
CONSENT

Bill No: AB 1125
Author: Nguyen (D)
Amended: 4/21/25 in Assembly
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 6/11/25
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 71-0, 5/23/25 (Consent) - See last page for vote

SUBJECT: Workers' compensation: peace officers

SOURCE: California Correctional Supervisors Organization

DIGEST: This bill expands an existing rebuttable presumption that heart trouble is an occupational injury to any peace officer employed by the Department of State Hospitals, as defined, instead of only security officers at Atascadero State Hospital.

ANALYSIS:

Existing law:

- 1) Establishes a comprehensive system of workers' compensation that provides a range of benefits for an employee who suffers from an injury or illness that arises out of and in the course of employment, regardless of fault. This system requires all employers to insure payment of benefits by either securing the consent of the Department of Industrial Relations (DIR) to self-insure or by obtaining insurance from a company authorized by the state. (Labor Code §§3200-6002)
- 2) Creates a series of rebuttable presumptions of an occupational injury for peace and safety officers for the purpose of the workers' compensation system. These presumptions include: heart disease, hernias, pneumonia, cancer, tuberculosis,

blood-borne infectious disease or methicillin-resistant *Staphylococcus aureus* skin infection (MRSA), bio-chemical illness, and meningitis. The compensation awarded for these injuries must include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by workers' compensation law. (Labor Code §§3212-3213.2)

- 3) Specifically establishes that, in the case of officers and employees in the Department of Corrections having custodial duties, each officer and employee in the Department of Youth Authority having group supervisory duties, and each security officer employed at the Atascadero State Hospital, heart trouble that develops or manifests during the period of employment is presumed to arise out of that employment. The presumption is available for three calendar months for each full year of service, not to exceed 60 months, from the last date worked in the position. (Labor Code §3212.2)
- 4) Establishes the Department of State Hospitals (DSH) within the California Health and Human Services Agency. (Welfare and Institutions Code §4000):
 - a) Specifies DSH has jurisdiction over the execution of the laws relating to care and treatment of persons with mental health disorders under the custody of DSH. (Welfare and Institutions Code §4011)
- 5) Defines "state hospital" to mean any of the following hospitals, under the jurisdiction of DSH:
 - a) Atascadero State Hospital
 - b) Coaling State Hospital
 - c) Metropolitan State Hospital
 - d) Napa State Hospital
 - e) Patton State Hospital
 - f) The Admission, Evaluation, and Stabilization (AES) Center in the County of Kern, and other AES Centers as defined by regulation, as specified.
 - g) A county jail treatment facility under contract with DSH to provide competency restoration services.
 - h) A facility under contract with DSH, as specified, excluding community-based restoration of competency services that are operated by the county.
 - i) Any other DSH facility subject to available funding by the Legislature. (Welfare and Institutions Code §4100)
- 6) Specifies that the chief of police is responsible for preserving the peace in the hospital buildings and grounds, and authorizes the chief of police services to

arrest or cause the arrest of all persons who attempt to commit or have committed a public offense. (Welfare and Institutions §4311):

- a) Provides the chief of police services, supervising investigators, investigators, and each hospital police officer with specified powers and authority, and specifies they will enforce the rules and regulations of the hospital, preserve peace and order on the premises, protect and preserve the property of the state, and help ensure integration of treatment, safety, and security. (Welfare and Institutions Code §4313)
- 7) Provides that officers of a state hospital under the jurisdiction of DSH, are peace officers, as specified. (Penal Code §830.38)

This bill:

- 1) Expands an existing rebuttable presumption that heart trouble is an occupational injury for security officers at Atascadero State Hospital to include any peace officer employed by the Department of State Hospitals, as defined.
- 2) Eliminates obsolete reference to the California Youth Authority, which was renamed to the California Division of Juvenile Justice (DJJ), until its closure in 2023.
- 3) Makes conforming, non-substantive changes.

Background

Workers' Compensation Presumptions. Under the California workers' compensation system, if a worker is injured on a job, the employer must pay for the worker's medical treatment, and provide monetary benefits if the injury is permanent. In return for receiving free medical treatment, the worker surrenders the right to sue the employer for monetary damages in civil court. This simple premise is sometimes referred to as the "grand bargain."

The Legislature has created disputable or rebuttable presumptions within the workers' compensation system, which shifts the burden of proof in an injury claim from the employee to the employer. If an injury is covered by a presumption, the employer carries the burden to prove the injury is not related to work. Presumptions reflect unique circumstances where injuries or illnesses appear to logically be work-related, but it is difficult for the injured worker to prove them as such. For certain occupations, such as firefighters and peace officers, where workers can be exposed to more types of injuries than in other occupations, the law presumes certain injuries and illnesses (i.e. heart disease, hernias, pneumonia,

cancer, post-traumatic stress disorder injuries, tuberculosis, blood-borne infectious diseases, bio-chemical illness, and meningitis) are occupational injuries for purposes of workers' compensation coverage.

