . . . .

(h) As used in this ~~section, the~~ *section and for the purposes of a petition pursuant to [PC 1473, subd. (e)] or a motion pursuant to [PC `437.7, subd. (a)(3)], the* following definitions apply:

[Definitions (1) to (6 unchanged)]

[Subdivisions (i) to (k) unchanged]

(l) When the court finds there has been a violation of subdivision (a), the defendant shall not be eligible for the death penalty.

//

Uncodified section 1 of AB 1071 was enrolled, signed, and chaptered. While its effect is unclear, it is part of California law.

AB 1071, § 1 (Stats. 2025, ch. 721, § 1.)

In addition to uncodified § 1, other sections of AB 1071 that amended PC 745, 1473, and 1473.7, were (because of the double-jointing and chaptering-out legislative principles), all superseded by SB 734's similar provision.

Still, the uncodified section of legislative "find[ings] and declar[ations]" underwent the complete legislative process. "An uncodified section is part of the statutory law. (See *County of Los Angeles v. Payne* (1937) 8 Cal.2d 563, 574, 66 P.2d 658 ["The codes of this state ... have no higher sanctity than any other statute regularly passed by the [L]egislature"].) "In considering the purpose of legislation, statements of the intent of the enacting body contained in a preamble, while not conclusive, are entitled to consideration. [Citations.] Although such statements in an uncodified section do not confer power, determine rights, or enlarge the scope of a measure, they properly may be

utilized as an aid in construing a statute. [Citations.]" (*People v. Canty* (2004) 32 Cal.4th 1266, 1280.) (*Carter v. California Dept. of Veterans Affairs* (2006) 38 Cal.4th 914, 925.) There are many other cases on the effect of uncodified sections of chaptered bills.

From uncodified section 1 of AB 1071. (See the 2nd N.B. above.)

The Legislature finds and declares all of the following:

(a) . . . The dissenting statement in In re Mendoza (2024) 2024 WL 5171483 accurately articulates the Legislature's intent in passing the RJA and concern about its silent evisceration. These findings illustrate some of the ways in which courts misconstrue the statute to apply procedural barriers or otherwise impose impediments to relief, discordant with the legislative intent of the RJA, and improperly insulate convictions and sentences tainted by racial bias.

(b) . . . . The Legislature . . . intends that individuals must be afforded access to a broad range of relevant discovery to develop and support their . . . RJA claims. Otherwise, they are left in the impossible position of having their claims rejected for want of the very data they seek. . . .

(c) . . . . Courts have failed to find a prima facie showing or a violation in cases where individuals involved in the prosecution or investigation have: invoked long-held biases about men of color preying on White women; used dehumanizing and othering language such as "predator," "monster," "sociopath," "terrorist," "brute," "thug," "gangster," "uncivilized," "welfare queen," "superpredator," or "superhuman"; made racial slurs; elicited or made gratuitous references to gangs, tattoos, nicknames, or neighborhoods; used racially incendiary or coded words such as "ghetto," "hood," "baby mama," or "pimp"; denigrated people who have immigrated to the United States; made gratuitous references to nationality, race, or immigration status; evoked historical and unacknowledged racialized fears that people of color are deceptive, manipulative, crime prone, or a present or future danger; and exaggerated the physical appearance and size of people of color. These examples reflect some of the "many incarnations of racism that have plagued our criminal and juvenile justice systems since their inception." (People v. Hardin (2024) 15 Cal.5th 834,

906 (dis. opn. of Evans, J.).) . . . . The Legislature again emphasizes its rejection of McCleskey v. Kemp (1987) 481 U.S. 279, and its intent that statistical evidence be sufficient for finding a prima facie case and may suffice to show an RJA violation. (See, for example, Mosby v. Superior Court (2024) 99 Cal.App.5th 106, 133 (conc. opn. of Menetrez, J.).)

(d) . . . . When courts recognize only the most egregious, historic manifestations of racism, they allow present-day racism to go uncorrected. (Roberts, "Racism, Abolition, and Historical Resemblance" (2022) 136 Harv. L. Rev. F. 37.) The Legislature intends that in applying the RJA, courts consider evidence of racism's origins, insidious shifts, and current manifestations.

(e) . . . . Racial bias in criminal prosecutions, in all its forms or degrees, is never minor or harmless. (People v. Simmons (2023) 96 Cal.App.5th 323.) . . . . [C]courts must impose a remedy commensurate with the violation(s) in the case.

(f) . . . . "The only way out of this morass—for all of us—is to stare at racial disparity unblinkingly, and then do what evidence and experts tell us is required to level the playing field and march forward together, collectively striving to achieve true equality for all Americans." (Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (2023) 600 U.S. 181, 408 (dis. opn. of Jackson, J.).) Thus is the aim of California's Racial Justice Act and the Legislature's intent in passing it. . . .

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RECALL OF SENTENCE

See State Prisons for recall and resentencing of hand crew members.

//

REGISTRATION: PC 290, others

Unlawful sexual intercourse with a minor 3 years younger than Def., or if Def. is at least 21 and the minor is under 16 requires tier 1 PC 290 registration, with an exception.

N.B. When registration is not required the court still has discretion to order registration under PC 290.006.

SB 680 (Stats. 2025, ch. 780) Amends PC 290

From the Legislative Counsel's Digest

This bill . . . require[s] offenders convicted of engaging in . . . unlawful sexual intercourse with a minor who is more than 3 years younger than the offender [PC 261.5, subd. (c)] or, if the offender was 21 years of age or older, engaging in an act of unlawful sexual intercourse with a minor who is under 16 years of age [PC 261.5, subd. (d)], if the offense occurred on or after Jan[.] 1, 2026, to register . . . as a tier one offender . . . , unless the offender was not more than 10 years older than the minor and if that offense is the only one requiring the offender to register.

Background: PC 261.5, subds. (a), (c) and (d), are:

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor [i.e., under 18]. . . .

(c) A person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony . . . .

(d) A person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony . . . .

From PC 290 as amended.

(c) The following persons shall register:

(1) A person who, . . . is . . . convicted . . . of [various sex or related crimes, among them being:], [*PC 261.5, subd. (c) or (d)*] *if the offense occurred on or after January 1, 2026,* [or several other offenses].

