
THIRD READING

Bill No: AB 394
Author: Wilson (D), et al.
Amended: 7/17/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/1/25

AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE JUDICIARY COMMITTEE: 13-0, 7/15/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 6/2/25 - See last page for vote

SUBJECT: Public transportation providers

SOURCE: ATU/Teamsters and the California Transit Association

DIGEST: This bill expands the category of workers who qualify as victims under the crime of battery upon a transit worker, and clarify that public transit employers count as employers for purposes of the workplace violence restraining order statute.

ANALYSIS:

Existing Law:

- 1) Defines an “assault” as an unlawful attempt, coupled with a present ability, to inflict a violent injury upon another person, and makes the offense punishable by up to six months in the county jail, by a fine not exceeding \$1,000, or by both. (Penal Code (Pen. Code), §§ 240 & 241, subd. (a).)

- 2) Defines a “battery” as the willful and unlawful use of force or violence upon another person, and makes the offense punishable by up to six months in the county jail, by a fine not to exceed \$2,000, or by both. (Pen. Code, §§ 242 & 243, subd. (a).)
- 3) Provides that when a battery is committed upon any person and serious bodily injury is inflicted upon that person, the offense is punishable as a “wobbler” with a possible sentence of up to one year in the county jail, or for two, three, or four years in the county jail. (Pen. Code, § 243, subd. (d).)
- 4) Provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, including a vehicle operated on stationary rails or on a track or rail suspended in the air, used for the transportation of persons for hire, or against a school bus driver, or against the person of a station agent or ticket agent for the entity providing the transportation, and the person who commits the offense knows or reasonably should know that the victim, in the case of an operator, driver, or agent, is engaged in the performance of his or her duties, or is a passenger, the offense is punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year. (Pen. Code, § 243.3.)
- 5) Provides that if an injury is inflicted on a victim of the above battery, it is punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for 16 months, or two or three years. (Pen. Code, § 243.3.)
- 6) States that, except as provided above, when a battery is committed against any person on the property of, or in a motor vehicle of, a public transportation provider, it is punishable by a fine of up to \$2,000, or by imprisonment in a county jail not exceeding one year, or by both. (Pen. Code, § 243.35, subd. (a).)
- 7) Authorizes BART, Sacramento Regional Transit District (SacRT), Fresno Area Express, Los Angeles County Metropolitan Transportation Authority (Metro), Santa Clara Valley Transportation Authority, or the Santa Monica Department of Transportation, to issue a prohibition order to any person to which any of the following apply:
 - a) Is cited for specified infractions committed in or on a vehicle, bus stop, or light rail station of the transit district, or a property, facility, or vehicle upon which BART owes policing responsibilities to a local government on at least

three separate occasions within a period of 90 consecutive days. (Public Utilities Code (Pub. Util. Code), § 99171, subd. (a)(1)(A).)

- b) Is arrested or convicted for any misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district, for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance. (Pub. Util. Code, § 99171, subd. (a)(1)(B).)
 - c) Is convicted of loitering with the intent to commit specified drug offenses. (Pub. Util. Code, § 99171, subd. (a)(1)(C).)
- 8) Prohibits a person subject to a prohibition order from entering the transit district property, facilities, or vehicles for a period of time deemed appropriate by the transit district, provided that the duration of a prohibition order shall not exceed the following, as applicable:
- a) Thirty days if based on citations for infractions, provided that a second prohibition order within one year shall not exceed 90 days, and a third or subsequent prohibition order within one year shall not exceed 180 days.
 - b) Thirty days if based on an arrest for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.
 - c) Upon conviction of a misdemeanor offense, the duration of the prohibition order shall not exceed 180 days when added to the duration of the prohibition order for the initial arrest.
 - d) Upon conviction of a felony offense, the duration of the prohibition order shall not exceed one year when added to the duration of the prohibition order for the initial arrest. (Pub. Util. Code § 99171, subd. (a)(2).)
- 9) Makes the validity of such a prohibition order issued contingent on the transit district affording the person an opportunity to contest the transit district's proposed action in accordance with procedures adopted by the transit district for this purpose. A transit district's procedures shall provide, at a minimum, for the notice and other due process protections, including ability to contest and an administrative review, among others. (Pub. Util. Code, § 99171, subds. (a)(3),

(b) & (c).)

- 10) States that if the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. (Pub. Util. Code, § 99171, subd. (c)(2).)
- 11) Sets forth standards and procedures under which an employer or a collective bargaining representative may seek a civil restraining order (both a temporary restraining order and an order after a hearing) on behalf of an employee who has suffered from unlawful violence or a credible threat of violence that can reasonably be construed to be carried out or to have been carried out at the workplace. (Code of Civil Procedure (Code of Civ. Proc.), § 527.8.)
- 12) Defines “unlawful violence” for purposes of a civil workplace violence restraining order as any assault, battery, or stalking, excluding lawful acts of self-defense or defense of others. (Code of Civ. Proc., § 527.8, subd. (b)(8).)
- 13) Makes a violation of a civil workplace violence restraining order a misdemeanor punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than one year, or by both. (Code of Civ. Proc., § 527.8, subd. (u).)