State Hospitals. DSH operates and oversees five state hospitals – Atascadero, Coalinga, Metropolitan (in Los Angeles County), Napa, and Patton – that provide mental health services to patients admitted into DSH facilities. As of fiscal year 2021-22, DSH served more than 12,000 patients through its hospital system, conditional release and other communicated-based programs, and jail treatment programs and employed nearly 13,000 staff.

According to DSH, their patient population includes patients mandated for treatment by a criminal or civil court judge. In fact, more than 90 percent of DSH patients are forensic commitments (i.e. patients incompetent to stand trial, offenders with mental health disorders, mentally ill prisoners transferred from prison, and those found not guilty by reason of insanity). These patients are sent to DSH through the criminal court system and have committed or have been accused of committing crimes linked to a mental illness. In addition to forensic commitments, DSH treats patients who have been classified by a judge or jury as Sexually Violent Predators. These patients have served prison sentences for committing crimes enumerated under the Sexually Violent Predator Act (Welfare and Inst. Code Sections 6600 et. al.) and are committed to DSH for treatment until a judge deems they are no longer a threat to the community. The remainder of DSH's population have been committed in civil court for being a danger to themselves or others. These patients are commonly referred to as Lanterman-Petris-Short commitments.

Atascadero State Hospital and DSH Police Force. Atascadero State Hospital is a secure forensic hospital, open since 1954, and located on the Central Coast of California in San Luis Obispo County. The majority of the all-male patient population is remanded for treatment by county superior courts or by the Department of Corrections and Rehabilitation (CDCR), and the hospital does not accept voluntary admissions. Atascadero State Hospital has historically served the largest patient population, and has the largest criminal population of all the state hospitals. However, all five state hospitals are considered high-security and have patient populations generally assumed to present a higher risk of violence to staff, other patients, or themselves.

According to the author and sponsors, the California Correctional Supervisors Organization, Atascadero State Hospital was the first state hospital to employ its

own security officers, but the other four state hospitals have since employed security officers for the protection of patients, workers, and the public:

“When California Labor Code section 3212.2 was enacted in 1976, it did not include peace officers of the California Department of State Hospitals (DSH) because the Police Force for DSH did not exist at that time. Rather, they were designated as ‘security officers employed at Atascadero State Hospital.’

Since that time, the DSH Police Officers have evolved from covering one state hospital to covering all state hospitals and have grown to approximately seven hundred officers who provide public safety service, and security to patients, employees, and the general public in and around each hospital.”

As mentioned, all five state hospitals now include the DSH police force, a 24-hour law enforcement agency, granted with the full authority to enforce relevant laws, make arrests, and issue citations. The author and sponsors further state:

“In addition, DSH Police Officers are now covered by Penal Code Section 832 which requires basic Peace Officer training to hold the position. This makes the Police Force for the DSH a fully functioning police force with academy standards and qualifications equal to all other California law enforcement officers. The same issues impact these police officers as all other law enforcement listed in this labor code.”

Day-to-day responsibilities and training for officers of the DSH police force do not differ considerably from other peace officers who are granted the occupational injury presumption for heart trouble during their course of employment. This is likely why this presumption was extended to officers employed at the Atascadero State Hospital. This bill, AB 1125, would expand the heart trouble workers’ compensation presumption currently afforded to officers at the Atascadero State Hospital to the officers working at all the other four state hospitals as well.

This bill proposes to recognize the similar work conditions and experiences between peace offices that have an existing workers’ compensation presumption for heart trouble, including the current peace officers that work at Atascadero State hospital, and peace officers that work at other state hospitals. As the Assembly Insurance Committee analysis points out, “[b]y expanding the existing presumption for heart trouble in security officers working at Atascadero State hospital to apply to peace officers at all state hospitals, the bill would avoid the present two-tiered system that differentiates the worker’s compensation claims process for those developing heart trouble at Atascadero State Hospital, and those

working at other state hospitals with similar functions, populations, and responsibilities.”