(2) . . . .

(3) Notwithstanding paragraph (1), a person convicted of a violation of [*PC 261.5 subds. (c) or (d)*] [or a small number of other sex crimes] shall not be required to register if, [Def] is not more than 10 years older than [V] . . . , and the conviction is the only one requiring [Def] to register. This . . . does not preclude the court from requiring a person to register pursuant to Section 290.006.

//

RESTITUTION and RESTITUTION FINES

Restitution must be paid before all fines, restitution fines, penalty assessments, and other fees.

AB 1213 (Stats. 2025, ch. 184.) Amends PC 1202.4

From PC 1202.4 as amended:

(a)(1) . . . . (a)(2) . . . . (a)(3)(A) . . . .

(a)(3)(B) Restitution to the victim or victims, if any, in accordance with subd[.] (f), which shall be enforceable as if the order were a civil ~~judgment.~~ *judgment and shall be paid as specified in subdivision (i).*

¶ . . . . ¶

(i) A restitution order imposed pursuant to subd[.] (f) shall be enforceable as if the order were a civil ~~judgment.~~ *judgment and shall be paid before all fines, restitution fines, penalty assessments, and other fees imposed on a [Def.] , including, but not limited to, [GC] 70372, 76000, 76000.5, 76104.6, and 76104.7, and [PC] 1464 and 1465.7 . . .*

Comments by GB:

This is the first statute to implement Cal. Const., art. I, sec. 13((b)(13)(C), which states, "All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim."

For a case giving restitution (under PC 186.11) priority over child support payments, see *People v. Mozes* (2011) 192 Cal.App.4th 1124.

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RULES OF COURT, CALIFORNIA

See: Artificial Intelligence

//

New and Amended Rules effective January 1, 2016

Title 1, Rules applicable in all courts.

Rule 1.51, "California Law Enforcement Telecommunications System (CLETS) information form" added subdivision (a)(2) requiring that when P requests protective orders [P] must submit with the request a completed Confidential Information for Law Enforcement—Criminal (form CLETS-002). [That form is not yet available as of this writing, Dec. 12, 2025.]

Title 2 Trial Court Rules

Rule 2.40, "Requests for accommodations to pump or express breast milk." is effective January 1, 2026. "Applicants" can be "any court user who is participating in an ongoing court proceeding in a superior court." 2.40(a)(2).

Title 4 Criminal Rules

Rules 4.130 to 4.133, mental incompetency rules, have been partially renumbered and renamed, and all these rules have been substantially rewritten, [Tip: Don't do a mental incompetency proceeding without reading all these rules as amended.]

Rule 4.700 "Firearm relinquishment procedures for criminal protective orders" is repealed and not replaced.

Title 5, Division 3, Juvenile Rules.

Chapter 1. Preliminary Provisions – Title and Divisions

Rule 5.502 "Definitions and Use of Terms." Numbers 9 and 21 substantially rewritten or added to.

Rule 5.510 "Proper court; determination of child's residence; exclusive jurisdiction; retention of jurisdiction after death of child or minor dependent." Subdivision (d), added.

Chapter 3 General Conduct of Juvenile Court Proceedings.

Rule 5.531 "Appearance by telephone (§ 388; Pen. Code§ 2625 [[prisoners as witnesses])" The application of this rule is extended to January 1, 2027.

Rule 5.551. "Confidentiality of a juvenile case file (§ 827)" New. Adopted effective January 1, 2026.

Rule 5.552. "Procedure for requesting any juvenile delinquency case file and a living child's juvenile dependency case file (§§ 827(a)(1), 827.12, 828.)" Major revisions.

Rule 5.553. "Procedure for requesting a deceased child's juvenile dependency case file (§ 827(a)(2)." Almost entirely new January 1, 2016.

Chapter 14. Nonminor Dependent.

Rule 5.900 Nonminor dependent –preliminary provisions (§§ 224,1(b), 292, 303, 366, 366.3, 388, 391, 607(a). The suspension of paragraph (1) is extended from January 1, 2026, to January 1, 2027.

Title 8, Appellate Rules, Division 4, Rules Relating to the Superior Court Appellate Division.

Chapter 4. "Brief, Hearing, and Decision in Limited Civil and Misdemeanor Appeals."

Rule 8.885. "Oral argument." Subd. (b) re-titled from Oral argument by videoconference to Remote Proceedings, and rewritten.

Chapter 5. "Appeals in Infraction Cases."

Rule 8.929 "Oral argument." Subd. (b) re-titled from Oral argument by videoconference to Remote Proceedings, and rewritten.

//

SEARCH AND SEIZURE

Search warrants can issue for firearms owned or possessed by or in custody or control of a juvenile prohibited from firearms until age 30, if the court found that M failed to relinquish it as required.

AB 383 (Stats. 2015, ch. 362) Amends PC 1524, 29615, and 29810

See "Firearms and Related Matters," and "Juvenile Justice Law" for additional aspects of AB 383 on certain juveniles and certain wards who are prohibited from having firearms.

From the Legislative Counsel's Digest:

[A] search warrant may be issued, [when,] among other grounds, . . . the . . . things to be seized include a firearm that is owned [or possessed by], or in the custody or control of, a person prohibited from [that] pursuant to specified . . . law[s], and the court [found] that the person has failed to relinquish the firearm as required. . . .

This bill . . . additionally allow[s] a search warrant to be issued when the . . . things to be seized include a firearm that is owned [or possessed by] , or in the custody or control of, a juvenile who is . . . prohibit[ed] [from] owning or possessing a firearm until they are 30 . . . when the court [found] that the person has failed to relinquish the firearm as required . . .

From PC 1524 as amended.

[Background: PC 29820 applies to specified juveniles and wards who "[cannot] own, or [possess] or [have] custody or control, a firearm until the person is 30 years of age or older."]

(a) A search warrant may be issued upon any of the following grounds:

[(1) to (14)]

(15) . . . [T]he . . . things to be seized include a firearm . . . owned [or possessed by], or in the custody or control of, a person . . . subject to the prohibitions [on] firearms pursuant to [PC] 29800, 29805, 29815, *29820,* or 29825, and the court has made a finding pursuant to [PC 29810, subd. (c)] that the person has failed to relinquish the firearm as required . . . .

