Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2584 (Flora) – As Amended March 26, 2026

SUBJECT: SELF-DEFENSE

KEY ISSUE: SHOULD CALIFORNIA UPEND MORE THAN 150 YEARS OF STATUTORY AND CASE LAW, AND PRECLUDE INJURED PARTIES FROM SEEKING ANY CIVIL REMEDIES FOR THEIR INJURIES BY PREVENTING THE ACCRUAL OF A CIVIL SUIT AGAINST A DEFENDANT THAT WAS ACQUITTED OF A CRIME WHERE THE DEFENDANT ALLEGED SELF-DEFENSE?

SYNOPSIS

California's self-defense civil statute has been in effect since 1872, maturing through the decades of case law over the years to develop the understanding of self-defense we have today. For an act to be self-defense a person must have reasonably believed that another was going to harm them, and they must have used only the amount of force that was reasonably necessary to protect themselves or others. Under existing law, a person is not liable for injuries to another if that person has been found to have lawfully acted in self-defense.

This bill, referred to as the Preemptive Self Defense Act of 2026, restates this existing law, and it additionally states that no civil cause of action can accrue against a person who has lawfully acted in self-defense, except in cases where that person is a primary aggressor. While the purpose of the bill is not entirely clear, it appears that the author is trying to prevent individuals from being able to bring a civil suit against a person that has been acquitted of a crime, in a case where they alleged self-defense.

This bill is sponsored by the author and enjoys the support of the California Rifle and Pistol Association. In support of the bill, the proponents contend that the bill prevents courts and juries from improperly penalizing trained or skilled individuals by treating their preparedness for a would be conflict as evidence of aggression or excessiveness. Several civil rights-related groups oppose the bill, arguing that the bill's expansion of so called "Stand Your Ground Laws" threaten public health and safety by encouraging the use of violence and vigilante justice and will lead to racially disparate criminal justice outcomes, among other things. This bill was significantly amended in the Assembly Public Safety Committee to remove all provisions in the Penal Code, after which the bill passed out 8-0.

SUMMARY: Prohibits the imposition of any civil liability on the part of, and provides that no cause of action can accrue against, a person who lawfully resists a public offense, as specified, except in cases where a person was the primary aggressor and subsequently suffers injury or to a person who used force that was not proportional to the reasonably perceived threat.

EXISTING LAW:

1) Provides that any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest. (Civil Code Section 50.)

2) Permits lawful resistance to the commission of a public offense to be made: 1) by the party about to be injured; and 2) by other parties. (Penal Code Section 692.)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: California's civil self-defense statute was first adopted in 1872, with the only substantive amendments made during the 1873-1874 legislative session. Under Civil Code Section 50, any person may use necessary force to prevent wrongful injury of themselves or another. Accordingly, a person is immune from civil liability if they are found to have lawfully acted in self-defense. (*See J.J. v. M.F.* (2014) 223 Cal. App. 4th 968, 976 ("In a suit for assault and battery, the defendant is not liable if that defendant reasonably believed, in view of all the circumstances of the case, that the plaintiff was going to harm him or her and the defendant used only the amount of force reasonably necessary to protect himself or herself.").) This bill, also known as the Preemptive Self Defense Act of 2026, restates this principle but goes on to state that no civil cause of action will accrue against a person who lawfully acts in self-defense.

Since its introduction, the bill was substantially amended to remove all of the provisions of the Penal Code related to self-defense. Absent those provisions, the modifications to the Civil Code lack clear meaning despite modifying 150 years of statutory and case law. Nonetheless, the bill's proponents suggest that some martial artists and professional fighters contend this bill is still necessary. In support of the bill, the author states:

> My friend and colleague Assemblymember Phil Chen is a former professional fighter and current martial arts practitioner, and his knowledge of this subject has helped me grasp the uncertain nature of California's "self-defense" laws. We are told that there is a lot of case law on the subject, but that is usually code for "let the attorneys figure it out." This bill intends to lower the amount of violence overall by putting potential instigators on notice that they no longer have the legal flexibility to bully innocent bystanders without fear of consequence. This proposal is specifically aimed at unarmed, or hand-to-hand combat. No weapons.

