

ASSEMBLY THIRD READING  
AB 2393 (Addis)  
As Amended March 16, 2026  
Majority vote

## SUMMARY

Authorizes prevailing plaintiffs in cases involving false imprisonment or false arrest to seek statutory damages in lieu of actual damages when certain aggravating factors have occurred.

### Major Provisions

- 1) Makes various findings and declarations about the rising concerns among Californians about the risk of false imprisonment and false arrest and the difficulty of quantifying damages for the emotional distress caused by either.
- 2) Authorizes prevailing plaintiffs in cases involving false imprisonment or false arrest to seek statutory damages in lieu of actual damages in the amount of ten thousand dollars (\$10,000) for each of the following that are true:
  - a) The defendant wore a face covering or other attire for the purpose of concealing their identity.
  - b) The defendant used handcuffs, ties, or other restraints to bind the hands or legs of the person.
  - c) The defendant forcibly transported the person in a vehicle from one location to another or falsely imprisoned the person for the purpose of transporting the person from one location to another.
  - d) The defendant brandished a firearm or other weapon capable of causing death or serious bodily injury.
- 3) Provides that all defendants liable to a person for amounts awarded pursuant to 2), above, for a single incident of false imprisonment or false arrest shall be jointly and severally liable.
- 4) Limits the aggregate award a plaintiff can receive pursuant to 2) to two hundred fifty thousand dollars (\$250,000) for each incident of false imprisonment or false arrest.
- 5) Exempts lawsuits brought against any peace officer or custodial officer, or directly against a public entity that employs a peace officer or custodial officer from the application of 2), above.

## COMMENTS

Amid increased immigration enforcement activity across the United States, some bad actors have been taking advantage of the increased news coverage regarding immigration enforcement and widespread fear of Immigration, Customs, and Enforcement (ICE) agents by impersonating these agents and imitating their tactics.

Last year, Attorney General Rob Bonta issued a warning to Californians about civilians impersonating immigration officers and other immigration scams. (California Department of Justice, *Attorney General Rob Bonta Issues Warning Amid Increased Reports of Fake ICE Officers and Other Immigration Scams*, available at: <https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-warning-amid-increased-reports-fake-ice-officers>.) Similarly, the Federal Bureau of Investigation (FBI) has urged immigration officers to properly identify themselves, given reports of ICE impersonators committing violent crimes. (Rebecca Beitsch, *FBI urges ICE to ID themselves as criminals impersonate officers*, The Hill (Nov. 5, 2025) available at: <https://thehill.com/policy/national-security/5590694-fbi-ice-masks-dhs/>.)

In some of these cases, these impersonators are detaining individuals and threatening to deport individuals if they fail to comply with any orders. For example, a man in South Carolina was accused of impersonating an ICE agent and detaining a group of men. (Artemis Moshtaghian, Gloria Pazmino, and Nick Valencia, *Multiple ICE impersonation arrest made during nationwide immigration crackdown*, CNN (Feb. 4, 2025) available at: <https://www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning>.) Similarly, in North Carolina, a man was accused of impersonating an ICE agent and threatening to deport a woman if she did not commit sexual acts with him. (Aaron Thomas, *Police arrest Raleigh man accused of impersonating ICE officer and sexually assaulting woman*, WRAL NEWS (Jan 27. 2025) available at: <https://www.wral.com/news/local/raleigh-police-arrest-man-impersonating-officer-sexual-assault-jan-2025/>.)

Under California law, these kinds of detentions amount to false imprisonment or false arrest. Both of which are severely traumatic and psychologically harmful to victims. While the law already provides victims of these crimes with the ability to recover monetary damages for any resulting emotional harm, quantifying emotional harm is an imprecise and difficult task. As a result, victims may be undercompensated for their pain and suffering. This bill would, in part, address those concerns by providing victims with the ability to receive a set amount of payment when certain egregious conduct occurs as part of the false imprisonment or false arrest by a private individual.

*False imprisonment or false arrest.* Generally, false imprisonment occurs when an individual intentionally confines, detains, or otherwise restrains another person for any amount of time without their consent and without any lawful justification for doing so. (*Scofield v. Critical Air Medicine, Inc.* (1996) 45 Cal.App.4th 990, 1001.) “Restraint” can be achieved by using physical force, a threat of force or arrest, fraud, or by using physical barriers to confine an individual, among other things. (*Scofield v. Critical Air Medicine, Inc.*, *supra*, 45 Cal.App.4th at p. 1009-10.) Further, false imprisonment can occur even when an individual is unlawfully detained for as little as fifteen minutes. (*Scofield*, at p. 1001.) False arrests are a part of the broader category of false imprisonment, with the key distinction being that an individual restrains another’s movement by causing another to be wrongfully arrested. (*Gillian v. City of San Marino* (2007) 147 Cal.App.4th 1033, 1048 fn. 6.) Both false imprisonment and false arrest are prohibited under California’s criminal and civil laws.

