

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MARCH 15, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 742

Introduced by Assembly Member Jackson
(Coauthors: Assembly Members Kalra, Bryan, and Lee) *Lee, and*
Robert Rivas)

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~~, *person unless the person is being pursued for a felony that threatened or resulted in the death of or serious bodily injury to another person and the person poses an imminent danger of death or serious bodily injury to the officer or to another person* and any use of a police canine for crowd control. *The bill would prohibit a police canine from being used to bite unless there is an imminent threat of death or serious bodily injury to the officer or another*

person by the person against whom the canine is used. The bill would attribute the death of or serious bodily injury to a person caused by a police canine to the canine’s handler as constituting deadly force. 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. (a) The use of police canines has been a mainstay
2 in this country’s dehumanizing, cruel, and violent abuse of Black
3 Americans and people of color for centuries. First used by slave
4 catchers, police canines are a violent ~~carry-over~~ carryover from
5 America’s dark past. In recent decades, they have been used in
6 brutal attempts to quell the Civil Rights Movement, the LA Race
7 Riots, and in response to Black Lives Matter protests. The use of
8 police canines ~~make~~ makes people fear and further distrust the
9 police, resulting in less safety and security for all, especially for
10 communities of color.

11 (b) The use of police canines has severe and potentially deadly
12 consequences for bite victims. In a Police Assessment Resource
13 Center study of police canine bites, researchers found that bites
14 resulted in hospital visits 67.5 percent of the time. In contrast,
15 other uses of force, including batons and tasers, resulted in hospital
16 visits 22 percent of the time or less. These same researchers found
17 that police canine bites led to permanent physical disfigurement
18 and injuries to bones, blood vessels, nerves, breasts, testicles, faces,
19 noses, and eyes, sometimes causing blindness.

20 (c) Per the California Department of Justice Use of Force data
21 from 2021, injuries caused by police canines accounted for nearly
22 12 percent of cases that resulted in severe injury or death. Of these
23 cases, Black people are more than two times more likely than any
24 other group to be subjected to this use of force.

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

26 13653. (a) It is the intent of the Legislature to prevent the use
27 of police canines for ~~the purpose of arrest, apprehension, or any~~
28 ~~form of crowd control.~~ any form of crowd control, or to arrest or
29 apprehend a person except to avoid the use of deadly force or to
30 defend against a lethal threat by the person.

1 (b) A peace officer shall not use an unleashed police canine to
2 arrest or apprehend a ~~person~~: *person unless the person is being*
3 *pursued for a felony that threatened or resulted in the death of or*
4 *serious bodily injury to another person and the person poses an*
5 *imminent danger of death or serious bodily injury to the officer*
6 *or to another person.*

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

9 (d) A police canine shall not be used ~~in any circumstance to~~
10 ~~bite~~: *to bite in any circumstance unless there is an imminent threat*
11 *of death or serious bodily injury to the officer or another person*
12 *by the person against whom the canine is used.*

13 (e) *The death of or serious bodily injury to a person caused by*
14 *a police canine constitutes deadly force, as defined in Section*
15 *835a, attributable to the canine's handler.*

16 (e)

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

19 (f)

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