

Date of Hearing: March 24, 2026  
Counsel: Kimberly Horiuchi

## ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2119 (Jackson) – As Introduced February 18, 2026

**As Proposed to be Amended in Committee**

**SUMMARY:** Provides that every victim of sexual assault or domestic violence has the right to a fair, unbiased, and complete investigation by law enforcement and the collection of all relevant evidence by law enforcement regardless of the victim’s gender, gender identity or expression, sexual orientation, age, race or ethnicity, disability, immigration status, or relationship to the alleged perpetrator. Specifically, **this bill:**

- 1) Requires the Department of Public Health (DPH), in collaboration with the California Victim Compensation Board (Cal VCB), the Office of Emergency Services (OES), and victim advocacy organizations to develop materials to educate the public that all genders may be the victim of sexual assault and domestic violence, that all genders may perpetrate sexual assault and domestic violence, and that all genders have equal rights to safety, shelter, and legal protections and remedies.
- 2) Mandates that the aforementioned materials be distributed statewide via television and radio public service announcements, social media and internet platforms, and printed materials at public health offices, hospitals, schools, public transit centers, and county offices.
- 3) States every victim of sexual assault or domestic violence has the right to a fair, unbiased, and complete investigation by law enforcement and the collection of all relevant evidence by law enforcement regardless of the victim’s gender, gender identity or expression, sexual orientation, age, race or ethnicity, disability, immigration status, or relationship to the alleged perpetrator.
- 4) Mandates that in the course of an investigation of sexual assault, law enforcement may not question or imply that a victim’s physiological sexual response constitutes consent or undermines their credibility. This does not apply to a district attorney, their deputy, or other prosecutor investigating a complaint of sexual assault.
- 5) States that any alleged perpetrator of sexual assault or domestic violence has the right to equal treatment under the law regardless of gender identity or expression.
- 6) Authorizes a victim to request a district attorney reinvestigate a complaint of sexual assault or domestic violence within 60 days after making the initial report to law enforcement and a victim who reported a sexual assault or act of domestic violence on or after January 1, 2020, but before January 1, 2027, may request a reinvestigation at any time.
- 7) Allows a victim to bring a civil action for damages against the investigating law enforcement agency, for any report of sexual assault or domestic violence occurring before January 1,

2027, for violations of the rights specified above for the recovery of actual damages, pain and suffering, punitive damages, and attorney fees and court costs.

- 8) Requires a district attorney to establish and maintain an individual process for reviewing and investigating reported cases of sexual assault or domestic violence, with or without an arrest, that includes all of the following:
  - a) An independent investigation of the case, not conducted by the initial investigating agency.
  - b) An evaluation of any evidence that the alleged perpetrator violated provisions of law pertaining to offering false or forged instruments for filing, obstructing a peace officer, false reporting, or impersonating a law enforcement officer.
  - c) A report to the victim explaining the decision whether or not to bring criminal accusations and which accusations to allege.
- 9) Prohibits, in determining whether or not to bring criminal allegations in a case of sexual assault or domestic violence, a prosecutor from relying solely upon the report of the initial investigating agency.
- 10) Mandates that each state and local law enforcement agency (LEA) adopt a Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence policy that complies with the guidelines and practices provided in the Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence publication issued by the Biden Department of Justice in 2022.
- 11) Requires the Commission on Peace Officer Standards and Training (POST) to add to its basic training instruction related to trauma-informed methods for responding to victims, regardless of gender, gender neutral, gender inclusive language, as determined by the victim, in report documentation.
- 12) Requires POST to prepare a course of instruction on gender bias and law enforcement response to reports of sexual assault and domestic violence.
- 13) Requires the course to the guidance provided in the Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence publication issued by the Biden Department of Justice in 2022.

#### **EXISTING LAW:**

- 1) Establishes the Racial and Identity Profiling Advisory Board (RIPA) for the purposes of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. Every year RIPA shall analyze law enforcement training and issue a report that provides RIPA's analysis. (Pen. Code, § 13519.4 subd. (j)(3)(B)(E).)

- 2) Mandates that the basic training course for peace officers include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, POST shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity. (Pen. Code, § 13519.4 (b).)
- 3) Provides that once the initial basic peace officer training is completed, specified peace officers who adhere to the standards approved by the POST shall be required to complete a refresher course on racial and identity profiling, including implicit bias, every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends. (Pen. Code, § 13519.4, subd. (i).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "AB 2119 addresses a critical and long-standing gap in California law: the failure of our legal system to equally protect all victims of sexual assault and domestic violence regardless of gender. Current law lacks explicit requirements to prevent gender bias in law enforcement investigations, leaving male victims, LGBTQ+ survivors, and others who do not fit the cultural stereotype of a "typical" victim without the full protection of the law. Research consistently shows that sexual assault cases involving male victims or non-stranger perpetrators are disproportionately deprioritized, inadequately investigated, and far less likely to result in arrest or prosecution not because the crimes are less serious, but because deeply embedded assumptions about who can be a victim continue to shape how law enforcement responds.

