

THIRD READING

Bill No: AB 2001
Author: Stefani (D)
Amended: 6/11/26 in Senate
Vote: 21

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

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 73-0, 5/4/26 (Consent) - See last page for vote

SUBJECT: Criminal procedure: state summary criminal history information

SOURCE: Civil Prosecutors Coalition

DIGEST: This bill requires the Department of Justice (DOJ) to furnish state summary criminal history information to city attorneys and county counsel in all public nuisance actions, including red-light abatement actions.

Senate Floor Amendments of 8/4/26 define city attorney and county counsel actions for illegal cannabis sales, substandard housing violations, illicit massage businesses, or violations of alcoholic beverage control laws, and they incorporate conflicting language from AB 2796.

ANALYSIS:

Existing law:

- 1) Defines “state summary criminal history information” to mean the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information,

and similar data about the person. (Penal (Pen.) Code, § 11105, subd. (a)(2)(A).)

- 2) Requires DOJ to maintain state summary criminal history information, as defined, and to furnish this information to various state and local government officers, officials, and other prescribed entities, if needed in the course of their duties. (Pen. Code, § 11105, subds. (a), (b).)
- 3) Requires DOJ to provide state summary criminal history information to city attorneys pursuing civil gang injunctions pursuant to the Street Terrorism Enforcement and Prevention Act, or drug abatement actions, as specified, or a city attorney or county counsel pursuing gun violence restraining orders, as specified, if needed in the course of their duties. (Pen. Code, § 11105, subd. (b)(5).)
- 4) 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. (Civil (Civ.) Code, § 3479.)
- 5) 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.)
- 6) Specifies that every nuisance not included in the definition provided for a public nuisance is private. (Civ. Code, § 3481.)
- 7) States that the remedies against a public nuisance are indictment or information, a civil action, or abatement. (Civ. Code, § 3491.)
- 8) Specifies that a public nuisance may be abated by any public body or officer authorized by law. (Civ. Code, § 3494.)
- 9) 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.)

- 10) Specifies that buildings used for the purposes of illegal gambling, lewdness, prostitution, and human trafficking are a public nuisance. (Pen. Code, § 11225.)
- 11) Existing law requires that if the existence of a nuisance is established for illegal gambling, lewdness, prostitution, or human trafficking, the court must enter an order of abatement directing the removal from the building or place of all fixtures, musical instruments and movable property used in conducting, maintaining, aiding, or abetting the nuisance, and directing the sale of that property. Requires the court to order that the building be closed for a period of one year, unless the court finds that vacancy would create an additional nuisance or be harmful to the community, in which case the court may order the person responsible for the nuisance to pay damages in an amount equal to the fair market rental value of the property for one year to the city or county. Permits the court to also order a civil penalty not to exceed \$25,000 against any and all defendants. (Pen. Code, § 11230, subd. (a).)
- 12) Existing law 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.)
- 13) Existing law makes any person who maintains or commits any public nuisance guilty of a misdemeanor. (Pen. Code, § 372.)

This bill requires DOJ to furnish state summary criminal history information to city attorneys and county counsel whenever they pursue actions for illegal cannabis sales or cultivation, substandard housing violations, illicit massage businesses, violations of alcoholic beverage control laws, and red light abatement actions pursuant to the state's red light abatement law.

Background

Under existing law, a public nuisance is defined to mean anything that is injurious to health, 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 public nuisance is also anything that obstructs the passage or use of any navigable waters, or any public place or highway. (*Ibid.*)

Maintaining a public nuisance is prosecutable criminally 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.)

Current law deems certain uses of buildings or places to be a public nuisance. Specifically, among other things, buildings used for the purposes of illegal gambling, lewdness, prostitution, or human trafficking are a public nuisance. (Pen. Code, § 11225.) If the existence of a nuisance is established for one of the offenses in a civil action, the court must enter an order of abatement directing the removal from the building or place of all fixtures, musical instruments and movable property used in conducting, maintaining, aiding, or abetting the nuisance, and directing the sale of that property. (Pen. Code, § 11230 (a).). Additionally, the building may be closed for a period of one year, unless the court finds that vacancy would create an additional nuisance or be harmful to the community. The court may order the person responsible for the nuisance to pay damages in an amount equal to the fair market rental value of the building or place for one year to the city or county in whose jurisdiction the nuisance is located. The court may also order a civil penalty not to exceed \$25,000 against any and all defendants. (*Ibid.*)

There are fewer due process protections in a civil action for public nuisance than in a criminal case. The government must prove its case by a preponderance of the evidence, rather than beyond a reasonable doubt. Additionally, defendants in such cases have no right to trial by jury. (*People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1246.)

State summary criminal history information is the primary record of information compiled by DOJ pertaining to the identification and criminal history of any person. This information includes name, date of birth, physical description, fingerprints, photographs, arrests, dispositions and similar data. (Pen. Code, § 11105, subd. (a).) Access to a person's summary criminal history information is generally prohibited and only allowed to be disseminated if specifically authorized in statute. (*Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 165-66.)

DOJ is required to furnish this information to various statutorily prescribed state and local government entities, such as courts, peace officers, district attorneys, probation officers, parole officers, correctional officers, public defenders, health officers preventing the spread of communicable diseases, child support agencies, child welfare agency personnel, and officers conducting conservatorship investigations, if needed in the course of their duties. (Pen. Code, § 11105, subds. (a)-(b).)

Relevant to this bill, DOJ is required to provide state summary criminal history information to city attorneys and county counsel pursuing civil gang injunction, drug abatement actions, or gun violence restraining orders, if needed in the course of their duties. (Pen. Code, § 11105 (b) (5).)

The author and sponsors cite the need for this bill to pursue actions against properties that are repeat sites of gambling, lewdness, sex work, and human trafficking. These nuisances are covered under the state's red-light abatement law. (Pen. Code, § 11225.)

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

SUPPORT: (Verified 8/4/26)

Civilian Prosecutors Coalition (source)
California State Sheriffs' Association
Civil Prosecutors Coalition
League of California Cities
Los Angeles County District Attorney's Office

OPPOSITION: (Verified 8/4/26)

ACLU California Action
Drug Policy Alliance
Ella Baker Center for Human Rights
Erotic Service Providers Legal, Education, and Research Project
California Civil Liberties Advocacy
The Sidewalk Project
Woodhull Freedom Foundation
Stripper Worker Center
DeCrimeSexWorkCA

ARGUMENTS IN SUPPORT:

The Civil Prosecutors Coalition writes:

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, 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.

ARGUMENTS IN OPPOSITION:

The Ella Baker Center for Human Rights writes:

California law appropriately limits access to criminal history information because these records contain highly sensitive personal data, including arrest information, charges that did not result in conviction, and other information that can carry lifelong consequences. AB 2001 would broaden the use of this information in civil proceedings that often lack the procedural protections available in criminal court.

Public nuisance and red light abatement laws have historically been used in ways that disproportionately impact marginalized communities, including low-income residents, immigrants, Black and Brown communities, tenants, sex workers, and survivors of human trafficking and exploitation. Expanding access to criminal history information in these contexts risks increasing the criminalization consequences for vulnerable populations for whom these investigative tactics have already prioritized displacement over long-term care.

ASSEMBLY FLOOR: 73-0, 5/4/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart,

Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal,
Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel,
Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste
Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo,
Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Ward,
Wicks, Zbur, Rivas

NO VOTE RECORDED: Arambula, Bennett, Caloza, Chen, Flora, Wallis, Wilson

Prepared by: Marshal Lawler / PUB. S. /
8/7/26 13:39:40

**** END ****