

THIRD READING

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Bill No: SB 937  
Author: Gonzalez (D)  
Amended: 5/14/26  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 5-1, 3/24/26  
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener  
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26  
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab  
NOES: Seyarto, Dahle

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**SUBJECT:** Law enforcement: flash-bang grenades and explosive breaching charges

**SOURCE:** Author

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**DIGEST:** This bill prohibits law enforcement officers from using flash-bang grenades to disperse an assembly, protest or demonstration, except as specified, and prohibits the use of flash-bang grenades and explosive breaching charges for the purpose of immigration enforcement.

**ANALYSIS:**

Existing law:

- 1) Declares the intent of the Legislature that the authority to use physical force, conferred on peace officers by existing law, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life, and that every person has a right to be free from excessive use of force by officers acting under color of law. (Penal (Pen.) Code, § 835a, subdivision (subd.) (a)(1).)

- 2) Includes a legislative finding and declaration that the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies. (Pen. Code, § 835a, subd. (a)(3).)
- 3) Authorizes a peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense to use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. (Pen. Code, § 835a, subd. (b).)
- 4) Permits a peace officer who is authorized to make an arrest and who has stated their intention to do so, to use all necessary means to effect the arrest if the person to be arrested either flees or forcibly resists. (Pen. Code, § 843.)
- 5) Requires each law enforcement agency to maintain a policy that provides a minimum standard on the use of force which must include several specified elements. (Government (Gov.) Code, § 7286, subd. (b).)
- 6) Prohibits a law enforcement agency from authorizing the use of a carotid restraint, as defined, by any peace officer employed by that agency. (Gov. Code, § 7286.5, subd. (a).)
- 7) Prohibits a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia. (Gov. Code, §7286.5, subd. (b).)
- 8) Generally prohibits law enforcement agencies from using kinetic energy projectiles and chemical agents, as defined, to disperse any assembly, protest or demonstration. (Pen. Code, § 13652, subd. (a).)
- 9) Provides that kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training (POST) for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:
  - a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

- b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
  - c) Persons are given an objectively reasonable opportunity to disperse and leave the scene.
  - d) An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
  - e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
  - f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
  - g) An objectively reasonable effort has been made to extract individuals in distress.
  - h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
  - i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
  - j) Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to a violation of imposed curfew, a verbal threat, or noncompliance with a law enforcement directive.
  - k) If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas. (Pen. Code, § 13652, subd. (b).)
- 10) Requires each law enforcement agency, within 60 days of each incident, to publish a summary on its internet website of all instances in which a peace

officer employed by that agency uses a kinetic energy projectile or chemical agent for crowd control. Provides that an agency may extend that period for 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident. (Pen. Code, § 13652.1, subd. (a).)

- 11) Specifies the information that must be included in the incident summary published by law enforcement agencies, and requires the Department of Justice (DOJ) to post on its internet website a compiled list linking each law enforcement agency's reports. (Pen. Code, § 13652.1, subd. (b), (c).)
- 12) Defines "destructive device" as including any bomb, grenade, explosive missile or similar device or any launching device therefor, among other applicable devices, weapons and ammunition types. (Pen. Code, § 16460, subd. (a)(2).)
- 13) Makes it a crime for any person, firm or corporation from possessing any destructive device within this state, except as specified. (Pen. Code, § 18710.)
- 14) Establishes other various crimes relating to the possession, use and transfer of destructive devices. (Pen. Code, §§ 18715-18780.)
- 15) Exempts on-duty peace officers acting within the scope and course of their employment from the above restrictions related to destructive devices. (Pen. Code, § 18800.)

This bill:

- 1) Prohibits the use of flash-bang grenades by any law enforcement agency for the purposes of dispersing any assembly, protest, or demonstration, and requires that flash-bangs only be deployed by a peace officer that has received training on their proper use certified by POST, or training for crowd control or special weapons and tactics certified by an equivalent entity or training facility, if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the requirements listed in number (9) in the preceding section.
- 2) Additionally prohibits the use of flash-bang grenades within 300 feet school grounds, parks or other areas where children are visibly present at the time of use and specifies that they shall not be used for the purposes of immigration enforcement.

- 3) Extends existing prohibitions against the use of kinetic energy projectiles and chemical agents to federal law enforcement agencies.
- 4) Requires each law enforcement agency, within 60 days of each incident, to publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a flash-bang grenade for crowd control. Authorizes an agency to extend that period for 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.
- 5) Specifies that for each incident reported, the summary is limited to that information known to the agency at the time of the report and includes only the following:
  - a) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.
  - b) The type of flash-bang grenade deployed.
  - c) The number of flash-bang grenades deployed, as applicable.
  - d) The number of documented injuries as a result of the flash-bang grenade deployment.
  - e) The justification for using the flash-bang grenade, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the flash-bang.
- 6) Requires the DOJ to post on its internet website a compiled list linking each law enforcement agency's reports posted pursuant to the reporting requirement.
- 7) Prohibits any peace officer of a local, state, or federal law enforcement agency, or a person acting on behalf of such an agency, from using explosive breaching charges for the purpose of immigration enforcement.
- 8) Defines "flash-bang grenade" as any less-than-lethal explosive or pyrotechnic devices that are deployed by hand or as projectiles and that produce a bright flash and loud noise intended to temporarily stun, distract, effect an arrest, or disperse a gathering of people. Specifies that flash-bang grenades include, but are not limited to, explosive or pyrotechnic devices that also emit chemical agents, kinetic energy projectiles, or shrapnel, or that are commonly referred to as blast balls, sting balls, stinger grenades, noise flash diversionary devices, concussion grenades, or stun grenades.

