

Date of Hearing: March 17, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1632 (Johnson) – As Introduced January 26, 2026

**As Proposed to be Amended in Committee**

**SUMMARY:** Removes the requirement that trespass letters of authorization be submitted in *notarized* writing on a law enforcement agency (LEA)-provided form, to cover a period of time of up to 12 months, during a period where there is a fire hazard or the owner, owner’s agent, or person in lawful possession is absent from the premises or property, or when the premises or property are closed to the public and posted as being closed.

**EXISTING LAW:**

- 1) Provides that a person is guilty of misdemeanor trespass if they enter and occupy real property or structures of any kind without the consent of the owner, the owner’s agent, or the person in lawful possession (hereafter “owner”). (Pen. Code, § 602, subd. (m).)
- 2) Generally punishes trespass as a misdemeanor, punishable by imprisonment in county jail for up to six months, a fine of up to \$1,000, or both. (Pen. Code, §§ 19, 602.)
- 3) Provides that a person is guilty of misdemeanor trespass if they refuse or fail to leave land, real property, or structures belonging to, or lawfully occupied by, another and not open to the general public, upon being requested to leave by the owner or by a peace officer at the request of the owner and upon being informed by the officer that they are acting at the request of the owner, subject to the following:
  - a) Generally requires the owner to make a separate request to an officer on each occasion when an officer's assistance in dealing with a trespass is requested.
  - b) Authorizes an owner to make a single request for an officer’s assistance, made in a notarized writing on an LEA-provided form, to cover up to 12 months or a period determined by local ordinance, whichever is shorter, and identified by specific dates, during a period where there is a fire hazard or the owner is absent from the premises or property.
  - c) Authorizes an owner to make a single request for an officer’s assistance, made in a notarized writing on an LEA-provided form, to cover up to 12 months when the premises or property is closed to the public and posted as being closed.
  - d) Requires the requester to inform the LEA to which the request was made, in writing, if assistance is no longer desired before the 12-month authorization period expires.

- e) Specifies that this offense does not apply to persons engaged in lawful labor union activities that are permitted to be carried out on the property, as specified.
  - f) Provides that land, real property, or structures owned or operated by a housing authority for tenants, as defined, constitutes property not open to the general public, although this offense does not apply to persons on the premises who are engaging in constitutionally protected activities, or who are there at the request of a resident or management and who are not loitering or otherwise suspected of violating a law or ordinance.
  - g) Provides that a request for a peace officer's assistance shall expire upon transfer of ownership of the property or upon a change in the person in lawful possession.
  - h) Provides that a request for an officer's assistance in dealing with a trespass may be submitted electronically, and a local government may accept electronic submissions of requests. (Pen. Code § 602, subd. (o).)
- 4) Establishes numerous other trespass crimes, as specified. (Pen. Code, § 602, subds. (a)-(y).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "As a former Mayor and Council Member for Lake Elsinore, I've seen firsthand how administrative red tape can hinder public safety. Law enforcement relies on 602 Letters to enforce trespassing laws and prevent unauthorized entry of unoccupied properties, but current standards requiring notarization and limiting duration of such letters poses undue burden on property owners and local governments. AB 1632 provides a crucial, commonsense tool for law enforcement to better protect property rights by extending the duration of 602 Letters to three year[s] and removing onerous notarization requirements. These changes ensure that property rights are upheld and trespassing enforcement can be performed proactively."
- 2) **Trespass Letters of Authority:** California's primary trespass statute – Penal Code section 602 – has nearly an entire alphabet of subdivisions. Most of the subdivisions in Section 602 define separate crimes, typically each with slightly different elements than the other subdivisions. As a general rule, a person who enters and occupies real property or structures of any kind without the consent of the owner is guilty of misdemeanor trespass. (Pen. Code, § 602, subd. (m).) Trespass is typically a misdemeanor, though California law does include a felony for aggravated trespass. (Pen. Code, § 601.) For misdemeanor trespass, the penalty is up to six months of jail time or up to a \$1,000 fine, or both. (Pen. Code, §§ 19, 602.)

