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AB-572 Criminal procedure: interrogations. (2025-2026)

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Assembly Bill No. 572

CHAPTER 697

An act to add Chapter 17.43 (commencing with Section 7287) to Division 7 of Title 1 of the Government Code, relating to criminal procedure.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 572, Kalra. Criminal procedure: interrogations.

Existing law prohibits the prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defendant from interviewing, questioning, or speaking to a victim or witness whose name has been disclosed pursuant to existing law without first clearly identifying themselves and identifying the full name of the agency by whom they are employed, and identifying whether they represent, or have been retained by, the prosecution or the defendant. Under existing law, if an interview takes place in person, the party is also required to show the victim or witness a business card, official badge, or other form of official identification before commencing the interview or questioning.

This bill would require a peace officer, as defined, or a prosecuting attorney, before any initial formal interview of an immediate family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themselves and if the interview takes place in person, to show identification, to inform the person of the status of their family member, to inform the person that they are conducting a formal interview for the purposes of an investigation, as specified, and to inform the person that they have a choice to come to the station for the formal interview if they are asked to go and can have a trusted support person with them. The bill would provide that its provisions do not apply if the immediate family member is under custodial interrogation, as specified, or if the delay would result in the loss or destruction of evidence or pose an imminent threat to public safety. By increasing duties on local law enforcement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 17.43 (commencing with Section 7287) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.43. Interrogations

7287. (a) (1) On or before January 1, 2027, every law enforcement and prosecutorial agency shall maintain a policy requiring a peace officer or prosecuting attorney who initiates a formal interview to gather evidence related to a law enforcement incident resulting in a person's death or serious bodily injury caused by a peace officer to adhere to the requirements in paragraph (2).

(2) Before any initial formal interview with an immediate family member of the person killed or seriously injured, or upon confirming the relationship as an immediate family member, the peace officer or prosecuting attorney shall:

(A) Clearly identify themselves by providing their full name and the name of the agency by which they are employed. If the interview takes place in person, they shall also display a business card, official badge, or other form of official identification.

(B) Inform the person of the status of their family member, if known, including whether the family member has been killed or seriously injured by law enforcement.

(C) Inform the person that they are conducting a formal interview for the purposes of an investigation that may or may not involve an assessment of the conduct of the person that was killed or injured.

(D) Inform the person that they can have a trusted support person with them. If the family member is asked to go to a station for a formal interview, inform the family member that they have a choice to come to the station and can have a trusted support person with them.

(b) No peace officer or prosecuting attorney shall employ threats or deception, including knowingly using false information, fabricated evidence, or misleading statements, to coerce an interview or when conducting any interview subject to this section.

(c) Subdivision (a) shall not apply under the following circumstances:

(1) When a reasonable officer believes that delay would result in the loss or destruction of evidence or pose an imminent threat to public safety.

(2) When the immediate family member has received advisements substantially equivalent to those required by this section or under *Miranda v. Arizona* (1966) 384 U.S. 436.

(d) For purposes of this section, the following terms shall apply:

(1) "Formal" means an interview conducted in person or via secure remote communication, including, but not limited to, video or audio conferencing, designed to elicit specific, material information about an incident and documented through written, audio, or video records.

(2) "Immediate family member" means a person known by the officer at the time of the interview to be a spouse, parent, grandparent, brother, sister, or child or grandchild related by blood, marriage, or adoption of the person who was killed or injured.

(3) "Law enforcement agency" means any department or agency of the state or any local government, special district, or other political subdivision thereof that employs any peace officer, as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(4) "Prosecutorial agency" means a district attorney, city attorney, or other governmental entity responsible for the prosecution of crimes.

(5) "Serious bodily injury" has the same meaning as in paragraph (4) of subdivision (f) of Section 243 of the Penal Code.

(6) "Support person" means an individual selected by the immediate family member to provide moral and emotional support, provided the support person is not a percipient witness to or person of interest or suspect in the incident involving the individual who was killed or seriously injured by police. No certification, training, or other special qualification is required for an individual to act as a support person.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.