While the prior version of this bill stated that a "party's background, training, and professional fighting skills" cannot be taken into account when determining whether a party has taken reasonable defensive action, the bill in print no longer makes any reference to professional fighting, training, or other qualifications that may be considered in court. Further, though the author has stated that this bill is specifically aimed at "unarmed or hand-to-hand combat," the bill in print in no way references either, or suggests that that its applicability would be limited to cases involving unarmed individuals. Indeed, a plain reading of the bill in print suggests that one may be heavily armed and still avail themselves of the protections of this bill, which may be why it enjoys strong support from guns rights advocates. With all that being said, the bill, in its current form, is troublingly unspecific and has the potential to confuse over a century's worth of case law.

This bill likely upends over a century of well-established law. Existing law already provides individuals with immunity from civil liability for injuries that are caused when a person is found to have lawfully acted in self-defense. (Civil Code Section 50; *J.J.*, at p. 976.) As mentioned above, the bill attempts to prevent plaintiffs from bringing a civil suit if a person has lawfully acted in self-defense. However, the bill fails to address how a person can be found to have lawfully acted in self-defense, likely because that is precisely what the civil process is for: to

answer the question of whether the defendant lawfully acted in self-defense. (*Burton v. Sanner* (2012) 207 Cal.App.4th 12, 14 ("When an alleged act of self-defense … is at issue, the question of what force was reasonable and justified *is peculiarly one for determination by the trier of fact*" [emphasis added]; CACI 1304.) Accordingly, under California's judicial system, some civil cause of action *must accrue* to make this determination, despite this bill's attempt to remove the civil process altogether in cases where an individual has alleged self-defense.

To that end, it appears that the author is trying to prevent individuals from ever bringing civil cases against a defendant that has already been acquitted in a criminal case, in which they alleged self-defense. In a criminal case against a person who claims self-defense, the prosecutor bears the burden of proving beyond a reasonable doubt that the defendant did not act in lawful self-defense, or lawful defense of another. (2 CALCRIM 3470 (2025).) In other words, the jury is not tasked with finding that the defendant acted in lawful self-defense, but it is tasked with determining whether a public prosecutor has met their burden to prove the defendant has not.

Unlike public prosecutors, plaintiffs can illicit deposition testimony, seek discovery of documents and tangible items, and use a whole host of tools that may be unavailable to prosecutors to prove their case. For example, while a defendant is likely to take the stand to bolster their self-defense claim in a criminal case, a defendant technically does not have to do so, and no adverse inferences can be made as a result. By contrast, nothing prevents the jury in a civil case from making an adverse inference regarding a defendant's refusal to testify. Using the civil process, plaintiffs may be able to gather more evidence, supplementing that which was used in a criminal trial, to prove that they were wrongfully injured.

Moreover, even if a defendant is acquitted of a crime after alleging self-defense, that does not necessarily mean that a plaintiff or their estate should be precluded from seeking civil remedies. The standard by which a jury would be deciding whether the defendant acted in self-defense is a preponderance of the evidence or in other words is it "more likely than not" that the person was acting in self-defense. (*Bartosh v. Banning* (1967) 251 Cal.App.2d 378, 386 ("Self-defense being an affirmative defense, it must, in a civil action, be established by the defendant by a preponderance of the evidence.").) This is a far different standard than the, beyond a reasonable doubt standard of proof for criminal cases, which rightfully acknowledges that there should be a much higher threshold for a verdict that may ultimately take away someone's freedom.

Beyond that, in recent history, there have been numerous examples of cases of injury or death, where legal practitioners and scholars, and the broader public have vehemently disagreed with a criminal acquittal. Famous examples include the cases of the *People v. Orenthal James Simpson*, the *State of Florida v. George Zimmerman,* and the *State of Wisconsin v. Rittenhouse*. Among other things, these groups have contended incompetence on the part of the prosecution, and racial bias all contributed to these acquittals. In one of these cases, a legal expert suggested that the judge acted inappropriately, by putting their proverbial finger on the scale in favor of the defendant. (Jeff Neal and Harvard Law News Staff, *Acquitted Assessing the Rittenhouse trial, Harvard Law Today*, (Nov. 19, 2021) available at: https://hls.harvard.edu/today/acquitted-assessing-the-rittenhouse-trial/.) Finally, for many of the injured parties involved in these cases, they were unable to testify or speak their truth because they were dead. In these instances, and others, civil trials may still provide a remedy for the injured or their loved ones, even if a defendant is found to not be criminally liable.

