

CONCURRENCE IN SENATE AMENDMENTS

AB 1905 (Schultz)

As Amended August 4, 2026

Majority vote

SUMMARY

Prohibits a law enforcement officer or individuals working in collaboration with or acting as agents of law enforcement from seeking statements or information while working undercover from a person who was 17 years of age or younger during the commission of crime, and under 26 years of age at the time of custody, and who is in custody.

Senate Amendments

- 1) States this prohibition does not apply to the admissibility of statements of, or information from, a person 17 years age or younger if both of the following criteria are met:
 - a) The officer or individual working in collaboration with law enforcement who obtained statements or information, reasonably believed the information they sought was necessary to protect against an imminent threat to life.
 - b) The officer or individuals working in collaboration with law enforcement limited their questions to those that were reasonably necessary to obtain information about the imminent threat.
- 2) Provides that questioning initiated more than 24 hours, but less than 48 hours after receiving credible information concerning the imminent threat is presumed not necessarily absent a showing of good cause and continued exigent circumstances. Questioning initiated more than 48 hours after receiving credible information concerning the imminent threat shall be presumed not necessary.
- 3) Requires that any operation conducted based on an imminent threat be terminated immediately once the threat has been resolved or neutralized, or sufficient information has been obtained to address the imminent threat. In no event shall the operation continue for any other purpose, including investigation of any crime that is not the imminent threat.

COMMENTS

As passed by the Assembly: This bill prohibited a law enforcement officer or individuals working in collaboration with or acting as agents of law enforcement from seeking statements or information while working undercover from a person who was 17 years of age or younger during the commission of crime, and under 26 years of age at the time of custody, and who is in custody.

Major Provisions

- 1) Stated that a law enforcement officer may not seek to obtain any information or statements from a person when both of the following apply:
 - a) The person was 17 years of age or younger at the time the crime was committed and under 26 years of age at the time of custody.

- b) The person is in custody, and the information or statements are sought by law enforcement officers working undercover or by individuals working in collaboration with, or acting as an agent of, law enforcement.
- 2) Required the court to consider the effect of any willful violation of law enforcement in obtaining or seeking a statement from a juvenile while in custody and in determination of the officer's credibility.
- 3) Provided that the above applies only to statements made on or after January 1, 2027.

According to the Author

"Young people are uniquely vulnerable during custodial interactions with law enforcement. Research and case experience consistently demonstrate that juveniles are more susceptible to pressure, manipulation, and deception, particularly when they may be unaware they are speaking with someone acting on behalf of law enforcement. California has taken important steps to safeguard youth during interrogations, yet gaps remain when undercover tactics are used in custodial settings. Without clear statutory limits, courts are often left to determine after the fact whether statements were obtained in a manner consistent with constitutional protections. Recent appellate guidance underscores the risks associated with these practices. Clear rules help ensure that statements relied upon in court are both credible and lawfully obtained, while reducing costly litigation over admissibility.

"AB 1905 strengthens protections for young people in custody by prohibiting law enforcement from using undercover officers or agents to obtain statements from individuals who were 17 years of age or younger at the time of alleged offense. By establishing clear guardrails around custodial questioning, the bill promotes fairness, reduces the risk of unreliable statements, and supports the integrity of the justice system."

Arguments in Support

According to the *California Innocence Coalition*, "Both anecdotal and numerical data supports the fact that juveniles are more susceptible to pressure, manipulation, and deception, especially when they are unaware they are speaking with someone acting on behalf of law enforcement. California legislation, although establishing some safeguards for young people during interrogations, does not currently address some aspects of undercover tactics in custodial settings during interrogation. AB 1905, a bill that would help fill some gaps in addressing this problem, provides clear rules that would help ensure that statements admitted in court are both credible and lawfully obtained, ultimately supporting the integrity of the justice system, as well as reducing costly litigation over admissibility.

"In the 2026 case *People v. Zapata*, law enforcement utilized undercover agents in an operation to elicit incriminating statements from a suspect in a holding cell. The suspect had been falsely told that a witness identified him, and that he would be charged with murder; the suspect then confessed to the alleged crime. The California Court of Appeal ultimately reversed the conviction, ruling that the statements were inadmissible due to the encounter being deemed a custodial interrogation and lacking the presence of an attorney. *People v. Zapata* ruled in this way for an adult suspect, undermining confidence in the credibility of prosecutions based on coerced statements, especially those given by the more vulnerable young and non-adult population.

"AB 1905 would act to counter these coercive tactics from law enforcement; AB 1905 would prohibit law enforcement from seeking statements from individuals who were 17 years or younger at the time of the alleged offense while using undercover officers or agents during custody. The bill would also provide clear, statewide guidance that prevents constitutionally questionable interrogation practices before they occur and would direct courts to consider violations when determining admissibility. Additionally, AB 1905 would require courts to weigh willful violations when assessing an officer's credibility. Ultimately, the bill promotes reliable evidence, fair proceedings, and public trust in the justice system."

Arguments in Opposition

According to the *California State Sheriff's Association*, "The materials offered in support of this bill reference "young people" and the assertion that they are "uniquely vulnerable during custodial interactions with law enforcement." The problem is that AB 1905's reach is not limited to young people. Rather, it applies to any person who was under 18 years of age at the time of the crime. This means that not only does this bill apply to an interrogation of a person who just turned 18 years old and who, only a few days prior, had been 17 years old at the time of the crime, but also, for example, an interrogation of a 40-year-old person relative to a 23-year-old crime. In either case, the bill attempts to limit law enforcement from seeking valuable evidence from adults in custody based on the notion that "young people" deserve a higher level of protection when it comes to interrogations.

"Further, the recent appellate case cited in the bill's fact sheet (*People v. Zapata*) reads more as a *Miranda* case than a *Perkins* case without any indication that the defendant was a juvenile at the time of the commission of the crime or resulting interrogation. While *Zapata* involved a defendant being the subject of a *Perkins* operation (where law enforcement officers or inmates seek to obtain information while acting as inmates), the main issue noted by the court is that *Zapata*'s admission of guilt was obtained after he had invoked his *Miranda* rights. The problem is this bill uses *Zapata* as justification for its passage despite the fact that *Zapata* does not appear to have been a juvenile at the time of interrogation and that further regulation of *Perkins* operations is not necessarily the main motivator of the court's ruling.

"Additionally, as it relates to actual juveniles, the Legislature enacted AB 2644 in 2022, which prohibits a law enforcement officer from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics during a custodial interrogation of a person 17 years of age or younger. These protections already exist and further limitations on *Perkins* operations do not seem justified."

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES:

ASM PUBLIC SAFETY: 7-0-2

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Alanis, Lackey

ASSEMBLY FLOOR: 49-16-15

YES: Addis, Aguiar-Curry, Ahrens, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Papan, Pellerin, Quirk-Silva, Ramos, Ransom, Rogers, Schultz, Sharp-Collins, Solache, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Bains, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Johnson, Macedo, Patterson, Sanchez, Tangipa

ABS, ABST OR NV: Alvarez, Flora, Gipson, Hoover, Lackey, Pacheco, Patel, Petrie-Norris, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Schiavo, Soria, Ta, Wallis

UPDATED

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