//

SENTENCES and ENHANCEMENTS

See "State Prison" for "Prisons must implement Normalization and Dynamic Security principles."

See "Probation" for an increase in the length of probation when granted from violation of PC 191.5, unlawful killing without malice aforethought while driving under the influence.

See State Prison for recall and resentencing of hand crew members.

//

Threatening death or GBI against certain government officials is an aggravating factor in criminal threat prosecutions (PC 422).

AB 352 (Stats. 2025, ch. 554) Amends PC 422

From PC 422 as amended:

(b) In sentencing . . . the court may consider, as a factor in aggravation, that [Def.] willfully threatened to commit a crime that would result in the death or [GBI] of a person the [Def.] knew was a state constitutional officer, a Member of the Legislature, or a judge or court commissioner. . . .

//

Torture: Time Before Parole Eligibility When Minor Was Victim

AB 1094 (Stats. 2025, ch. 631) Amends PC 206.1

PC 206.1 as amended.

(a) **Torture is punishable by imprisonment in the state prison for . . . life.**

(b)(1) Except as described in paragraph (2), a [Def.] imprisoned for torture shall not be eligible for parole until they have served at least seven years, pursuant to [PC] 3046.

(2) For a crime of torture committed on or after January 1, 2026, if the [Def.] is an adult who had care or custody of [V] and [V] was 14 years of age or younger . . . , the [Def.] shall not be eligible for parole [for] at least 10 years.

//

SEXUAL ASSAULT

Rape includes sexual intercourse with a person who because of a mental disorder or developmental or physical disability, is incapable of giving consent. Until Jan. 1, '26, V also had to not be Def's spouse. This bill removes that spousal exception,.

SB 258 (Stats 2025, ch. 599.) Amends PC 261.

[This is a controversial bill among groups that are normally allies. See one of the arguments on each side in support and opposition summarized below.]

From the Legislative Counsel's Digest

Existing law defines rape as an act of sexual intercourse accomplished under certain circumstances, including with a person not the spouse of the

perpetrator where the person is incapable of giving legal consent because of a mental disorder or developmental or physical disability.

This bill . . . remove[s] the spousal exception from this definition. . . .

From PC 261 as amended.

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1)*(A)* If a person ~~who~~ is ~~not the spouse of the person committing the act is~~ *at the time* incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the [Def]. *A person with a mental disorder or developmental or physical disability shall not be presumed to be unable to give legal consent to sexual intercourse due to that disability.* Notwithstanding the existence of a conservatorship pursuant to . . . the Lanterman-Petris-Short [LPS] Act ([WI 5000 et seq.]*or the absence of voluntary supports as described in [WI 21000 et seq.], except [WI 21000, subds. (a) and (b)], [P]* shall prove, as an element . . . , that a mental disorder or developmental or physical disability rendered the alleged [V] incapable of giving consent. This . . . does not preclude the prosecution of ~~a spouse~~ *the person* committing the act ~~from being prosecuted~~ under any other paragraph of this subd[.] or any other law.

(B) In determining whether the person is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, both of the following shall be considered . . . :

(i) Any mitigating measure in place, as defined in [Cal. Code Regs. Title 2, § 11065, subd. (n)] as that regulation existed on January 1, 2025.

(ii) Any voluntary supports in place, as described [WI 21000 et seq.], except [WI 21000, subds. (a) and (b)]

(2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by an intoxicating or anesthetic ~~substance,~~ *substance* or a controlled substance, and this condition was known, or reasonably should have been known by [Def].

(4) . . . . (5) . . . . (6) . . . . (7) . . . .

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

(1) . . . .

(2) "Incapable, because of a mental disorder or developmental or physical disability, of giving legal consent" means that a person is at the time of the intercourse either of the following:

(A) Unable to understand the nature of the act or transaction involved due to a mental disorder or developmental or physical disability.

(B) Unable to act freely and voluntarily due to a mental disorder or developmental or physical disability.

~~(2)~~ ***(3)*** **. . . .**

From the Senate Floor Analysis for Sept. 11, 2025.

Argument[ ] in Support

According to the National Women's Political Caucus of California, the sponsor of this bill:

. . . [SB] 258 … closes a loophole . . . that permits the rape of a spouse who is unable to consent due to a mental disorder or disability. ¶ . . . .¶ SB 258 eliminates this distinction, clarifying that rape is rape, regardless of a victim's abilities and their relationship to the offender.

Argument[ ] in Opposition

According to Disability Rights of California [DRC]:

While we share the goal of preventing sexual violence, especially against people with disabilities, this bill has serious unintended consequences for people with disabilities.

DRC believes this bill fails to truly respect and keep the intellectual and developmental disability (I/DD) community safe. [It] undermines the rights and dignity of people with I/DD by reinforcing outdated and discriminatory assumptions about their capacity to consent to sexual relationships. It removes an important legal protection and effectively creates

a presumption that individuals with I/DD cannot consent regardless of the context.

//

A [V] of sexual assault, over age 18, has rights to request that medical evidence not be tested clarified and expanded.

SB 733 (Stats. 2025, ch. 783) Amends PC 680

From the Legislative Counsel's Digest

[The] law [before this bill] require[d] law enforcement agencies, for sexual assault forensic evidence, . . . to either submit the evidence to a crime lab within 20 days . . . or ensure that a rapid turnaround [DNA] program is in place. . . . However, [if a V requested that a kit cannot be tested then the kit could not be tested].

This bill . . . instead authorize[s] a sexual assault survivor who is 18 years of age or older and who is undecided whether to report to law enforcement at the time of an examination to request that all medical evidence collected from them not be tested.

If the request is made at the time of the exam[ ], the bill . . . prohibit[s] the medical facility from submitting the kit to a crime laboratory and . . . require[s] the investigating agency to retain the kit until the sexual assault survivor requests testing.

If the request is made after the examination, the bill . . . either require[s] the investigating agency to retain the kit or . . . require[s] the crime laboratory to return the kit to the investigating agency to be retained.