Related/Prior Legislation

AB 1156 (Bonta, 2023) would have established workers’ compensation rebuttable presumptions that specified diagnoses are occupational for a hospital employee who provides direct patient care in an acute care hospital. These diagnoses included infectious diseases, cancer, musculoskeletal injuries, post-traumatic stress disorder, and respiratory diseases. The bill would also have included the 2019 novel coronavirus disease (COVID-19) from SARS-CoV-2 and its variants, among other conditions, in the definitions of infectious and respiratory diseases. The bill would have further extended these presumptions for specified time periods after the hospital employee’s termination of employment. This bill was held in the Assembly Committee on Insurance.

AB 597 (Rodriguez, 2023) would have, for injuries occurring on or after January 1, 2025, created a rebuttable presumption for emergency medical technicians and paramedics that PTSI is an occupational injury and covered under workers’ compensation. This bill was held in the Assembly Committee on Insurance.

AB 699 (Weber, 2023, Vetoed) would have extended rebuttable presumptions for hernia, pneumonia, heart trouble, cancer, tuberculosis, blood-borne infectious disease, methicillin-resistant *Staphylococcus aureus* skin infection, and meningitis-related illnesses and injuries to a lifeguard employed on a year-round, full-time basis in the Boating Safety Unit by the City of San Diego Fire-Rescue Department, as specified. It would also have expanded the presumptions for post-traumatic stress disorder or exposure to biochemical substances, as defined, to a lifeguard employed in the Boating Safety Unit by the City of San Diego Fire-Rescue Department. This bill was vetoed.

AB 1145 (Maienschein, 2023, Vetoed) would have provided, until January 1, 2030, that for specified state nurses, psychiatric technicians, and various medical and social services specialists, the term “injury” also included post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. The bill would have applied to injuries occurring on or after January 1, 2024. The bill would have prohibited compensation from being paid for a claim of injury unless the member performed services for the department or unit for at least 6 months, unless the injury is caused by a sudden and extraordinary employment condition. This bill was vetoed.

SB 623 (Laird, Chapter 621, Statutes of 2023) extended the sunset until January 1, 2029 for a rebuttable presumption that a diagnosis of post-traumatic stress disorder injuries for specified peace officers and firefighters is an occupational injury, and required the Commission on Health and Safety and Workers' Compensation to submit both reports to the Legislature analyzing the effectiveness of the presumption and a review of claims filed by specified types of employees not included in the presumption, such as public safety dispatchers, as defined.

SB 416 (Hueso, 2019) would have expanded the presumption that certain defined injuries and illnesses are occupational injuries and therefore covered by workers' compensation for all peace officers, as specified. This bill was held at the Assembly Desk.

AB 2269 (Adams, 2010) would have expanded the workers' compensation presumption for peace officers working at Department of Developmental Services Developmental Centers (DC) and Department of Mental Health (DMH) psychiatric hospitals. Specifically, this bill would have extended a cardiac presumption available to officers at Atascadero DC to peace officers at the following facilities: a) Coalinga State Hospital, b) Metropolitan State Hospital, c) Napa State Hospital, d) Patton State Hospital, e) Porterville Developmental Center, f) Lanterman Developmental Center, g) Sonoma Developmental Center, h) Fairview Developmental Center, and i) Canyon Springs Community Facility. This bill was held in the Assembly Committee on Appropriations.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 6/23/25)

California Correctional Supervisors Organization (Source)

OPPOSITION: (Verified 6/23/25)

None received

ARGUMENTS IN SUPPORT:

According to the sponsors, the California Correctional Supervisors Organization:

“In 1976, California enacted legislation recognizing heart conditions experienced by security guards' staff at Atascadero State Hospital as work-related injuries if they occurred during employment or within three months after leaving the job. This classification established that heart trouble developing or manifesting while employed as a security guard at the Atascadero State Hospital is presumed to arise

out of and in the course of that employment for the purpose of awarding workers' compensation benefits. When this Labor Code section was enacted, it did not include peace officers of the California Department of State Hospitals (DSH) because the DHS Police Force did not exist at that time. Rather, they were designated as "security officers employed at Atascadero State Hospital. Since that time, the DSH Security Officers have evolved from covering one state hospital to covering all state hospitals and have grown to approximately seven hundred officers who provide public safety service to patients, employees, and the public in and around each hospital. In addition, DSH Security Officers have been reclassified as peace officers covered by Penal Code Section 832 which requires basic peace officer training to hold the position. This makes the DHS Police Force a fully functioning police force with academy standards and qualifications equal to all other California law enforcement officers. The same issues impact these police officers as all other law enforcement listed in this labor code."

ASSEMBLY FLOOR: 71-0, 5/23/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Chen, Ellis, Nguyen, Sanchez, Schultz, Sharp-Collins, Wicks

Prepared by: Jazmin Marroquin / L., P.E. & R. / (916) 651-1556

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