

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 394 Author:(Wilson)

As Amended Ver:July 17, 2025

Majority vote

SUMMARY

Expands the elevated penalties that apply to persons that commit battery against certain transit workers to include public transportation provider employees and contractors.

Major Provisions

- 1) Expands the heightened criminal penalties that apply to a person that commits battery against certain transit workers to include battery against a public transportation provider, or employees and contractors of a public transportation provider.
- 2) Clarifies, declaratory of existing law, that an "employer," for the purpose of when an employer may seek a temporary workplace restraining order, or order after hearing, on behalf of an employee, includes a joint powers authority or a public transit operator, whether operated directly by a public entity or through a contract or subcontract.
- 3) Clarifies, declaratory of existing law, that "unlawful violence," for the purpose of when an employer or collective bargaining representative may seek a temporary workplace restraining order, or order after hearing, on behalf of an employee, includes any violation of the crime of battery of specified transit officials.

Senate Amendments

- 1) Remove the bill's authorization for any temporary workplace restraining order or injunction issued against an individual for the battery of a transit official, at the court's discretion, to be enforceable across the entirety of any public transit system where the underlying offense occurred, including all vehicles, stations, stops, and facilities operated by the transit agency.
- 2) Specify that an "employer," for the purpose of when an employer may seek a temporary workplace restraining order, or order after hearing, on behalf of an employee, includes a joint powers authority or a public transit operator, whether operated directly by a public entity or through a contract or subcontract, and state that this provision of the bill is declaratory of existing law.
- 3) Specify that "unlawful violence," for the purpose of when an employer or collective bargaining representative may seek a temporary workplace restraining order, or order after hearing, on behalf of an employee, includes any violation of the crime of battery of specified transit officials, and state that this is provision of the bill is declaratory of existing law.

COMMENTS

As passed by the Assembly: This bill authorized a temporary workplace restraining order issued against an individual who commits battery against a specified transit official, at the court's discretion, to be enforceable across the entirety of any public transit system where the underlying offense occurred, and expands the heightened criminal penalties that apply to persons that

commit battery against certain transit workers to include employees and contractors of a public transportation provider.

Major Provisions

- 1) Authorized any temporary workplace restraining order or injunction issued against an individual based on a violation of the crime of battery of a transit official, at the court's discretion, to be enforceable across the entirety of any public transit system where the underlying offense occurred, including all vehicles, stations, stops, and facilities operated by the transit agency.
- 2) Provided that "unlawful violence," for the purpose of when an employer or collective bargaining representative may seek a temporary workplace restraining order, or order after hearing, on behalf of an employee, includes a violation of the crime of battery of specified transit officials.
- 3) Provided that for the purposes of a temporary restraining order or injunction issued against an individual based on a violation of the crime of battery of a transit official, "public transit system" includes, but is not limited to, a system operated by a transit district, municipal operator, county transportation commission, transportation authority, joint powers authority, or other public transit operator.
- 4) Specified that a law enforcement agency with jurisdiction over the public transit system shall have the authority to enforce orders, and the public transit system shall promptly notify any relevant law enforcement agency of the issuance of the order to assist with enforcement.
- 5) Expanded the heightened criminal penalties that apply to persons that commit battery against certain transit workers to include battery against employees and contractors of a public transportation provider.

According to the Author

"California's public transit employees continue to face escalating threats of violence and harassment, creating unsafe conditions for both workers and passengers. Existing laws, such as Penal Code 243.3, provide limited protection, covering only specific transit roles while excluding essential employees like janitors, fare collectors, and station agents. Additionally, the narrow definition of 'transit-related property' under Penal Code 369 (i) limits effective enforcement against trespassing on public transit systems. AB 394 addresses these gaps by broadening legal protections to all transit workers, strengthening trespassing laws, and empowering courts to issue temporary prohibition orders for individuals convicted of violent offenses on transit systems.

"By enhancing safety measures, AB 394 ensures a safer and more welcoming environment for the millions of Californians who rely on public transit—many of whom are from low-income and communities of color. This bill not only improves safety and equity within our transit systems but also contributes to maintaining public confidence, boosting ridership, and supporting a resilient public transportation network for all."

Arguments in Support

According to the *California Transit Association*, "Transit employees frequently face threats of violence – and these incidents have steadily climbed over the past several years. 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 two keys ways. First, the bill expands existing law to protect all transit employees against assaults. Second, AB 394 also now allows transit agencies to seek a court-issued prohibition order against someone convicted of assault, if the court finds that the individual in question continues to pose a threat.

"Every day, transit workers are spit at, stabbed, hit, sexually assaulted and more. 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.

"These incidents have directly impacted daily operations, and as a result, many agencies throughout the state are experiencing severe operator and employee shortages. This has also impacted riders' feelings of safety on public transit systems, and is frequently cited as a leading reason members of the public avoid utilizing public transit.

"CTA has been, and continues to be, a firm advocate of prioritizing public transit and the safety of transit agency employees. For these reasons, we are proud to co-sponsor this measure and thank you for your continued leadership."

Arguments in Opposition

According to *ACLU California Action*, "The American Civil Liberties California Action respectfully opposes AB 394, which increases the penalties for battery of an employee or contractor of a public transportation provider. Without discounting the important work performed by transportation providers, we believe that California law already provides sufficient penalties to address the conduct described in AB 394. AB 394's increased prison time will drain state coffers as incarcerating an individual for just one year costs the state \$132,860.

"Under existing law, a person who is convicted of battery or assault on any person, including utility workers engaged in the performance of their duties, can be fined by up to \$2,000 and \$1,000 respectively, and sentenced by up to six months in jail. If the person inflicts serious bodily injury in the commission of the battery, the person can be punished by up to four years in jail. If a person commits assault by means of force likely to produce great bodily injury, the person can be fined by up to \$10,000 and sentenced to up to four years in state prison.⁴ And if the person inflicts great bodily injury, they can be punished with an additional three years in prison on top of the underlying sentence. Great bodily injury inflicted during felony battery or felony assault would also constitute a "violent felony" and a "serious felony" for purposes of alternative sentencing schemes and future sentence enhancements. The numerous penalties under existing law are sufficient, and research has shown that AB 394's approach of increasing sentences will not result in improved public safety or crime deterrence. As former Governor Jerry Brown often remarked in vetoing bills of this nature, there are already "more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, 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. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. 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 and to increase the amount appropriated to backfill for trial court operations.

- 2) 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.
- 3) 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. Based on costs reported by DOJ for prior bills pertaining to firearms prohibitions, costs may be in the low hundreds of thousands of dollars.
- 4) 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. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has paid over \$200 million in fines to date, and is still accruing fines. Further, given the prevalence of mental health needs among incarcerated people, legislation that sends more people to state prison adds significant costs to CDCR for the delivery of mental health care. About one-third of the prison population has a diagnosed mental health need. Thus, if even if just one person is sentenced to state prison for one year under this bill, it will add significant costs pressures to CDCR.
- 5) 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. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of

convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

- 6) 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. Expanding a crime will increase the number of defendants declared incompetent to stand trial (IST), or committed to DSH due to their being not guilty by reason of insanity. An increase the DSH population would result in the need for additional funding.

VOTES:

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Macedo, Pacheco, Lee, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 76-0-3

YES: 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

ABS, ABST OR NV: Bryan, Elhawary, Celeste Rodriguez

UPDATED

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