The bill . . . also authorize[s] a sexual assault survivor who has requested that their kit not be tested to later request that it be tested.

From PC 680 as amended.

(a) to (h)(1) [No substantive changes]

(h)(2) A sexual assault ~~victim~~ *survivor who is 18 years of age or older and who is undecided whether to report to law enforcement at the time of an examination* may request that ~~a kit~~ *all medical evidence* collected from them not be tested. A kit for which this request has been made shall not be tested and shall not be subject to the requirements of this section, [PC] 680.3, or [PC] ~~680.4.~~ *680.4, with the exception that the investigating agency . . . shall follow the requirements of subd[s.] (f) and (g).*

(A) If this request is made at the time of the exam[ ], the medical facility shall not submit the kit to a crime lab[.], and the investigating agency shall retain the kit until [V] requests testing.

(B) If this request is made after the examination, the request may be directed to the investigating agency. If the kit has not yet been submitted to a crime lab[.] . . . , the kit shall be retained by the investigating agency. If the kit has already been submitted . . . but DNA testing has not yet begun, the investigating agency shall notify the lab[.] . . . and the untested kit shall be returned to the investigating agency and retained.

(C) . . . .

(3) A [V] who has requested that their kit not be tested may later request that their kit be tested, regardless of whether they also decide to make a report to law enforcement.

From the Senate Rules Committee, Office of Floor Analysis, 9/13/25.

In . . . 2022, [A.G.] Rob Bonta . . . launch[ed] of a new online portal to allow survivors of sexual assault to track the status of their sexual assault evidence kits . . . .

As a result . . . , survivors are now able to learn in real-time whether their sexual assault evidence kit has been received by a law enforcement agency, is in transit to a lab, has been received by a lab, is undergoing DNA

analysis, or has had DNA analysis completed. . . . Individuals are able to access their own kit information online. . . . (https://www.forensicmag.com/591712-California-Launches-New-Online-Portalfor-Rape-Victims/ [as of August 18, 2025].)

¶ . . . ¶

ARGUMENTS IN SUPPORT: According to Safe Alternatives to Violent Environments: . . . [T]rauma recovery is not linear. Survivors need time and space to make deeply personal decisions about reporting to law enforcement, without losing access to critical forensic evidence. . . . [T]his . . . measure, . . . balances public safety with survivor autonomy and ensures full realization of the protections promised under the Sexual Assault Survivor's Bill of Rights [PC 680.2]

[No opposition was received.]

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STATE PRISONS

Prisons must implement "Normalization" and "Dynamic Security principles as defined."

SB 551 (Stats 2025, Ch. 225) Amends PC 1170 and 5000; adds 5000.5.

From the Legislative Counsel's Digest.

. . . [A]ctive steps should be taken to make conditions in prison as close to normal life as possible, aside from loss of liberty, to ensure that this normalization does not lead to inhumane prison conditions. The bill . . . require[s] the department to facilitate access for community-based programs.

. . . .

. . . [A] primary objective of adult incarceration is to promote personal growth for all residents . . . . [CDCR] [must] develop training for all correctional staff on the principles of normalization and dynamic security. . . .

From uncodified Section 1

(a) . . . . Nationally, the average life expectancy of a correctional officer is 59 . . . , which is 16 years shorter than [others]. . . . [S]uicide rates for correctional officers are 39 percent higher than the national working age population. For incarcerated people, each year spent in prison can take two years off of an individual's life expectancy, and the rate of suicide is 31.2 deaths per 100,000 . . . .

. . .

(c) The principle of dynamic security, which is the direct, ongoing, and respectful communication between correctional staff and incarcerated persons is a key component of the safest prisons.

(d) . . . . [T]raining for correctional staff to be respectful, fair, and flexible in the use of their authority, and opportunities to study law, ethics, human rights, and behavior change can assist in lowering the mortality rate of correctional officers. Officers who regularly socialize with incarcerated persons and participate in activities to promote open communication and foster relationships create a safer environment for both incarcerated persons and staff.

(e) The principle of normalization, which states that life inside prison should be as close to life outside of prison as much as possible, prepares incarcerated persons to be productive and contributing members of society upon their release. . . .

From PC 1170, subd. (a), as amended:

(a)(1) The Legislature finds and declares that the purpose of sentencing is public safety *and to reduce recidivism* achieved through punishment, rehabilitation, and restorative justice. . . . *[T]he carceral system should not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent while experiencing imprisonment. . . . [T]he period of imprisonment [must be] used to ensure,*

so far as possible, the promotion of personal growth for all residents and the reintegration of a person into society upon release so that they can lead a law-abiding and self-supporting life, reducing recidivism. . . .

From new PC 5000.5:

(a) The . . . purpose of incarceration is rehabilitation [which can be] accomplished only if . . . imprisonment is used to maximize personal growth for all residents and facilitate their reintegration into society upon release, enabling them to lead law-abiding and self-sufficient lives, reducing recidivism. . . . [C]ommunity-based organizations are an integral part of . . . ensuring that all people . . . in a state prison have access to rehabilitative programs.

(b) . . . [A]ctive steps should be taken to make conditions in prison as close to normal life as possible, aside from loss of liberty, and to ensure that this normalization does not lead to inhumane prison conditions.

(c) . . .

(d) [CDCR] is directed to maintain a mission statement consistent with the principles of normalization and dynamic security, shall facilitate access for community-based programs, and should develop training for all correctional staff on the principles of normalization and dynamic security . . . to meaningfully effectuate the principles set forth in this section.

//

Wages of State Prison hand crew members assigned to an active fire incident.

AB 247 (Stats. 2025, ch. 681)

Amends PC 4019.2; Adds PC 2714 & adds WI 1760.46

Urgency, effective October 13, 2025

See Juvenile Justice Laws for AB 247 applied to juvenile hand crews.

See County Jail for AB 247 applied to county jail hand crew members.

See uncodified section 1 of AB 812 in "State Prisons," "Recall and resentencing of hand crew members.

From added PC 2714:

. . . [H]and crew members shall be paid an hourly wage equal to [$7.25] while assigned to an active fire incident. . . .