Most relevant here, a person is guilty of misdemeanor trespass if they refuse or fail to leave land, real property, or structures belonging to, or lawfully occupied by, another and not open to the general public, upon being requested to leave by the owner or by a peace officer at the request of the owner. (Pen. Code, § 602, subd. (o).) Owners of such property may request law enforcement assistance in ejecting trespassers from their property. (*Ibid.*) Owners are generally required to submit a separate request to law enforcement for each occasion where law enforcement assistance in ejecting the trespasser is required. (*Ibid.*) However, during a period where there is a fire hazard or the owner is absent, or when the premises or property is

closed to the public and posted as such, a single request for assistance may be valid for the shorter of either 12 months or a period determined by local ordinance. (*Ibid.*) Such requests must be made in a notarized writing on an LEA-provided form and may be submitted electronically. (*Ibid.*) A request for assistance expires upon transfer of ownership of the property or upon a change in the person in lawful possession. (*Ibid.*) Lastly, the owner must inform the LEA to which the request was made, in writing, when assistance is no longer desired, before the period not exceeding 12 months expires.

Requests for law enforcement assistance in enforcing trespass laws are generally made via a “Trespass Letter of Authority.”<sup>1</sup> These letters – also known as “602 Letters” – authorize local authorities to enter the premises to enforce trespass laws in the owner’s absence.<sup>2</sup>

- 3) **Effect of this Bill:** This bill removes a procedural requirement that applies to trespass authorization letters for the trespass offense of refusing or failing to leave private property upon being requested to leave by the owner or a peace officer. Specifically, it removes the requirement that the request for assistance in dealing with a trespasser be made in a *notarized* writing on an LEA-provided form, during a period where there is a fire hazard or the owner is absent, or when the premises or property are closed to the public and posted as such. The author contends that this notarization requirement is onerous and overly burdensome. This notarization requirement was added just several years ago by SB 602 (Archuleta), Chapter 404, Statutes of 2023, and has only been in effect for approximately two years. This requirement largely functions to protect the credibility of 602 Letter submissions by verifying the identity of the owner submitting the letter.
- 4) **Trespass Letters Enforcement Against Unhoused Persons:** As of 2024, California had the highest poverty rate in the country.<sup>3</sup> California’s poverty rate rose from 11.7% in 2021 to 13.2% in 2023, and nearly a third of Californians are living in or near poverty.<sup>4</sup> This rising poverty rate, as well as increased costs of living, has coincided with a significant increase in California’s homelessness population, increasing by as much as 7.5% between 2022 and 2023.<sup>5</sup> Recent data suggests that more than 180,000 people were experiencing homelessness in California in 2024.<sup>6</sup> Racial disparities among the homeless population are well-documented. The share of Black, American Indian, Alaska Native, or Indigenous people experiencing homelessness is five times greater than their share of the total population.<sup>7</sup>

Poverty and lack of shelter are associated with numerous criminal penalties. As summarized by a peer-reviewed journal, *Transport Reviews*:

---

<sup>1</sup> City of Merced, *Letter of Authority/No Trespass Letter* <<https://www.cityofmerced.gov/public-safety/police/letter-of-authority-no-trespass-letter>> (as of Feb. 17, 2026).

<sup>2</sup> Merced Police Department, *Letter of Authority Online Form* <<https://survey123.arcgis.com/share/bd2dc7789f0b449c9948274381074be3>> (as of Feb. 17, 2026).

<sup>3</sup> Dan Walters, *Once again, California beats every other state when it comes to poverty* (Sept. 11, 2024) <<https://calmatters.org/commentary/2024/09/california-again-top-state-poverty/>> (as of Mar. 12, 2026).

<sup>4</sup> Bohn et. al., *Poverty in California*, Public Policy Institute of California (Oct. 2023) <<https://www.ppic.org/publication/poverty-in-california/>> (as of Mar. 12, 2026).

