
THIRD READING

Bill No: AB 1632
Author: Johnson (R)
Amended: 3/19/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/9/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

ASSEMBLY FLOOR: 63-0, 5/7/26 - See last page for vote

SUBJECT: Trespass

SOURCE: City of Riverside

DIGEST: This bill removes the requirement that trespass letters of authorization be submitted in notarized writing on a law enforcement agency (LEA)-provided form.

ANALYSIS:

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"). (Penal (Pen.) Code, § 602, subd. (m).)
- 2) 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 upon being informed by the officer that they are acting at the request of the owner. (Pen. Code, § 602, subd. (o).)

- 4) 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. (Pen. Code, § 602, subd. (o).)
- 5) 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. (Pen. Code, § 602, subd. (o).)
- 6) 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. (Pen. Code, § 602, subd. (o).)
- 7) 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. (Pen. Code, § 602, subd. (o).)
- 8) 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. (Pen. Code, § 602, subd. (o).)
- 9) 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. (Pen. Code, § 602, subd. (o).)
- 10) 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. (Pen. Code, § 602, subd. (o).)
- 11) 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).)
- 12) Establishes numerous other trespass crimes, as specified. (Pen. Code, § 602, subds. (a)-(y).)

This bill:

- 1) Eliminates the requirement that the written request for officer assistance in dealing with a trespass be notarized.

Background

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.) 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.

Most relevant to this bill, 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. 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. 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. Such requests must be made in a notarized writing on an LEA-provided form and may be submitted electronically. A request for assistance expires upon transfer of ownership of the property or upon a change in the person in lawful possession. 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. (*Ibid.*)

Requests for law enforcement assistance in enforcing trespass laws are generally made via a "Trespass Letter of Authority." These letters, also known as "602 Letters," authorize local authorities to enter the premises to enforce trespass laws in the owner's absence.

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. In 2025, 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.

Critics argue that trespass authorization letters exacerbate homelessness by disproportionately targeting homeless individuals. According to a report by the American Civil Liberties Union (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.” 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.”

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%) resulted from trespass authorization letters. Such strict enforcement of trespass laws can contribute to a cycle of arrests, hearings, and fines that make emerging from homelessness more difficult.

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 is closed to the public and posted as such. The author contends that this notarization requirement is onerous and overly burdensome. This notarization requirement was recently added 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.

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

SUPPORT: (Verified 6/9/26)

City of Riverside (source)
Arcadia Police Officers' Association

Brea Police Association
Burbank Police Officers' Association
California Association of Realtors
California Police Chiefs Association
California Reserve Peace Officers Association
City of Corona
City of Eastvale
City of Norwalk
City of Palm Desert
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
The California Baptist Capitol Ministry

OPPOSITION: (Verified 6/9/26)

ACLU California Action
California Public Defenders Association
Housing California
Initiate Justice
Justice2Jobs Coalition
La Defensa
Los Angeles County Public Defender's Union, Local 148

ARGUMENTS IN SUPPORT: The City of Riverside writes:

Under current law, property owners must obtain a notarized form to allow peace officers to act on their behalf when trespass occurs. This creates unnecessary delays and costs for residents and imposes a significant administrative burden on local law enforcement agencies. For Riverside, the notarization mandate has had real operational impacts. Since the requirement took effect, the Riverside Police

Department has processed roughly 1,400 notarizations, each taking about 30 minutes of Community Service Officer time at a billable rate of \$54.02 per hour, totaling over \$37,800 in staff costs. The City also spent \$8,177.68 to certify additional employees as notaries to meet demand. These resources are better directed toward public safety work rather than duplicative paperwork.

ARGUMENTS IN OPPOSITION: ACLU California Action writes:

As a case study for the harms unhoused people experience with California Penal Code 602 citations for trespass, the ACLU report show that trespassing citations issued in Laguna Beach demonstrates that unhoused people are overwhelmingly targeted for enforcement. From the beginning of 2020 through April 22, 2021, a full three-quarters of all trespassing citations were issued to people that police officers identified as being unhoused (see Figure 11). In some of the remaining cases, the housing status of the person issued the citation is unknown. Most of the citations issued to unhoused people resulted from trespass letters: of the 97 citations issued to unhoused people, 67 (69 percent) resulted from trespass letters of authorization. Moreover, a full 87 percent of all citations resulting from trespass letters of authorization were issued to people police officers identified as being unhoused (See Figure 12.)

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.

ASSEMBLY FLOOR: 63-0, 5/7/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Irwin, Jackson, Johnson, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Quirk-Silva, Ramos, Ransom,

Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wilson, Zbur, Rivas
NO VOTE RECORDED: Arambula, Bonta, Bryan, Caloza, Chen, Elhawary, Flora, Hart, Hoover, Kalra, Lee, McKinnor, Petrie-Norris, Celeste Rodriguez, Wallis, Ward, Wicks

Prepared by: Marshal Lawler / PUB. S. /
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**** END ****