//

Death benefit for hand crew members assigned o he California Conservation Camp program.

AB 799 (Stats. 2025, ch. 711) **Adds PC 2780.6**

From added PC 2780.6:

(a) . . [CDCR] shall . . . pay a death benefit [as] calculated [in subd.] (c) for the death of any . . . hand crew member assigned to the California Conservation Camp program.

(b) [This] shall be paid . . . to the beneficiary designated by the crew member . . . if the crew member dies during any of the following circumstances:

(1) During, and resulting from, . . . their duties on an active deployment.

(2) During, and resulting from, . . . their duties completing firefighter Conservation Camp training exercises.

(3) While physically or mentally incapacitated due to and resulting from . . . their duties as described in paragraph (1) or (2).

(c) The death benefit shall be the sum of the following amounts:

(1) Fifty thousand dollars ($50,000).

(2) . . . 50 percent of the annual compensation earned by the deceased crew member during the 12 months immediately preceding the death . . .

See uncodified section 1 of AB 812, immediately below, in "State Prisons," "Recall and resentencing of hand crew members."

//

Recall and resentencing of hand crew members pursuant to CDCR regulations that should be written by July 1, 2017..

AB 812 (Stats. 2025, ch. 712) Amends PC 1172.1

From the Legislative Counsel's Digest

Existing law establishes the California Conservation Camps [to have] incarcerated persons work on projects supervised by the Department of Forestry and Fire Protection. . . . [including] fire prevention, fire control, and other work . . . .

This bill . . . require[s] [CDCR], no later than July 1, 2027, to promulgate regulations, as specified, regarding the referral of participants in [that] program and incarcerated persons working at institutional firehouses for resentencing.

From uncodified section 1 of AB 812:

. . . :

(a) [CDCR], in cooperation with the Department of Forestry and Fire Protection and the Los Angeles County Fire Department, operates 35 conservation camps throughout California. All camps are minimum security facilities and staffed with correctional staff.

(b) The primary mission of the California Conservation Camp program is to support state, local, and federal government agencies as they respond to emergencies, including fires, floods, and other natural disasters.

(c) CDCR health care staff clear participants as physically and mentally fit for vigorous activity to participate. . . . [I]nmates, based on behavior in prison, have the lowest security classification. Inmates with more than eight years remaining on their sentence are ineligible . . . .

(d) The work is extraordinarily dangerous. Multiple inmates have died fighting fires.

(e) Hundreds of incarcerated firefighters worked, around the clock, to . . . slow the spread of the massive fires in Jan[.] 2025 in [L.A.] County. . . .

(f) According to the [CDCR] Secretary . . . , [they] are an "essential" part of the state's response and "their commitment to protecting lives and property during these emergencies cannot be overstated."

From PC 1170.1 as amended

¶ . . . .¶

(e) In recognition of the vital role that incarcerated persons have played protecting the people and property of California from wildfires, [CDCR] shall, by no later than July 1, 2027, promulgate regulations regarding the referral for resentencing of current participants in the California Conservation Camp program, former participants [that] program who are still in custody, and incarcerated persons working at institutional firehouses that utilize the existing extraordinary conduct referral process and establish all of the following:

(1) Authorize the referral for resentencing of eligible incarcerated persons who have two or more years remaining to serve in state prison on their sentence.

(2) Prohibit the exclusion of individuals from resentencing consideration based solely on past or pending parole hearing dates.

(3) Prohibit the imposition of a minimum time served requirement as a condition for resentencing consideration.

[Query if a current or former crew member can apply for resentencing before CDCR promulgates the regulations.]

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VEHICLES

See "Probation" for increased length for vehicular manslaughter.

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The existing Ignition Interlock Devices (IID) "pilot" program, once scheduled to sunset on Jan. 1, 2026, is extended to Jan. 1 2033.

AB 366 (Stats. 2025, ch. 689)

Amends VC 13352, 13352.1, 13352.4, 13353.3, 13353.4, 13353.5, 13353.6, 13353.75, 13386, 13390, 23103.5, 23247, 23573, 23575, 23575.3, 23576, and 23597.

The only substantive amendment made to these VC sections is in the final subdivision of each section: the sunset date is changed from January 1, 2026, to January 1, 2033; Here, for example is the final subdivision of VC 13352:

(o) This section shall remain in effect only until January 1, ~~2026,~~ *2033,* and as of that date is repealed, unless a later enacted statute that is enacted before January 1, ~~2026,~~ *2033,* deletes or extends that date.]

The IID program as described by the Sen. Floor Analysis for 9/2/2025.

a) Requires a court to order the installation of an IID for repeat DUI offenders and any DUI causing bodily injury to another person, as follows:

i) For . . . one year for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with one prior, or a first-time DUI causing bodily injury to another person.

ii) For . . . two years for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with two priors, or a DUI causing bodily injury to another person with one prior.

iii) For . . . three years for a person convicted of a DUI involving alcohol (or both alcohol and drugs) with three or more priors, a DUI causing bodily injury to another person with two priors, or a prior specified DUI conviction punishable as a felony. ([VC] 23575.3, subd. (h)(1)(B)-(D).)

b) Authorizes the court to order the installation of an IID for a first-time DUI offender [for] not to exceed six months from the date of conviction, or allows the offender to apply for a restricted driver's license upon specified conditions. Only one of these sanctions may be imposed. ([VC] 23575.3, subd. (h)(1)(A).).

4) Requires a person subject to an IID to arrange for each vehicle they operate to be equipped by a functioning, certified IID by a certified provider, provide proof of installation to the DMV, and pay a fee, . . . sufficient to cover the costs of administration. ([VC] 23575.3, subds. (d) & (f).)

5) Requires [DMV] to [restrict] the driver's license . . . of the person . . . to driving only vehicles equipped with a functioning, certified IID for the applicable term. ([VC] 23575.3, subd. (e).)

6) Requires IID manufacturers to adopt a fee schedule under which the manufacturer will absorb part of the costs for the IID based on [Def's] income, relative to the federal poverty level. (Veh. Code, § 23575.3, subd. (k).)

