

CONCURRENCE IN SENATE AMENDMENTS

AB 1125 (Nguyen)

As Amended September 4, 2025

Majority vote

SUMMARY

Expands an existing rebuttable presumption of occupational injury for heart trouble in security officers at Atascadero State Hospital to include any peace officer employed by the Department of State Hospitals (DSH).

Senate Amendments

Make no substantive changes to the version of the bill passed by the Assembly.

COMMENTS

- 1) *Workers' compensation and peace officer presumptions:* At its core, the workers' compensation system relies on a so-called "grand bargain." If a worker is injured on the job, the employer must pay for the worker's medical treatment, including monetary benefits if the injury is permanent. In exchange for receiving the guarantee of such treatment, the worker surrenders the right to sue the employer for monetary damages in civil court. To receive such care and/or benefits, the worker must be able to demonstrate that it is more likely than not that the injury arose "out of and in the course of employment."

Occupational injury presumptions (henceforth, "presumptions") reverse this burden of proof. In other words, presumptions shift the dynamic of a claim from a worker having the burden of proving that their injury is work-related to an employer having the burden to prove that the injury is not work-related. Presumptions have never been intended to imply or create work-related injuries when the injuries in question are not work-related. As a matter of law, employers have the opportunity to rebut the presumption by establishing that the injury or condition was not the result of employment. As a practical matter, however, presumptions are rarely rebutted.

With few exceptions, all existing presumptions for workers' compensation claims apply exclusively to peace officers or firefighters, and are limited to a subset of injuries common in those professions, such as hernias, cancer, and heart disease. This means any additional costs resulting from potentially fraudulent claims made under these presumptions are borne by the state, rather than a private employer. As policy rationales for these presumptions, the Legislature has generally relied on three main characteristics that distinguish these professions and associated injury claims from other workers' compensation claims:

- 1) Peace officers and firefighters take steps to reduce occupational hazards, but it is not possible to effectively abate all occupational hazards in these professions. Peace officers and firefighters are instead responsible for directly confronting occupational hazards such as fires, panic, civil unrest, and violent confrontations.
- 2) Peace officers and firefighters face higher relative injury rates compared to other similarly situated workers.

- 3) Prior to adopting these presumptions, peace officers and firefighters faced high claim denial rates for the specified injuries, largely due to the difficulty in proving the injury was work-related.

This bill seeks to recognize the similarity in work conditions and experience between peace officers subject to presumptions for heart trouble, including peace officers that work at Atascadero State Hospital, and peace officers that work at other state hospitals. By 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 workers' 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.

- 2) *State hospitals:* DSH operates five state hospitals (Atascadero, Coalinga, Metropolitan, Napa, and Patton) that almost exclusively serve patients subject to forensic or civil commitment. This means their patient populations consist of a total of approximately 12,000 individuals (as of 2018) that have been accused or convicted of crimes associated with a mental illness, or have been identified as a danger to themselves or others.

Among the state hospitals, Atascadero State Hospital has historically served the largest patient population, and specifically provides treatment for male forensic commitments, i.e. felony defendants found incompetent to stand trial, patients judged not guilty of felony crimes by reason of insanity, parolees who committed specified crimes and were treated for severe psychiatric disorders associated with that crime, and inmate-patients transferred from the California Department of Corrections and Rehabilitation (CDCR) for inpatient mental health care. This means the criminal population at Atascadero is larger than that of the other state hospitals. Still, 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, relative to other psychiatric hospitals.

Atascadero 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. Section 4313 of the Welfare & Institutions Code tasks the DSH Police Force (i.e. "[t]he chief of police services, supervising investigators, investigators, and each hospital police officer") with "[enforcing] the rules and regulations of the hospital, [preserving] peace and order on the premises thereof, [protecting and preserving] the property of the state, and [helping] ensure integration of treatment, safety, and security." The DSH Police Force is granted full authority to enforce relevant laws, make arrests, and issue citations. Officers of the DSH Police Force also occasionally assist neighboring law enforcement agencies with their off-site police activities as needed. As a result, their training and day-to-day responsibilities do not differ considerably from other peace officers who, under existing law, are granted an occupational injury presumption for heart trouble occurring during the period of employment.

Absent the passage of AB 1125, peace officers employed at state hospitals other than Atascadero would still be able to receive workers' compensation benefits for heart trouble if they can prove the heart trouble resulted from their employment. Nonetheless, to the extent this presumption is reasonable for peace officers employed at Atascadero State Hospital, and

for law enforcement officers in general, under existing law, it is not clear why it would not be similarly reasonable for peace officers employed at other state hospitals.

According to the Author

"Our peace officers face an increased risk of developing heart-related health complications, up to 70 percent higher than the general public, due to the immense stress and emotional trauma they experience in the line of duty. AB 1125 ensures that peace officers employed at any of the five California Department of State Hospitals, are given equitable access to workers' compensation to cover any medical expenses associated with heart problems that may arise during their employment as a peace officer. The bill recognizes their service and the sacrifices they make to keep our state hospitals safe."

Arguments in Support

According to the California Correctional Supervisors Association, who sponsor this bill:

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. [...] When this Labor Code section was enacted, it did not include peace officers of the California Department of State Hospitals (DSH) because the DSH 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 DSH 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.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "Additional workers' compensation premium costs of an unknown, but potentially absorbable, amount to DSH to the extent the presumption results in benefits awarded to specified peace officers that would not have otherwise occurred [...] and] [m]inor and absorbable administrative costs to DSH and the Division of Workers' Compensation."

VOTES:**ASM INSURANCE: 17-0-0**

YES: Calderon, Wallis, Addis, Alvarez, Ávila Farías, Berman, Chen, Ellis, Gipson, Hadwick, Harabedian, Krell, Nguyen, Ortega, Petrie-Norris, Michelle Rodriguez, Valencia

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 71-0-8

YES: 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

ABS, ABST OR NV: Bryan, Chen, Ellis, Nguyen, Sanchez, Schultz, Sharp-Collins, Wicks

UPDATED

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