

AMENDED IN ASSEMBLY MARCH 15, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 742

Introduced by Assembly Member Jackson
(~~Coauthor: Assembly Member Kalra~~)
(Coauthors: Assembly Members Kalra, Bryan, and Lee)

February 13, 2023

An act to add Section 13653 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 742, as amended, Jackson. Law enforcement: police canines.

Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance of an individual. Existing law requires law enforcement agencies to maintain a policy on the use of force.

Existing law prohibits the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards.

This bill would prohibit the use of an unleashed police canine by law enforcement to apprehend a person, and any use of a police canine for crowd control. The bill would prohibit law enforcement agencies from authorizing any use or training of a police canine that is inconsistent with this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) ~~The use of police canines has been a mainstay in the constant~~
 3 ~~dehumanizing, cruel abuse of Black Americans and people of color~~
 4 ~~in this country. Be it in response to the Black Lives Matter protests~~
 5 ~~over the murder of George Floyd, during the Los Angeles Race~~
 6 ~~Riots and the Civil Rights Movement, or by slave catchers, police~~
 7 ~~canines are a carryover from a dark past that is not often discussed.~~

8 (b) ~~The use of police canines has serious consequences. Research~~
 9 ~~on this topic found that canine bites resulted in hospital visits 67.5~~
 10 ~~percent of the time, while other uses of force, including batons~~
 11 ~~and tasers, resulted in hospital visits 22 percent of the time or less.~~
 12 ~~Research has also found cases of permanent physical disfigurement~~
 13 ~~and injuries to bones, blood vessels, nerves, breasts, testicles, faces,~~
 14 ~~noses, and eyes, sometimes causing blindness, as a result of canine~~
 15 ~~bites. Based on these findings, the researchers stated that canine~~
 16 ~~bites should be considered a level of force immediately below~~
 17 ~~deadly force. They equated a police canine bite to an officer~~
 18 ~~swinging a baton with three-centimeter spikes attached.~~

19 (c) ~~The use of police canines mirrors other biases in use of force~~
 20 ~~by police. Per the Department of Justice Use of Force data from~~
 21 ~~2016 to 2019, inclusive, Black people are 3.5 times more likely~~
 22 ~~than any other group to be subjected to use of force due to police~~
 23 ~~canine use, with Hispanic people being the second most likely~~
 24 ~~compared to cases involving White people at six per one million~~
 25 ~~people.~~

26 SECTION 1. (a) *The use of police canines has been a mainstay*
 27 *in this country's dehumanizing, cruel, and violent abuse of Black*
 28 *Americans and people of color for centuries. First used by slave*
 29 *catchers, police canines are a violent carry-over from America's*
 30 *dark past. In recent decades, they have been used in brutal attempts*
 31 *to quell the Civil Rights Movement, the LA Race Riots, and in*
 32 *response to Black Lives Matter protests. The use of police canines*
 33 *make people fear and further distrust the police, resulting in less*
 34 *safety and security for all, especially for communities of color.*

35 (b) *The use of police canines has severe and potentially deadly*
 36 *consequences for bite victims. In a Police Assessment Resource*
 37 *Center study of police canine bites, researchers found that bites*
 38 *resulted in hospital visits 67.5 percent of the time. In contrast,*

1 *other uses of force, including batons and tasers, resulted in hospital*
2 *visits 22 percent of the time or less. These same researchers found*
3 *that police canine bites led to permanent physical disfigurement*
4 *and injuries to bones, blood vessels, nerves, breasts, testicles,*
5 *faces, noses, and eyes, sometimes causing blindness.*

6 *(c) Per the California Department of Justice Use of Force data*
7 *from 2021, injuries caused by police canines accounted for nearly*
8 *12 percent of cases that resulted in severe injury or death. Of these*
9 *cases, Black people are more than two times more likely than any*
10 *other group to be subjected to this use of force.*

11 SEC. 2. Section 13653 is added to the Penal Code, to read:

12 13653. (a) It is the intent of the Legislature to prevent the use
13 of police canines for the purpose of arrest, apprehension, or any
14 form of crowd control.

15 (b) A peace officer shall not use an unleashed police canine to
16 arrest or apprehend a person.

17 (c) A police canine shall not be used for crowd control at any
18 assembly, protest, or demonstration.

19 (d) A police canine shall not be used in any circumstance to
20 bite.

21 (e) A law enforcement agency shall not authorize any use or
22 training of a police canine that is inconsistent with this section.

23 (f) This section shall not be interpreted as to prevent the use of
24 police canines by law enforcement for purposes of search and
25 rescue, explosives detection, and narcotics detection that do not
26 involve biting.

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29 **REVISIONS:**

30 **Heading—Line 2.**

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