This bill:

- 1) Expands the list of persons covered by the offense of battery on a transportation worker or passenger to include a public transportation provider, and an employee or contractor of a public transportation provider.
- 2) Specifies that a civil workplace violence restraining order may be sought for the crime of battery on a transportation worker.
- 3) Clarifies that public transit employer’s count as employers for purposes of the workplace violence restraining order statute and states that this is declarative of existing law.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the expanded crime in this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court. In addition, expanding the workplace violence restraining order may lead to additional civil case filings that otherwise would not have been commenced. This bill states that the changes made to the workplace violence restraining order statute are declaratory of existing law. However, to the extent more restraining orders are sought as a result of this clarification, there will be increased court costs. Likely non-reimbursable costs (local funds) of an unknown amount to local law enforcement agencies to transmit workplace violence restraining orders and proofs of service to the Department of Justice (DOJ) to input into CLETS, and to serve the orders on respondents. Unknown, potentially significant DOJ workload costs pressures (General Fund) to entering additional restraining orders or proofs of service into CLETS directly. DOJ will also incur costs associated to add additional restrained individuals into its Armed and Prohibited Persons System due to the firearm prohibitions for workplace violence restraining orders. Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crime expanded by this bill, and for violations of restraining orders and firearm prohibitions. Potential cost pressures (General Fund) to the Department of State Hospitals (DSH), in order to adequately house, treat, and care for persons committed to DSH that otherwise would not. Cost pressures to DSH are connected with an increase in state prison sentences.

SUPPORT: (Verified 8/29/25)

AAA Northern California, Nevada & Utah
Alameda-contra Costa Transit District
Arcadia Police Officers' Association
Automobile Club of Southern California
Bay Area Council
Brea Police Association
Burbank Police Officers' Association

California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Conference Board of the Amalgamated Transit Union
California District Attorneys Association
California Federation of Labor Unions
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California Safety and Legislative Board of Smart – Transportation Division (Smart – Td)
California School Employees Association
California State Sheriffs' Association
California Transit Association
City and County of San Francisco
City of Murrieta
City of Norwalk
City of San Luis Obispo
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Livermore Amador Valley Transit Authority
Los Angeles County Metropolitan Transportation Authority
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Monterey-Salinas Transit
Murrieta Police Officers' Association
Newport Beach Police Association
Orange County Transportation Authority
Orange; County of
Palos Verdes Police Officers Association
Peace Officers Research Association of California
Peninsula Corridor Joint Powers Board
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Riverside Transit Agency
Sacramento County Sheriff Jim Cooper
San Diego Metropolitan Transit System
San Francisco Bay Area Rapid Transit District
San Francisco Bay Ferry

San Mateo County Transit District
Santa Cruz Metropolitan Transit District
Solano County Transit
Solano Transportation Authority
Stanislaus Regional Transit Authority
Sunline Transit Agency
Teamsters California

OPPOSITION: (Verified 8/29/25)

ACLU California Action
Western Center on Law & Poverty

ARGUMENTS IN SUPPORT:

According to the California Conference Board of the Amalgamated Transit Union, a co-sponsor of this bill:

Across the board, transit workers share the near universal experience of facing threats and violence on the job. Worse yet, these incidents have steadily climbed over the past several years. Every day, transit workers experience being spit at, stabbed, hit, sexually assaulted and worse. Unfortunately, the vast majority of incidents have historically not even made it into the National Transit Database, which until 2023 only recorded major assaults – meaning they resulted in a fatality or injury requiring medical transport. Major assaults alone on transit workers went up 73% from just 2018 to 2023.

Unfortunately, existing laws intended to protect transit employees have proven too narrow and insufficient. AB 394 promotes safer transit environments for both riders and workers in several key ways. First, the bill expands existing law to protect all transit employees against batteries and stalking, which was previously limited to operators alone. Secondly, AB 394 clarifies that the workplace violence temporary restraining order (TRO) authority now explicitly applies to violations of the transit employee assault statute, and can be enforced across an entire transit system.

ARGUMENTS IN OPPOSITION:

According to the Western Center on Law and Poverty:

While protecting transit operators is an important public policy measure, AB 394 is overly broad and eliminates essential access to transportation, employment, healthcare, and housing, which are all key determinants of rehabilitation and reentry following incarceration. Following a criminal conviction for battery “against an employee or contractor of a public transportation provider,” AB 394 creates a pathway for criminalization of using vital transit services – by allowing a subsequent prohibition on the use of public transportation...

AB 394 creates an amorphous standard riddled with discretion, subject to the existing biases in California’s criminal justice system. By imposing a new obstacle on mobility after release from incarceration, AB 394 exacerbates reentry challenges following release from incarceration. Contrary to the U.S. Attorney General’s 2022 recommendations to eliminate reentry obstacles to lower recidivism rates, AB 394 undermines public safety in favor of expansive punishment against individuals post-incarceration.

ASSEMBLY FLOOR: 76-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Elhawary, Celeste Rodriguez

Prepared by: Sandy Uribe / PUB. S. /
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**** END ****