In cases of false imprisonment, plaintiffs can recover damages for emotional and psychological harm in addition to any damages for other harms stemming from the false imprisonment, such as physical injury or lost wages. (*Scofield*, at p. 1009.) However, emotional distress is often the primary harm that occurs in cases of false imprisonment or false arrest. (*Scofield*, at p. 1008.)

Unlike other injuries, damages for emotional harm may be difficult for juries to quantify because of the subjective nature of harm. Indeed, courts have noted that "[o]ne of the most difficult tasks imposed on a fact finder is to determine the amount of money the plaintiff is to be awarded as compensation for pain and suffering." (*Pearl v. City of Los Angeles* (2019) 36 Cal.App.5th 475, 491.) As a result, some plaintiffs will inevitably be undercompensated for their emotional distress.

*This bill* would provide prevailing plaintiffs in cases of false imprisonment or false arrest by private individuals with the ability to seek statutory damages when certain aggravating factors are present. Specifically, this bill provides that prevailing plaintiffs may elect to receive (ten thousand dollars) \$10,000 for each of following that are found to be true, instead of proving actual damages:

- a) The defendant wore a face covering or other attire for the purpose of concealing their identity
- b) The defendant used handcuffs, ties, or other restraints to bind the hands or legs of the person.
- c) The defendant forcibly transported the person in a vehicle from one location to another or falsely imprisoned the person for the purpose of transporting the person from one location to another.
- d) The defendant brandished a firearm or other weapon capable of causing death or serious bodily injury.

Under the bill, plaintiffs would be limited to receiving an aggregate award of two hundred fifty thousand dollars (\$250,000) for each incident of false imprisonment or false arrest. For a single incident of false imprisonment or false arrest, all defendants would be jointly and severally liable for statutory damages awarded under this bill. Additionally, plaintiffs would also still be able to seek punitive or exemplary damages. Finally, the bill does not apply to peace officers or custodial officers, as defined by the Penal Code, or the agencies that employ these officers when they are accused of committing false imprisonment or false arrest.

To the extent that plaintiffs may not be adequately compensated for the trauma caused by false imprisonment or false, this bill provides plaintiffs with the opportunity to receive a minimum-level of payment when defendants have committed egregious acts that may have contributed to that trauma. To be clear, this bill solely addresses the damages that are available when an individual is found liable for false imprisonment or false arrest and it does not establish a new cause of action. While the most likely defendants to this cause of action would be persons impersonating ICE agents, should ICE agents exceed their authority as a peace officer, and be found liable for false imprisonment, then the added penalties imposed by this bill could apply.

#### **According to the Author**

AB 2393 will hold perpetrators accountable for their actions, discourage illegal behavior, and ensure that victims are provided with the compensation they deserve without putting them through the unnecessary pain of having to quantify their emotional distress.

#### **Arguments in Support**

In support of the bill, the Consumer Attorneys of California states:

This bill promotes accountability and ensures that survivors of unlawful detention can obtain meaningful relief when their constitutional and civil rights are violated.

Incidents of false arrest and imprisonment cause significant physical and psychological harm, particularly when individuals are forcibly restrained, transported, or subjected to intimidation by individuals purporting to act under government authority. Across the country, troubling reports have documented situations in which individuals have been wrongfully detained by federal agents acting outside the law or by civilians impersonating law enforcement officers. Victims have experienced trauma after being forcibly restrained, transported in vehicles, and subjected to the threat or display of weapons. These experiences can cause lasting emotional distress, yet damages for these harms are often difficult to quantify, creating barriers to justice for victims.

AB 2393 addresses this problem by establishing statutory damages of \$10,000 per aggravating act—such as wearing face coverings to conceal identity, using restraints, forcibly transporting a victim, or brandishing a weapon—up to a cap of \$250,000, while preserving the availability of punitive damages where appropriate. By providing clarity and predictability in the recovery of damages, the bill promotes efficient litigation and ensures that victims are not forced to relive traumatic experiences simply to prove emotional harm.

### **Arguments in Opposition**

None on file

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, no significant state costs. The bill does not create a new cause of action — it adds an alternative damages measure to existing civil claims for false imprisonment and false arrest. The bill explicitly exempts peace officers, custodial officers, and public entities from its provisions, so there is no state or local government liability exposure. To the extent the statutory damages provision encourages additional civil filings, there would be minor and likely absorbable court workload costs (Trial Court Trust Fund). However, the statutory damages framework may actually reduce litigation costs by eliminating the need to prove emotional distress damages in cases where plaintiffs elect the statutory option.

### **VOTES**

#### **ASM JUDICIARY: 10-2-0**

**YES:** Kalra, Lee, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

**NO:** Macedo, Dixon

#### **ASM APPROPRIATIONS: 9-3-3**

**YES:** Wicks, Arambula, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Solache

**NO:** Hoover, Dixon, Tangipa

**ABS, ABST OR NV:** Calderon, Muratsuchi, Ta

**UPDATED**

VERSION: March 16, 2026

CONSULTANT: Kristian Wright / JUD. / (916) 319-2334

FN: 0002404