- 9) Defines “explosive breaching charge” as less lethal explosive charges that are deployed by hand to effectuate the forced opening of closed or locked points of entry often through the destruction of doors, locks, hinges, windows, and frame materials. Specifies that these charges include, but are not limited to, detonating cords, sheet explosives, shaped charges, blasting caps, and detonators.

## Comments

In 2019, California refined its use of force statutes in order to provide clearer guidance to law enforcement and the public, specifically regarding the when the use of deadly force is appropriate. Namely, AB 392 (Weber, Chapter 170, Statutes of 2019), specified the circumstances in which deadly force is and is not appropriate, and SB 230 (Caballero, Chapter 285, Statutes of 2019), required law enforcement agencies to update their training and policies with specific requirements regarding use of force, including a requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

A couple of years later, in the wake of the nationwide protests sparked by the murder of George Floyd in Minneapolis, the Legislature passed another raft of legislation aimed at limiting how law enforcement may deploy certain tactics. One such measure was AB 48 (Gonzalez, Chapter 404, Statutes of 2021), enacting Penal Code section 13652, which generally prohibited law enforcement agencies from using kinetic energy projectiles and chemical agents to disperse any assembly, protest or demonstration. However, that bill allowed for the deployment of those less lethal munitions in limited circumstances, namely where the peace officer has received training on proper use by POST, if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual or to bring an objectively dangerous and unlawful situation safely under control, and if other enumerated conditions aimed at mitigating unintended consequences are met. AB 48 also included a requirement that law enforcement agencies, within 60 days of an incident in which kinetic energy projectiles or chemical agents are used, publish a summary of the incident on its website.

This bill consists of two distinct components: the first incorporates flash-bang grenades into the AB 48 framework and expands its applicability to include federal law enforcement agencies, and the second prohibits peace officers from using explosive breaching charges for the purpose of immigration enforcement. Regarding the first component, the bill defines the term “flash-bang grenade” and treats them similarly to kinetic energy projectiles and chemical agents, prohibiting

law enforcement from using them to disperse an assembly, protest, or demonstration unless the aforementioned conditions aimed at mitigating unintended consequences are met. In addition to imposing these existing requirements on the use of flash-bangs, this bill prohibits flash-bang grenades from being deployed within 300 feet of school grounds, parks, or other areas where children are visibly present at the time the grenades are used.

The second piece of the bill prohibits peace officers from utilizing explosive breaching charges for the purpose of immigration enforcement, where “explosive breaching charges” are defined as less lethal explosive charges that are deployed by hand to effectuate the forced opening of closed or locked points of entry often through the destruction of doors, locks, hinges, windows, and frame materials. This provision defines peace officer as an officer of a local, state or federal law enforcement agency, or a person acting on behalf of such an agency.

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

According to the Senate Appropriations Committee:

Costs to each state and local law enforcement agency to adopt the required policy regarding the use flash-bang grenades (local funds, special funds, General Fund). There are approximately 600 law enforcement agencies in the state. Training costs will vary from minor to significant depending on the size of the agency and staff resources with aggregate statewide costs in the low hundreds of thousands of dollars one time.

To the extent there are prosecutions for misdemeanor violations of the unauthorized the use of flash-band grenades by law enforcement officers, there will be related cost pressure to the courts (Trial Court Trust Fund) to adjudicate the criminal charges and costs to the counties to incarcerate persons who are convicted. These actual cost pressures and costs would depend on the number of prosecutions and convictions.

Cost pressures (Trial Court Trust Fund, General Fund) to the courts to adjudicate civil actions for which defendants may not assert privileges or immunities as a result of this bill. Actual costs will depend on the number of actions and the amount of court time required by each action. It generally costs \$8,000 to operate a courtroom for one day. Although courts are not funded on the basis of workload, increased

pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund.

**SUPPORT:** (Verified 5/14/26)

ACLU California Action  
All of US or None (HQ)  
American Friends Service Committee  
Berkeley Friends Meeting  
California Community Foundation  
California Public Defenders Association  
Courage California  
Ella Baker Center for Human Rights  
Felony Murder Elimination Project  
Initiate Justice  
Lawyers Committee for Civil Rights of the San Francisco Bay Area  
Legal Services for Prisoners with Children  
Oakland Privacy  
Policing Project at NYU Law School  
Rubicon Programs  
San Francisco Public Defender  
Sister Warriors Freedom Coalition

**OPPOSITION:** (Verified 5/14/26)

Association for Los Angeles Deputy Sheriffs  
California Association of Highway Patrolmen  
California Narcotic Officers' Association  
California Police Chiefs Association  
California State Sheriffs' Association  
Los Angeles County Professional Peace Officers Association  
Los Angeles Police Protective League  
Peace Officers Research Association of California  
Riverside County Sheriff's Office

Prepared by: Alex Barnett / PUB. S. /  
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