This bill requires law enforcement agencies to adopt gender bias prevention policies, prohibits the use of a victim's physiological response to undermine their credibility, creates independent oversight of charging decisions, and launches a statewide public education campaign to ensure all Californians know that sexual violence affects every gender and that every survivor deserves equal access to justice. AB 2119 is about fundamental fairness ensuring that the protections California promises to survivors are delivered equally, regardless of who they are.

- 2) **POST Learning Domain Regarding Gender Bias:** This bill requires POST to prepare a course of instruction on gender bias and law enforcement response to reports of sexual assault and domestic violence. The bill further requires the POST training adhere to the U.S. DOJ policy on Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault.<sup>1</sup> However, the POST Cultural Diversity/ Discrimination largely mirrors the recommendations of the 2022 US DOJ guidance as part of the basic course of instruction. Learning Domain 42 specifically trains in recognizing gender bias (and more specifically

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<sup>1</sup> <https://www.justice.gov/archives/opa/file/799366/dl>

LGBTQIA bias) in law enforcement.<sup>2</sup> Specifically, Chapter 4 of LD 42 is aimed at exposing sexual orientation and gender identity bias. The stated basis for the training is as follows:

“Peace officers need to recognize and respect the complexities of sexual orientation and gender identity and develop the skills necessary to understand, effectively communicate, and respond to the needs of the community and law enforcement workplace.”<sup>3</sup>

It is not clear that the current learning domain is insufficient. It is part of the basic course, meaning it is required for all law enforcement and mandatory to perform duties as a peace officer in California.

- 3) State Auditor Report on Peace Officer Bias:** In 2022, the California State Auditor’s Office (CSA) audited five law enforcement departments (including LA Sheriff, San Jose Police Department, and the California Department of Rehabilitation and Corrections (CDCR)) for peace officer bias and uncovered a number of bias-related issues.<sup>4</sup> As part of the audit, the State Auditor reviewed a selection of five internal investigations at each department, reviewed the public social media accounts of approximately 450 officers, and examined agency responses to incidents and allegations of biased conduct.

The report defined bias in general as a lack of objectivity that can take the form of preconceived judgments, opinions, or attitudes about a person or group based on actual or perceived identity characteristics. (See fn. 4, at p. 13.) Using this general definition of bias, the State Auditor identified numerous occasions of explicit or implicit bias and the corresponding disciplinary actions. (See fn. 4, at p. 19.)

One of these instances included an officer filming black incarcerated individuals and narrating, “Black Lives Matter”; he later explained he was sarcastically responding to their sagging pants. (See fn. 4, at p. 20.) That officer received a temporary pay reduction. (*Ibid.*) In another instance, an officer admitted teasing incarcerated black youth about watermelon and chicken, and also admitted to teasing them about their clothing, asking them if they were homosexual. (*Ibid.*) That officer, as part of a broader investigation into other matters, was given an unpaid suspension and was required to take training. (*Ibid.*) A third officer told investigators he shared a joke with one or two coworkers about taking a biology exam, being asked to name something commonly found in a cell, and being told that “Mexicans” was apparently an incorrect answer. (*Ibid.*) That officer retired during the investigation. (*Ibid.*)

- 4) Practical Concerns:** While very laudable in its intent, this bill may result in more flawed investigations and lead to more unjust outcomes. *First*, the bill states that law enforcement may not “imply” that a victim’s physiological sexual response constitutes consent or undermines credibility. It is unclear what the author means by “implied” questioning when obtaining information from a victim. This lack of clarity may result in detectives missing information that may lead to the arrest of a suspect. Furthermore, it is not clear why law

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<sup>2</sup> [https://post.ca.gov/workbooks/LD\\_42-V7.0.pdf](https://post.ca.gov/workbooks/LD_42-V7.0.pdf)

<sup>3</sup> *Id.*, at p. 81 (4-1).

<sup>4</sup> <https://information.auditor.ca.gov/pdfs/reports>

enforcement is not allowed to “imply” certain information, but the district attorney is allowed to question a victim about physiological sexual response.

Additionally, this bill seems to provide rights only to some victims. All people may be subject to domestic violence and sexual assault including cis heterosexual men and women, both heterosexual and homosexual Trans men and women at any stage of transition, non-binary people, and Intersex people. However, by making reference to such things as “physiological sexual response,” the assumption is these rights are only meant to apply to people with penises. Given that sexual assault may happen to anyone, it is arguable that portions of the bill are discriminatory. (*People v. Gregori* (1983) 144 Cal.App.3d 353, 356 [holding that in order to prove a law is discriminatory, the plaintiff must show they have been deliberately either included or excluded from enforcement or benefit.]).