<sup>5</sup> Cuellar et al., *An Update on Homelessness in California*, PPIC (March 21, 2024) <<https://www.ppic.org/blog/an-update-on-homelessness-in-california/>> (as of Mar. 12, 2026).

<sup>6</sup> *Ibid.*

<sup>7</sup> Business, Consumer Services and Housing Agency, *Acting to Prevent, Reduce, and End Homelessness* (accessed March 6, 2025) <<https://bcsh.ca.gov/calich/hdis.html>> (as of Mar. 12, 2026).

[There has been] a general trend of increasing criminalization of homelessness over the last three decades; transit environments are no exception. Broadly, this has entailed the adoption of ordinances restricting activities associated with homelessness (such as camping, loitering, and panhandling), more intensive policing, and the use of hostile architecture in public spaces [citation omitted]). For example, a number of municipalities have enacted since the early 1990s “sit-lie” ordinances, which prohibit individuals from lingering, sitting, or sleeping in public spaces.<sup>8</sup>

This is particularly true following the U.S. Supreme Court decision in *City of Grants Pass v. Johnson*, which overturned legal precedent and permitted local governments to arrest and fine unhoused persons in public spaces, even when no alternative shelter is available. (*City of Grants Pass v. Johnson* (2024) 603 U.S. 52.) Following this court case, there has been an uptick in criminal penalties associated with being unhoused.<sup>9</sup> For example, the City of Fresno has since made it a misdemeanor to camp anywhere, even if no shelter is available.<sup>10</sup> As of September 2024, at least 15 local jurisdictions in California have modified their ordinances to further punish conduct associated with homelessness.<sup>11</sup>

Criminal trespass laws, enforced in part through trespass authorization letters, are often used to address homelessness. For example, in 2019, Bakersfield officials proposed a program to fight homelessness by more aggressively prosecuting and incarcerating trespassers.<sup>12</sup> In 2025, the city of San Jose voted to adopt a new ordinance subjecting an unhoused person to arrest for trespass if that person has rejected three offers for shelter.<sup>13</sup>

Critics argue that trespass authorization letters exacerbate homelessness by disproportionately targeting homeless individuals. According to a report by the ACLU, “trespass letters of authorization enable police, local businesses, public services, and even homelessness service providers to work together to control the movements of unhoused people and exclude them from both public and private spaces.”<sup>14</sup> In a case study conducted in Laguna Beach, the ACLU found that “[s]eventy percent of trespass letters of authorization reference unhoused people as an impetus for the letter” and that from 2020 to April 2021, “three-quarters of all trespassing citations were issued to people that police officers identified as being unhoused.”<sup>15</sup>

---

<sup>8</sup> Ding et al., *Homelessness on public transit: A review of problems and responses*, Transportation Reviews, 2022, Vol. 42: 2, 134-156, at p. 135 <<https://doi.org/10.1080/01441647.2021.1923583>> (as of Mar. 12, 2026).

<sup>9</sup> Kendall, *No sleeping bags, keep moving: California cities increase crackdown on homeless encampments* (Sept. 12, 2024) <<https://calmatters.org/housing/homelessness/2024/09/camping-ban-ordinances/>> (as of Mar. 12, 2026).

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Julia Wick, *Throwing people in jail on drug charges? That’s Bakersfield’s idea to fight homelessness.* Los Angeles Times (Sept. 27, 2019) <<https://www.latimes.com/california/story/2019-09-26/homeless-bakersfield-jail-misdemeanor-drug-trespassing>> (as of Mar. 12, 2026).

<sup>13</sup> Janie Har, *San Jose makes homeless people eligible for arrest if they refuse 3 offers of shelter*, NBC Bay Area (June 10, 2025) <<https://www.nbcbayarea.com/news/local/san-jose-homeless-people-arrests-shelter-offer/3889306/>> (as of Mar. 12, 2026).

