
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2393 (Addis) - False imprisonment: false arrest: remedies

Version: March 16, 2026
Urgency: No
Hearing Date: August 3, 2026

Policy Vote: JUD. 10 - 2
Mandate: No
Consultant: Bob Franzoia

Bill Summary: AB 2393 would authorize a prevailing plaintiff in an action based on false imprisonment or false arrest to elect to receive, in lieu of actual damages, \$10,000 for each of specified acts committed by the defendant in the perpetration of the false imprisonment or false arrest, as specified. The bill would make defendants liable for the amounts described above for an incident of false imprisonment or false arrest jointly and severally liable and would cap the aggregate award to a person to \$250,000 per incident of false imprisonment or false arrest.

Fiscal Impact: Unknown, potentially significant costs to the courts to adjudicate new penalties depending on many unknowns, including the number of cases filed, the amount of court time needed to resolve each case and the motivation to settle.

Adding statutory damages likely makes these actions more attractive, potentially increasing court workload costs. While there may be more actions, it is equally likely the actions may lead to being settled more quickly by eliminating the need to prove emotional distress damages and electing the statutory option.

An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Background: The state is experiencing increasing incidents where private individuals have chosen to impersonate law enforcement officers for the purpose of harassing and intimidating other civilians, particularly those in immigrant communities. As part of this trend, some of these impersonators are unlawfully detaining individuals, or otherwise restricting their freedom of movement. In essence, these impersonators are committing false imprisonments or false arrests. While California law already deems false imprisonment and false arrest a crime and provides that parties can file civil actions to receive monetary damages for the emotional distress caused by false imprisonment or false arrest, quantifying the harm caused by either is an imprecise and difficult task.

Proposed Law: If a defendant performed any of the acts described in paragraphs (1) to (4), inclusive, in the perpetration of the false imprisonment or false arrest of another, a prevailing plaintiff in an action based on that false imprisonment or false arrest may

elect to be awarded, in lieu of actual damages, ten thousand dollars (\$10,000) for each of the following that are true:

- (1) The defendant wore a face covering or other attire for the purpose of concealing their identity.
- (2) The defendant used handcuffs, ties, or other restraints to bind the hands or legs of the person.
- (3) 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.
- (4) The defendant brandished a firearm or other weapon capable of causing death or serious bodily injury.