

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2318 (Elhawary) – As Amended April 7, 2026

Policy Committee: Public Safety

Vote: 7 - 2

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill makes it unlawful for any federal, state, or local law enforcement officer, to the extent permitted by federal law, to deny, delay, obstruct, or fail to facilitate access to medical evaluation or treatment for an individual in custody, detention, or under law enforcement control, if it is safe and reasonable to provide access and a medical professional is present or has been requested.

Specifically, this bill:

- 1) Requires law enforcement, if access is denied or delayed while a medical professional is present, to provide written documentation within 72 hours stating the basis for denial, identifying the specific threat relied upon, providing a detailed incident narrative, and including available supporting evidence (body-worn camera footage, radio transmissions, and incident reports).
- 2) Requires documentation to be submitted to the relevant civilian oversight body, the Office of the Inspector General, or the Attorney General.
- 3) Authorizes administrative discipline, including suspension or termination, for officers who violate the bill's provisions.
- 4) Requires the Commission on Peace Officer Standards and Training (POST) to incorporate guidance on facilitating emergency medical access, scene security standards, and coordination with emergency medical services into law enforcement training curricula.

FISCAL EFFECT:

- 1) Potentially reimbursable state-mandated local program costs (General Fund) of an unknown but likely minor and ongoing amount for local law enforcement agencies to prepare the required 72-hour documentation in cases where access to medical care is denied or delayed while a medical professional is present, subject to the bill's investigation- and safety-based disclosure carve-out. The volume of work depends on how frequently denial or delay occurs in practice. Actual reimbursement is contingent on the Commission on State Mandates' determination.
- 2) Minor and absorbable costs to POST (General Fund) to incorporate the new guidance into existing training curricula. POST reports that California peace officers are already required to

render first aid in use-of-force situations under existing law and POST guidelines, and that the bill is largely duplicative of existing requirements.

- 3) Cost pressure of an unknown but potentially significant magnitude (Peace Officers Training Fund (POTF), General Fund) to the extent the curriculum update triggers additional training hours that agencies claim for reimbursement. POTF has faced structural revenue shortfalls for over a decade as criminal fine and penalty assessment collections have declined, and POST's state operations are increasingly supported by General Fund appropriations.
- 4) Minor and absorbable costs (General Fund) to the Department of Justice (DOJ). DOJ reports that the bill would not have a significant fiscal impact, contingent on amendments that would clarify the bill does not apply to prisons or jails. If those amendments are not adopted, DOJ's fiscal exposure would increase to address application of the documentation duty to state and local custody operations.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** According to the author:

Far too many individuals have died at the hands of ICE in this year alone. We saw how medical treatment for Renee Nicole Good was consistently denied for no logical reason. This bill is a critical step in increasing transparency regarding access to medical treatment at the scene of incidents, while making it easier for medical professionals to provide lifesaving interventions.

- 2) **Background.** California law already requires law enforcement agencies to maintain use-of-force policies that include a requirement that officers "promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so" (Government Code Section 7286(b)(15), established by SB 230 (Caballero), Chapter 285, Statutes of 2019. POST's 2021 Use of Force Standards and Guidelines further detail officers' duty to provide or request medical assistance, including continuous monitoring before booking, attention to vulnerable populations, and procedures for refusal of care. Federal agencies operate under parallel but distinct policies — the Department of Homeland Security's (DHS) 2023 Use of Force policy requires DHS officers to obtain appropriate medical assistance for subjects with visible or apparent injuries or who request care.

This bill extends these duties in three ways. First, it applies to any individual in custody, detention, or under law enforcement control, regardless of whether an injury resulted from a use-of-force incident. Second, it requires written documentation within 72 hours when access to a medical professional is denied or delayed, while a medical professional is present, subject to an investigation- and safety-based disclosure carve-out. Third, it requires POST to incorporate the bill's subject matter into training curricula. Unlike existing state law, the bill purports to apply to federal law enforcement officers operating in California. As discussed in the policy committee's analysis, the application to federal law enforcement officers raises Supremacy Clause, intergovernmental immunity, and conflict preemption questions. In the

recent *United States v. California*, the Ninth Circuit recently enjoined Section 10 of SB 805 (Pérez), Chapter 126, Statutes of 2025, which required federal law enforcement officers to visibly display identification when performing enforcement duties, holding that direct state regulation of federal officers performing federal duties is per se invalid under intergovernmental immunity. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.

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