7) Sunsets the IID pilot project on January 1, 2026. (Veh. Code, § 23575.3, subd. (r).) [This bill extends that to Jan. 1, 2033. GB]

How effective is the IID program? Here are excerpts from the "Background" section of the Sen. Floor Analysis:

¶ . . . . ¶ The DMV is currently operating a statewide IID pilot program for all repeat DUI.

¶ . . . .¶

The evidence of the effectiveness of requiting IID installation for first time DUI offenders has been mixed. The California State Transportation Agency (CalSTA) . . . evaluat[ed] the . . . program in December of 2024. . . [R]esearchers determined the pilot's "overall effects" on recidivism were "small," in part due to the low rate of installation of IIDs statewide. . . . However, as summarized by CalSTA, the researchers found:

• Installing an IID within two years of arrest reduces recidivism rates, whether measured by future DUI arrests, crashes, or crashes involving injury.

• The effect of installing an IID on future DUI arrests is greatest for people arrested for the first time. The effects on crashes and crashes with injury are largest for people with prior DUI convictions.

• The impacts of [the pilot program] on overall statewide recidivism rates, although in the desired direction, are modest. Increasing IID installation rates among those arrested for a DUI would increase the effectiveness of policy requiring IID installations. (Id. at p. 27.)

The researchers anticipate that "higher rates of installation would correspond with higher recidivism reductions statewide." (Id. at p. 29.) . . . .

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Manufacturing, or installing devices to obscure license plates, expanded and infraction penalties increased.

AB 1085 (Stats. 2025, ch. 179) Amends VC 5201 and 5201.1

From the Legislative Counsel's Digest

Existing law prohibits a person from erasing [or painting over] the reflective coating of . . . or altering a license plate to avoid visual or electronic capture of the license plate . . . by state or local law enforcement.

Existing law prohibits a person from installing . . . a . . . shield, frame, border . . . , or . . . device that obstructs or impairs the reading or recognition of a license plate by [1] an electronic device operated by state or local law enforcement, [or] [2] in connection with a toll road, high-occupancy toll lane, toll bridge, or other toll facility, or [3] a remote emission sensing device. . . .

Existing law also prohibits the sale of a product or device that [does the above]. A conviction for . . . this . . . is punishable by a fine of . . . $250 per item sold or per violation. . . .

This bill . . . prohibit[s] a person from installing . . . a shade or tint that obstructs the reading or recognition of a license plate by an electronic device operated [as specified above].

The bill . . . prohibit[s] the manufacture of these products and devices in the state and imposes a $1,000 fine per item sold or manufactured. . . .

From VC 5201 as amended.

¶ . . . .¶

(d) A casing, shield, frame, border, *shade, tint,* product, or other device that obstructs or impairs the reading or recognition of a license plate by an electronic device operated [1] by state or local law enforcement, . . . in connection with a toll road, high-occupancy toll lane, toll bridge, or other toll facility, or [3] a remote emission sensing device, as specified . . . shall not be installed on, or affixed to, a vehicle.

From VC 5201.1, as amended.

a) A person shall not sell *or manufacture* a product or device *in this state* that obscures, or is intended to obscure, the reading or recognition of a license plate by visual means, or by an electronic device as prohibited by [PC 5201, subds. (c) *or (d)*].

(b) A person shall not operate a vehicle with a product or device that violates subdivision (a).

(c) A person shall not erase the reflective coating of, paint over the reflective coating of, or alter a license plate to avoid visual or electronic capture of the license plate or its characters.

(d)*(1)* A conviction for a violation of ~~this section~~ *subd[.] (a)* is punishable by a fine of ~~two hundred fifty dollars ($250)~~ [*$1,000*] per item sold or ~~per violation.~~ *manufactured.*

(2) A conviction for a violation of subd[s.] (b) or (c) is punishable by a fine of . . . [*$250*] *per violation.*

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EARLY WARNINGS and NOTICES

CALCRIM 250, 251, may be revoked on Feb. 20, '26, and replaced with reworded 252, 253, and 254, changing "intent" to "mental state."

See "Invitation to Comment, Calcrim-2025-02" at
https://courts.ca.gov/system/files/itc/calcrim-2025-02.pdf .
A total of 63 new or revised jury instructions are listed in that Invitation.

The comment period closed on November 14, 2025. The Invitation to Comment lists a "Proposed Effective Date" of February 20, 2026. (The Judicial Council is scheduled for its next regular meeting in San Francisco on February 20-21, 2026.)

One of the many proposed changes is to the "**Guide for Using Judicial Council of California Criminal Jury Instructions (CALCRIM)" (**"User Guide") that precedes the instructions:

> The instructions do not use the terms general and specific intent because while these terms are very familiar to judges and lawyers, they are novel and often confusing to many jurors. Instead, if the defendant must specifically intend to commit an act, the particular intent required is expressed without using the term of art "specific intent." Instructions 2520~~–~~254 provide jurors with additional guidance on ~~specific vs. general intent crimes and~~ the union of act and mental state ~~intent~~.

The committee proposes to REVOKE numbers "250 Union of Act and Intent: General Intent", "251 Union of Act and Intent: Specific Intent or Mental State", and to heavily revise number 252, which would then be titled "Joint Operation of Act and Mental State," and 252's Bench Notes; and to revise 253, which would then be titled "Union of Act and Mental State: Criminal Negligence.

Here is the proposed revised CALCRIM 252 [compiled by GB from the "Invitation to Comment"" "redlined version."

[N.B.: This may not be the final form this instruction takes.]

252. Joint Operation of Act and Mental State

The crime[s] [(and/or) other allegation[s]] charged in this case require[s] proof of the joint operation, of act and wrongful mental state.