<sup>14</sup> ACLU California, *Outside the Law: The Legal War Against Unhoused People* (Oct. 2021), at p. 47 <<https://www.aclusocal.org/app/uploads/2021/11/outsidethelaw-aclufdnsca-report.pdf>> (as of Mar. 12, 2026).

<sup>15</sup> *Id.* at pp. 50-51.

Trespass letters can constitute a significant portion of the total citations issued to unhoused persons. According to the ACLU Report, of the 97 citations issued to unhoused people in Laguna Beach from January 2020 to April 2021, 67 (69 percent) resulted from trespass authorization letters.<sup>16</sup> Such strict enforcement of trespass laws can contribute to a cycle of arrests, hearings, and fines that make emerging from homelessness more difficult.

- 5) **Argument in Support:** According to the *City of Riverside*, “As a city committed to public safety and property protection, Riverside is taking proactive steps to address persistent challenges related to trespass and unauthorized property occupation. We are proud to sponsor AB 1632, which amends Section 602 of the Penal Code to strengthen enforcement tools and improve property protection for communities across California.

“AB 1632 makes two critical improvements:

1. Removes the notarization requirement for submitting a request for peace officer assistance in dealing with trespass incidents. This change streamlines the process for property owners and local agencies, reducing administrative burdens and improving responsiveness.
2. Extends the duration of a single request for peace officer assistance from 12 months to 3 years for properties that are closed to the public, present a fire hazard, or where the owner is absent. This extension provides greater efficiency and continuity in enforcement, particularly for properties that remain vulnerable for extended periods.

“Riverside faces ongoing challenges with unauthorized entry and occupation of properties, which can lead to public safety hazards, fire risks, and significant costs for property owners and taxpayers. By simplifying the request process and allowing longer coverage periods, AB 1632 will help law enforcement respond more effectively and reduce repeated administrative filings.”

- 6) **Argument in Opposition:** According to the *National Alliance to End Homelessness*, AB 1632 “significantly expand[s] the scope of existing trespassing procedures without regard for due process protections or other unintended consequences of this expansion. Moreover, this bill would disproportionately target people experiencing homelessness and lead to more sanctions and penalties that add more impediments to getting back into housing.

“Under existing law, property owners that are seeking to remove a suspected trespasser can submit a letter to local law enforcement, giving them the mandate to remove people from the designated property for up to one year. Up until recently, the submittal of these trespass letters, often referred as “602 letters” in reference to California Penal Code Section 602, led to a 30 day period where law enforcement was authorized to remove potential trespassers. As of January 1, 2024, Penal Code Section 602 was changed to dramatically extend this 30 day period to one year, and gave additional flexibility to allow property owners to submit these letters electronically. Meanwhile, AB 1632 proposes to expand this period from one year to three years, and to remove the requirement for these letters to be notarized.

---

<sup>16</sup> *Id.* at p. 51.

“Given this very recent expansion of Penal Code 602, it would not [be] appropriate to further expand the scope while California is still seeking to understand the ramifications of recent changes. Additionally, crime data do not substantiate any need for this expansion—in 2024, property crime declined nearly 10% from the prior year, reaching its lowest levels in 30 years.

“Moreover, expanding the length of time that 602 letters can remain in effect, coupled with the ability to submit these letters electronically without notarization, increases the likelihood of letters being submitted in absentia, and leading to arrests based on extremely outdated information, which would likely undermine critical due process protections.

“Finally, this policy would fall disproportionately on people experiencing homelessness, and extensive evidence shows it would likely exacerbate and prolong their homelessness. Trespassing is often one of the most common offenses used to cite people experiencing homelessness. Yet the arrests, citations, and fines that arise from these offenses often make it harder for people to move back into housing—one recent study showed citations and arrests prolonged a person’s homelessness for nearly two years, even when controlling for other factors

“Public safety and homelessness consistently top the list of priorities for California voters. However, given recent changes to Penal Code 602, AB 1632 would only exacerbate homelessness while providing now discernible benefit to communities other than to increase arbitrary penalties falling hardest on a community’s poorest residents.”