Notably, it seems that the author and proponents of this bill are particularly concerned with civil cases being brought against those with professional fighting skills or special training from military service or martial arts who were clearly acting in self-defense. However, this Committee has yet to receive any anecdotal or empirical evidence that this issue is prevalent throughout California, let alone the broader United States. Indeed, the only examples brought to the Committee to justify the need for this measure all come from the State of Florida, a state with a unique perspective on self-defense and aggressive interactions between its citizenry.

While the bill appears aimed at cases in which one has been acquitted in criminal court, it should be noted that this bill fails to address suits that may be brought in cases where a public prosecutor has declined to bring criminal charges, and in those cases, there truly is no one to decide the issue of whether a party lawfully acted in self-defense. However, based on the text of the bill it is entirely unclear whether or not one is still allowed to bring civil suits. While it is entirely unclear how the justice system would be able to evaluate such a suit, it appears that the proponents of the bill would like to serve as their own judge and jury by simply claiming self-defense.

If the proponents of this bill are truly concerned about parties bringing frivolous lawsuits against them, then they should take comfort in the fact that the existing law provides courts with the authority to sanction parties or attorneys that bring suits without merit that are for the purpose of harassment or draining a defendant's financial resources. (*See* Code of Civil Procedure 128.5 (b).)

Finally, to the extent that these groups are concerned that using their skills to defend themselves may result in liability, professional fighters, martial artists, and members of the public are all held to the same reasonable force standard and in all cases, individuals should be using no more force than necessary to defend themselves. Self-defense law focuses on the reasonableness of a person's actions, not the actual outcome of those actions. Thus, just because a punch from a trained martial arts fighter may cause more damage than a punch from an ordinary person, the law looks at the merits of the punch in the first place and not the number of teeth said punch knocked out. Any consideration beyond the reasonableness of the underlying action would likely result in escalation of violent disputes and increased prevalences of serious injury or death in California.

ARGUMENTS IN SUPPORT*:* In support of the bill, the California Rifle and Pistol Association wrote:

> Under current law, self-defense claims are evaluated based on the reasonableness of the force used under the circumstances. AB 2584 prevents courts and juries from improperly penalizing trained or skilled individuals by treating their preparedness as evidence of aggression or excessiveness. This protects the fundamental right to self-preservation without encouraging vigilantism or undermining accountability. It aligns with longstanding principles that self-defense is a natural right, reinforced by the Second Amendment, and ensures that California law does not discourage responsible citizens from acquiring lawful skills and tools for personal protection.
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> This common-sense clarification promotes public safety by encouraging preparedness among law-abiding people while maintaining existing standards that prohibit unjustified or disproportionate force. It imposes no new burdens on law enforcement, adds no criminal penalties, and simply safeguards the rights of those who act in genuine self-defense.

ARGUMENTS IN OPPOSITION: Initiate Justice, Justice2Jobs, La Defensa, and Sister Warriors Freedom Coalition all wrote letters of opposition to a prior version of the bill. It is unclear if the recent substantive amendments actually removed their opposition to the bill. To that end, Sister Warriors Freedom Coalition noted the following:

> Self Defense laws, more commonly referred to as "Stand Your Ground" laws, are rooted in the common law principle of "castle doctrine" which states that individuals have the right to use reasonable force, including deadly force, to protect themselves against an intruder in their home. Eight states, including California, permit the use of deadly force in self-defense if a judge or jury finds that the use of force was in accordance with state law and the circumstances of the use of lethal force. Additionally, some states, including California, have lowered the standard for justifiable deadly force to a "presumption of reasonableness," or "presumption of fear."
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> AB 2584 lowers standards further by expanding civil immunity protections for self-defense in almost all circumstances. It allows preemptive acts of self-defense when the other party indicates an "imminent threat of bodily harm" through actions including a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack.
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> […]
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> Expanding laws to use deadly force threatens public health and safety by encouraging the use of violence and vigilante justice and leads to racially disparate criminal justice outcomes. "Stand Your Ground" laws dramatically escalate violence, leading to increased homicides and violent crime overall. In states with Stand Your Ground laws, the odds that a white-on-black homicide is ruled to have been justified is more than 11 times the odds a black-on-white shooting is ruled justified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Rifle and Pistol Association, Inc.

Opposition

Initiate Justice
Justice2jobs Coalition
LA Defensa
Sister Warriors Freedom Coalition

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