<Give for crimes not requiring specific mental states.>
For you to find a person guilty of the crime[s] (in this case/of _____ *<insert name[s] of alleged offense[s] and count[s], e.g., battery, as charged in Count 1>***), [or to find the allegation[s] of**

_____ <*insert name[s] of enhancement[s]*>**true], that person must not only commit the prohibited act [or fail to do the required act], but must do so with a wrongful mental state. A person acts with a wrongful mental state when he or she intentionally does a prohibited act [or fails to do a required act]; however, it is not required that he or she intend to break the law. The act required is explained in the instruction[s] for (that/those) crime[s] [or allegation[s]].]**

<*Give for crimes requiring one or more specific mental states.*>
For you to find a person guilty of the crime[s] (in this case/of _____<*insert offense(s)*>**) [or to find** _____<*insert allegation(s)*> **true], that person must not only intentionally commit the prohibited act [or intentionally fail to do the required act], but must do so with a specific mental state. The act and mental state) required are explained in the instruction[s] for (that/those) crime[s] [or allegation[s]].]**

New January 2006; Revised June 2007, April 2010, April 2011, March 2017, February 2026

BENCH NOTES

Instructional Duty

For general and specific intent crimes, the court has a **sua sponte** duty to instruct on the joint union of act and wrongful mental state. (*People v. Alvarez* (1996) 14 Cal.4th 155, 220 . . . ; *People v. Jeffers* (1996) 41 Cal.App.4th 917, 920–923. . . .)

The court should specify for the jury which offenses do and do not require a specific mental state by inserting the names of the offenses where indicated in the instruction. (See *People v. Hill* (1967) 67 Cal.2d 105, 118 . . . .) If the crime requires a specific mental state, such as knowledge or malice, the court **must** insert the name of the offense in the third paragraph, explaining the mental state requirement, even if the crime is classified as a general intent offense.

If the defendant is charged with aiding and abetting or conspiracy to commit a general-intent offense, the court **must** instruct on the specific mental state required for aiding and abetting or conspiracy. (See *People v. McCoy* (2001) 25 Cal.4th 1111, 1117–1118 [108 . . . ; *People v. Bernhardt* (1963) 222 Cal.App.2d 567, 586–587. . . .)

If the defendant is also charged with a criminal negligence or strict-liability offense, insert the name of the offense where indicated in the first sentence. The court may also give CALCRIM No. 253, *Union of Act and Mental State Criminal Negligence*, or CALCRIM No. 254, *Strict- Liability Crime*.

Defenses—Instructional Duty

"A person who commits a prohibited act 'through misfortune or by accident, when it appears that there was no evil design, intention, or culpable negligence' has not committed a crime." (*People v. Jeffers* (1996) 41 Cal.App.4th 917, 922 . . . [quoting Pen. Code, § 26].) Similarly, an honest and reasonable mistake of fact may negate general criminal intent. (*People v. Hernandez* (1964) 61 Cal.2d 529, 535–536 . . . .) If there is sufficient evidence of these or other defenses, such as unconsciousness, the court has a **sua sponte** duty to give the appropriate defense instructions. (See Defenses and Insanity, CALCRIM No. 3400 et seq.)

Evidence of voluntary intoxication or mental impairment may be admitted to show that the defendant did not form the required mental state. (See *People v. Ricardi* (1992) 9 Cal.App.4th 1427 . . . .) The court has no sua sponte duty to instruct on these defenses; however, the trial court must give these instructions on request if supported by the evidence. (*People v. Saille* (1991) 54 Cal.3d 1103, 1119 . . . ; see Defenses and Insanity, CALCRIM No. 3400 et seq.)

AUTHORITY

• Statutory Authority. Pen. Code, § 20; see also Evid. Code, §§ 665, 668.

• Instructional Requirements. *People v. Alvarez* (1996) 14 Cal.4th 155, 220 . . . ; *People v. Jeffers* (1996) 41 Cal.App.4th 917, 920–923 . . . .

• Prior Version of This Instruction Upheld. *People v. Ibarra* (2007) 156 Cal.App.4th 1174, 1189 . . . .

• Instruction on Both General and Specific Intent May Be Necessary for Voluntary Manslaughter. *People v. Martinez* (2007) 154 Cal.App.4th 314, 334-336. . . .

• Instruction on Both General and Specific Intent May Be Necessary for Continuous Sexual Abuse. *People v. Canales* (2024) 106 Cal.App.5th 1230, 1249–1251 . . . . [some predicate acts require specific intent].

COMMENTARY

In *People v. Canales, supra,* 106 Cal.App.5th at p. 1238, the court noted that the use of the terms "general intent" and "specific intent" in former CALCRIM No. 252 "was unnecessary and can be mischievous." The court endorsed the position that "'[t]he distinction between specific and general intent has limited application' and that these terms are "'superfluous as long as the instruction describing the defense tells the jury exactly what the required mens rea consists of.'" (*Id.* at pp. 1251–1252.) The court suggested "CALCRIM No. 252, if it is retained, could be improved by eliminating the ambiguous and widely criticized terms 'specific intent' (*Id.* at p. 1252.) In response, this instruction has been revised to incorporate language from former CALCRIM Nos. 250 and 251. The committee also removed the terms "general intent" and "specific intent" from the jury's consideration.

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Automatic sealing of eligible juvenile arrest records not resulting in sustained charges, operative July 1, 2027, subject to appropriation.

AB 1877 (Stats 2024 Ch. 811) **Note: this is a 2024 law.**

Adds WI 781.2 and 788, and amends WI 786.5, 787, and 827.95.

From the Legislative Counsel's Digest

¶ . . . .¶

(2) ¶ . . . .¶

This bill . . . require[s] [DOJ], on a monthly basis, to review state summary criminal history information and identify arrests that are . . . of a person who was younger than 18 years of age and which did not result in a charge being sustained and do not have related pending juvenile delinquency matters . . . .

The bill . . . require[s] the department to provide a list of those arrests to all agencies associated with the record of arrest, and would require each arresting agency to review that list and seal its records of the arrest, if the agency's records do not indicate that the arrest is not eligible to be sealed.

The bill . . . require[s] the agency to report to [DOJ] the records that shall be sealed, and . . . require[s] [DOJ] to then seal [them]. . . .

The bill would only make these requirements operative upon an appropriation for [this] in the annual Budget Act, and **only after July 1, 2027** **[Added WI 781.2, subd. i]**

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Law enforcement agencies must promulgate policies by Jan. 1, 2027,, on protection and restraining orders that have firearm restrictions.

