

Date of Hearing: April 7, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2001 (Stefani) – As Introduced February 17, 2026

SUMMARY: Requires the Department of Justice (DOJ) to furnish state summary criminal history information to a city attorney or county counsel pursuing a public nuisance action or red-light abatement action.

EXISTING LAW:

- 1) Defines a “nuisance” as anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is incident or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway. (Civ. Code, § 3479.)
- 2) States that a public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Civ. Code, § 3480.)
- 3) Specifies that every nuisance not included in the definition provided for a public nuisance is private. (Civ. Code, § 3481.)
- 4) States that the remedies against a public nuisance are: a) indictment or information; b) a civil action; or, c) abatement. (Civ. Code, § 3491.)
- 5) Specifies that a public nuisance may be abated by any public body or officer authorized by law. (Civ. Code, § 3494.)
- 6) Authorizes any person to abate a public nuisance which is specially injurious to the person by removing, or, if necessary, destroying the thing which constitutes the same, without committing a breach of the peace, or doing unnecessary injury. (Civ. Code § 3495.)
- 7) Specifies nuisance provisions related to illegal gambling, lewdness, prostitution, human trafficking, and bath houses that permit sexual conduct. (Pen. Code, § 11225.)
- 8) Authorizes a civil action brought in the name of the people of the State of California to abate a public nuisance by the district attorney or county counsel of any county in which the nuisance exists, or by the city attorney of any town or city in which the nuisance exists. (Code Civ. Proc., § 731.)

- 9) Makes any person who maintains or commits any public nuisance guilty of a misdemeanor. (Pen. Code, § 372.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 2001 gives City Attorneys and County Counsels a critical tool they've been missing: access to state criminal history records when pursuing public nuisance and Red-Light Abatement cases. Right now, civil prosecutors are going after repeat offenders and illegal operations without the full picture. They can't see prior convictions, outstanding warrants, or patterns of exploitation that cross jurisdictions. That means dangerous operators stay in business longer, and neighborhoods pay the price. This bill closes that gap, giving the attorneys fighting to shut down brothels, gambling dens, and other criminal enterprises the information they need to build stronger cases, move faster, and make smarter decisions that keep residents safe and put bad actors out of business for good.”
- 2) **Public Nuisance Laws:** The “touchstone of the public nuisance doctrine” is the “notion of the community and its collective values.” (*People ex. rel Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1109.) Under existing law, a nuisance is defined to mean anything which is injurious to health or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (Civ. Code, § 3479.) A nuisance is also anything that obstructs the passage or use of any navigable waters, or any public place or highway. (*Ibid.*)

Current law deems certain uses of buildings or places to be a public nuisance. Specifically, among other things, buildings or places used for the purposes of illegal gambling or prostitution, unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, unlawfully selling, serving, or giving away alcoholic liquor, and unlawfully conducting dogfighting or cockfighting. (Pen. Code, §§ 11200, 11225; Civ. Code, §§ 3486, 3482.8.)

Maintaining a public nuisance is prosecutable as a misdemeanor. (Pen. Code, § 372.) Additionally, a district attorney, city attorney, county counsel or any citizen is authorized to bring a civil action to abate and prevent the nuisance. (Code Civ. Proc., § 731.) This bill would give access to criminal history information for an individual against whom the city attorney or county counsel is pursuing a public nuisance action or red-light abatement action pursuant to specified provisions of law.

According to sponsors of this bill, having access to this information gives them the full picture of whether someone is a repeat offender and whether such cases need to be prioritized.

- 3) **Criminal History Information:** Access to a person's summary criminal history information is generally prohibited and only allowed to be disseminated if specifically authorized in statute. “The state constitutional right of privacy extends to protect defendants from unauthorized disclosure of criminal history records. [Citation.] These records are compiled without the consent of the subjects and disseminated without their knowledge. Therefore,

custodians of the records, have a duty to ‘resist attempts at unauthorized disclosure and the person who is the subject of the record is entitled to expect that his right will be thus asserted.’” (*Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 165-66.)

DOJ is tasked with maintaining state summary criminal history information and requires the Attorney General to furnish state summary criminal history information only to statutorily authorized entities or individuals for employment, licensing, volunteering etc. (Pen. Code, § 11105.) In addition to the specified entities authorized to receive state summary criminal history information, DOJ may furnish state summary criminal history information to other specified employers upon a showing of compelling need for the information and to any person or entity when they are required by statute to conduct a criminal background check to comply with requirements or exclusions expressly based upon specified criminal conduct. (Pen. Code, § 11105, subds. (a)(13) & (c).)