- 7) **Related Legislation:** AB 1097 (Avila Farias), of the 2025-2026 Legislative Session, would have made it a misdemeanor for a person to enter upon private property within 48 hours of the owner requesting that person to leave the premises or having received an order of exclusion from a tribal government. The hearing on AB 1097 in this committee was canceled at the request of the author.
- 8) **Prior Legislation:**
  - a) AB 2120 (Chen), of the 2023-2024 Legislative Session, would have allowed a licensed repossession agency and its employees to enter upon real property, not open to the public and without the consent of the owner, when they are searching for collateral or repossessing collateral, and upon completing the search or repossession, leave the private property within a reasonable amount of time. AB 2120 was vetoed by the Governor.
  - b) SB 468 (Seyarto), of the 2023-2024 Legislative Session, was substantially similar to this bill. SB 468 was never heard in Senate Public Safety.
  - c) SB 602 (Archuleta), Chapter 404, Statutes of 2023, extended the operative timeframe for trespass letters of authorization from 30 days to 12 months, as specified.
  - d) SB 1110 (Melendez), of the 2021-2022 Legislative Session, was substantially similar to this bill. SB 1110 failed passage on the Assembly floor.
  - e) AB 515 (Chen), of the 2021-2022 Legislative Session, was substantially similar to AB 2120 (Chen), of the 2023-2024 Legislative Session. AB 515 was vetoed by the Governor.

- f) AB 660 (Rubio), Chapter 381, Statutes of 2017, expanded the crime of trespass on the property of a public agency.
- g) AB 1686 (Medina), Chapter 453, Statutes of 2014, extended from six months to 12 months the time in which a property owner may authorize a peace officer to arrest a trespasser on private property, closed to the public and posted as being closed, without the owner of the property being present.
- h) SB 1295 (Block), Chapter 373, Statutes of 2014, extended from six months to 12 months the time in which a property owner may authorize a peace officer to arrest a trespasser on private property, closed to the public and posted as being closed, without the owner of the property being present, and provides that a request for assistance shall expire upon transfer of ownership of the property or upon change of the person in lawful possession.
- i) AB 668 (Lieu) Chapter 531, Statutes of 2010, expanded the scope of criminal trespass by providing that during a specified timeframe it is unlawful for a person who has been convicted of any felony, any misdemeanor, or any specified infraction, committed upon a particular private property, to enter or refuse or fail to leave that property after being informed by a peace officer that the property is not open to the particular person, or to refuse or fail to leave when asked, as specified.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Police Chiefs Association  
City of Bellflower  
City of Beverly Hills  
City of Concord  
City of Corona  
City of Eastvale  
City of Indio  
City of LA Quinta, Riverside County, California  
City of Martinez  
City of Menifee  
City of Palm Desert  
City of Riverside  
City of San Jacinto  
City of Temecula  
City of Walnut Creek  
Elsinore Valley Municipal Water District  
League of California Cities  
Southwest California Legislative Council

**Oppose**

ACLU California Action  
California Public Defenders Association  
Californians United for a Responsible Budget  
Cd11 Coalition for Human Rights  
Ella Baker Center for Human Rights  
Felony Murder Elimination Project  
Homefirst Services of Santa Clara County  
Homeless Action Center Alameda County  
Housing California  
Initiate Justice  
Justice2jobs Coalition  
LA Defensa  
Legal Services for Prisoners With Children / All of US or None  
Local 148 Los Angeles County Public Defender's Union  
National Alliance to End Homelessness  
San Francisco Public Defender  
The Bride's Chamber  
The Translatin@ Coalition  
University of the Pacific McGeorge School of Law Homeless Advocacy Clinic  
Western Center on Law & Poverty, INC.  
Western Regional Advocacy Project

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