AB-451 (Stats. 2025, ch. 693) Adds PC 13667

From the Legislative Counsel's Digest:

This bill . . . require[s] each municipal police department and county sheriff's department, the . . . California Highway Patrol, and the University of

California and California State University Police Departments to, on or before January 1, 2027, develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection and restraining orders that include firearm access restrictions. . . .

//

Starting 1/1/2028, the "Culturally Competent Hair Care Act" will require CDCR and, county jails that have stores, to provide sulfate-free shampoos and conditioners, curl creams, and gel.

AB 1875 (Stats 2024 Ch. 56) Amends PC 4025 (jails) and 5005 (CDCR)

From the Legislative Counsel's Digest

. . . . Existing law requires [CDCR] to sell, among other things, toilet articles, candy, notions, and other sundries at the canteens.

Existing law authorizes the sheriff of each county to establish, maintain, and operate a store within a jail where inmates may purchase certain goods, articles, and supplies.

This bill . . . will, commencing Jan[.] 1, 2028, require [CDCR], and local jail[s] . . . if they have a store, to . . . [sell] sulfate-free shampoos and conditioners, curl creams, and gel.

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BRIEFLY NOTED

"Prison Industry Authority" renamed as the "California Correctional Training and Rehabilitation Authority" SB 857 (Stats. 2025, ch. 241, § § 30 and 36), amending PC 2052 and adding PC 2800.5.

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Pilot DEJ program for people 18-21 partly re-authorized.

[Prior] law authorize[d], until Jan[.] 1, 2026, the Counties of Alameda, Butte, Nevada, and Santa Clara to establish a . . . deferred entry of judgment pilot program for eligible defendants who were [between 18 and 21] [when] the offense was committed, as specified. . . .

This bill . . . extend[s] the pilot program, for the Counties of Butte, Nevada, and Santa Clara [but not Alameda], to January 1, 2029.

AB 1258 (Stats. 2025, ch. 394) amending PC 1000.7. (The text above is from the Legislative Counsel's Digest.)

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Forced marriage statute updated and expanded.

PC 265 outlaws forcing another person to marry the Def. As part of a larger Family Law update, the language in PC 265 is modernized, and the statute is expanded to make the crime apply when V is forced to marry another person (i.e., not only Def.) The crime is a county jail felony (PC 117-, subd. (h).) AB 1134 (Stats. 2025, ch. 633)

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Sexual battery (PC 243.4): Aggravating factor concerning hospitals.

AB 848 (Stats. 2025, ch. 625) Amends PC 243.4

From the Legislative Counsel's Digest:

[PC 243.4] prohibits the touching of any intimate part of another person for the purpose of sexual arousal, gratification, or abuse, under specified circumstances. . . . A violation . . . is punishable as a misdemeanor or as a felony . . . for 2, 3, or 4 years, and by a fine [up to] $10,000. . . . [I]n the case of a felony . . . the fact that [Def] was an employer, and [V] was an employee of [Def] [is] a factor in aggravation . . . .

This bill . . . require[s], in the case of a felony . . . the fact that [Def] was employed at a hospital where the offense occurred, and [V] was in the [Def's] care or seeking medical care at the hospital [is] a factor in aggravation. . . .

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Definition of Mandated Child Abuse Reporters Expanded

From the Sen. Pub. Safety Comm. "Bills Signed and Vetoed in 2025":

. . . [T]his bill broadens the definition [at PC 11165.7] of mandated reporters to explicitly include specified school volunteers, governing board members, and private school employees.

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Human chorionic gonadotropin (hCG) removed from Schedule III.

AB-1152 (Stats. 2025, ch. 183) Amends HS 11056 [Sch. III]

This is a hormone produced by the placenta during pregnancy. It has several FDA approved medical uses. Its use is generally prohibited in male athletes by various U.S. and international sports leagues, federations, and governing bodies. It is strongly associated with anabolic steroids due to its restoration of natural testosterone production following a cycle of steroid use. Obtaining

hCG still requires a prescription but is subject to fewer restrictions and regulations and its possession without a prescription is no longer a crime.

//

SB 704 (Stats. 2025, ch. 591) concerning firearms and firearm barrels.

Amends PC 28235, adds PC 16525 and adds to PC part 6, title 4, div. 10, a new Chapter 11, commencing with PC 33700.

From the Legislative Counsel's Digest:

This bill . . . , except as specified, prohibit[s] the sale or transfer of a firearm barrel, as defined, unless the transaction is completed in person by a licensed firearms dealer. The bill . . . also prohibits a person from possessing a firearm barrel with the intent to sell, or offering to sell, unless the person is a licensed firearms dealer.

[In addition,] [c]ommencing on July 1, 2027, except as specified, the bill . . . require[s] the licensed firearms dealer to conduct an eligibility check of the purchaser or transferee and to record specified information pertaining to the transaction . . . . [A] first and 2nd violation of these provisions . . . [is] a misdemeanor, and any additional violations [a wobbler], as specified. . . .

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Restriction on dealers selling pistols convertible to machine guns.

AB 1127 (Stats. 2025, ch. 572)

Amends Civ. Code 3273.5 and PC 16880, and adds PC 16885, 17015, 27595, 27595.1, and 32103.

From the Senate Committee on Public Safety report for July 1, 2025

The purpose of this bill is to prohibit licensed firearm dealers from selling, offering for sale, exchanging, giving, transferring, or delivering any semiautomatic machinegun-convertible pistol, except as specified.

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ANSWER TO THE TRIVIA QUESTION

The online publication is "Louisiana Legal Ethics." The article about California's new Generative AI rules was published on August 4, 2025, and is at https://lalegalethics.org/california-adopts-nations-first-court-rule-on-generative-ai/#:~:text=On%20July%2018%2C%202025%2C%20the,implementing%20a%20compliant%20local%20version.

This is the online publication of a Louisiana Law Firm "Louisiana Legal Ethics LLC." The home page is https://lalegalethics.com/

Here is the article's last paragraph: "With this action [adopting Rule 10.430 and Standard 10.80], California becomes the first state to formally regulate generative AI use in the courts. The new rule and standard set a model for other jurisdictions seeking to balance innovation with the core values of judicial integrity, transparency, and fairness."

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