*Second*, this bill states that a victim may request a district attorney reinvestigate a complaint within 60 days after making the initial report to law enforcement. It also allows a victim who reported a sexual assault or domestic violence between January 1, 2020, and January 1, 2027, to request a reinvestigation – presumably within 60 days, although the bill does not specify.

However, this provision does not take into account the status of the investigation. If an investigation is ongoing, asking for a reinvestigation makes little sense. A detective may be investigating a claim of sexual assault, including filing search warrants or questioning other witnesses all within the 60-day timeframe. While the victim may not know everything the detectives are doing, that does not mean they are not actively investigating a claim of sexual assault or domestic violence.

*Third*, this bill requires that district attorneys must establish an internal review of misdemeanor or felony sexual assault and domestic violence cases without an arrest that requires an independent investigation conducted by an outside agency, an evaluation of whether the alleged perpetrator filed a false report, engaged in obstruction, or engaged in assault under color of authority. Following a reinvestigation, the district attorney must issue a decision to the victim explaining whether to bring charges. It also states that the decision to charge may not be based solely on the report of the initial investigating agency.

For instance, if the Los Angeles Police Department takes a sexual assault complaint from a victim and begins an investigation, 58 days later the victim requests a reinvestigation even though the current LAPD investigation is still ongoing. Presumably, the LA County District Attorney must get another agency to investigate despite the fact that LAPD is still investigating. Furthermore, if no arrest is made in the specified period of time, the DA must explain the decision without making reference to the initial report. This seems unworkable given that law enforcement does not have sufficient resources to conduct separate investigations either as requested or to provide an explanation to the victim.

- 5) **Argument in Support:** None submitted.
- 6) **Argument in Opposition: Argument in Opposition:** According to the *California District Attorneys Association*: “Victims of sexual assault and domestic violence deserve respect, fairness, and equal access to justice. However, provisions within AB 2119 create vague legal standards, expose law enforcement agencies to significant new liability, and impose

substantial operational burdens on district attorneys' offices, without a clear funding mechanism.

“AB 2119 establishes a statutory right to a “fair, unbiased, and complete investigation” and creates a new civil cause of action against law enforcement agencies for alleged violations of this standard. While fairness and impartiality are foundational principles of the criminal justice system, the bill does not define a “complete” investigation. By creating a legally enforceable standard without clear parameters, agencies could face litigation over discretionary investigative decisions whenever a case does not result in prosecution or when a victim disagrees with how the investigation was conducted.

“In addition, AB 2119 would impose significant new operational requirements on district attorneys' offices. The bill directs prosecutors not to rely solely on the report of the investigating agency when evaluating cases and requires each district attorney to establish a process that includes its own “independent investigation.” In addition, the bill requires prosecutors to provide a report to victims explaining whether criminal charges will be filed and identifying the charges alleged. Taken together, these provisions substantially alter the existing case review process. District attorneys already review investigations carefully and routinely request follow-up investigation, but mandating duplicative investigations and detailed written explanations would significantly increase workload and delay case processing.

“Finally, AB 2119 does not include a reliable funding mechanism to support these new mandates. Although the bill references the state mandate reimbursement process, reimbursement under that system is uncertain and frequently delayed. District attorneys' offices are already managing significant caseloads with limited staffing resources and imposing new investigative and reporting requirements without guaranteed funding risks diverting resources away from prosecuting cases and supporting victims.”

- 7) **Related Legislation:** AB 2347 (Aherns) would require POST to conduct a comprehensive review of existing hate crimes training programs to be completed by January 1, 2028. And by July 1, 2028, adopt evidence-based training requirements to address the gaps identified in the review regarding the prevention, identification, and investigation of hate crimes. AB 2347 is pending hearing in this committee.
- 8) **Prior Legislation:**
  - a) AB 2547 (Nazarian), AB 2547 would have required POST to establish a definition of “biased conduct,” as specified, and would have required law enforcement agencies to use that definition in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias. AB 2547 was held in the Senate Appropriations Committee.
  - b) SB 2 (Bradford), Chapter 409, Statutes of 2021, required that peace officers lose their certification if they commit certain acts, including engaging in discrimination, as specified.
  - c) AB 846 (Burke), Chapter 322, Statutes of 2020, required that POST review and update regulations and screening materials to ensure identification of implicit and explicit biases

towards specified characteristics.

- d) AB 243 (Kamlager), of the 2019-2020 Legislative Session, would have required peace officers to complete a refresher training every two years on racial, identity, and cultural trends. AB 243 was held in the Senate Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None submitted

**Opposition**

California District Attorneys Association

California Police Chiefs Association

California State Sheriffs' Association

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