Unauthorized dissemination of state summary criminal history information by a person who is authorized to receive the information to another person or entity who is not authorized to receive such information is a misdemeanor. (Pen. Code, §11142.) Additionally, anyone who requests another person to furnish a copy of the record is punishable as a misdemeanor. (Pen. Code, § 11125.)

Existing law requires DOJ to furnish state summary criminal history information to city attorneys and county counsel pursuing gang injunctions or drug abatement injunctions. (Pen. Code, § 11105, subd. (b)(5).) This bill would expand the circumstances where DOJ is required to disseminate state summary criminal history information to city attorneys and county counsel to include when pursuing a public nuisance action or red-light abatement action pursuant to specified provisions of law.

- 4) **Argument in Support:** According to the *Civil Prosecutors Coalition*, the sponsor of this bill, “California law already permits civil prosecutors to review criminal history records in certain enforcement contexts, including gang injunctions, drug abatement actions, and gun violence restraining orders. City Attorneys and County Counsels are similarly authorized to pursue civil enforcement against properties used for illegal activities from unlicensed gambling and narcotics sales to prostitution and fencing operations. However, when building these nuisance abatement cases, civil prosecutors currently lack access to the very records that could make their enforcement efforts more effective and more secure, leaving them with an incomplete picture of the individuals and operations they are working to address.

“The challenges of this incomplete information can be seen in cases involving organized prostitution and trafficking networks, which routinely operate across multiple jurisdictions. Without access to criminal history records, civil prosecutors cannot easily identify repeat offenders, connect patterns of conduct across incidents, or assess whether individuals associated with a property pose heightened risks due to prior offenses, active warrants, or weapons restrictions. This limits their ability to prioritize resources, protect victims, and craft enforcement strategies that reflect the full scope of the threat.

“AB 2001 would resolve this by bringing public nuisance and Red Light Abatement cases in line with other civil enforcement contexts where criminal history access is already permitted, giving civil prosecutors the information they need to act decisively and effectively on behalf

of the communities they serve.”

5) **Argument in Opposition:** None submitted

6) **Related Legislation:**

- a) AB 1989 (Tangipa) would authorize the Department of Social Services (DSS) to temporarily authorize a person to care for children prior to completion of the check of another state's abuse registry if all state background checks have been completed. AB 1989 is pending hearing in Assembly Human Services Committee.
- b) AB 2126 (Elhawary) would require DSS to issue an exemption from disqualification for current or former foster youth who have been convicted of certain offenses that occurred prior to the individual reaching 21 years of age and the youth will be employed in a peer support capacity and not a caregiving capacity and would not require any additional evidentiary showing. AB 2126 is pending hearing in this Committee.

7) **Prior Legislation:**

- a) AB 2917 (Zbur), Chapter 539, Statutes of 2024, relevant to this bill, required DOJ to furnish state summary criminal history information to city attorneys and county counsel pursuing gun violence restraining orders.
- b) AB 2195 (Jones-Sawyer), Chapter 487, Statutes of 2022, allowed a defendant to accept a plea agreement for committing a public nuisance, if the negotiated disposition includes the dismissal of one or more charges that allege unlawfully cultivating, manufacturing, transporting, giving away, selling, or possession or use of a drug, or possession or use of drug paraphernalia.
- c) AB 2133 (Weber), Chapter 965, Statutes of 2018, required DOJ to furnish state summary criminal history information to a public defender or attorney of record when representing a person in a criminal case or juvenile delinquency proceeding, including on appeal or during any postconviction motions, if the information is requested in the court of representation.
- d) AB 971 (Garcia), Chapter 458, Statutes of 2013, required DOJ to furnish, authorized a local criminal justice agency to furnish, summary criminal history information to a specified social services paratransit agency with respect to its contracted providers.
- e) AB 104 (Solorio), Chapter 104, Statutes of 2007, required DOJ to furnish state summary criminal history information to city attorneys pursuing civil gang injunctions or drug abatement actions.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association
City and County of San Francisco

Civil Prosecutors Coalition
David Chiu, San Francisco City Attorney

Opposition

None submitted

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