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AB-1333 Crimes: homicide. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 13, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1333

Introduced by Assembly Member Zbur

February 21, 2025

An act to amend Section 197 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as amended, Zbur. Crimes: homicide.

Existing law defines homicide as the unlawful killing of a human being, or a fetus, with or without malice aforethought, as specified. Existing law establishes certain circumstances in which homicide is justifiable, as specified.

~~This bill would eliminate certain circumstances under which homicide is justifiable, including, among others, in defense of a habitation or property. The bill would additionally clarify circumstances in which homicide is not justifiable, including, among others, when a person uses more force than necessary to defend against a danger.~~

Existing law makes homicide justifiable when attempting to lawfully suppress a riot or to keep the peace, as specified.

This bill would eliminate that provision. The bill would also specify certain circumstances in which homicide is not justifiable, including when a person was outside their habitation or property and did not retreat when they could have safely done so, when a person used more force than a reasonable person would to defend against a danger, and when the person was the initial aggressor. However, the bill would specify that homicide is justifiable if the initial aggressor actually and in good faith tried to stop fighting and indicated they wanted to and tried to stop fighting, as specified, or, in cases of mutual combat, the initial aggressor gave the opponent an opportunity to stop fighting.

By expanding the scope of the crime of homicide, this bill would create 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 no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 197 of the Penal Code is amended to read:

197. (a) Homicide is also justifiable when committed by any person in ~~all~~ *any* of the following cases:

- (1) When resisting any attempt to murder any ~~person or~~ *person, to commit a felony, or* to do some great bodily injury upon any person.
- (2) When committed in defense of ~~a~~ *habitation, property, or a* person, against one who manifestly intends or ~~endeavors~~ *endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors,* in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein.
- (3) When committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to *commit a felony or to* do some great bodily injury, and imminent danger of such design being accomplished.

(b) Homicide is not justifiable when committed by a person in all of the following cases:

- (1) When the person was outside of their ~~residence~~ *habitation or property* and knew that using force likely to cause death or great bodily injury could have been avoided with complete safety by retreating.
- (2) When the person used more force ~~than was reasonably necessary to defend against a danger.~~ *to defend against an imminent danger of being killed or suffering great bodily injury than a reasonable person would believe is necessary in the same situation.*
- (3) ~~When the person was the assailant, engaged in mutual combat, or knowingly engaged in conduct reasonably likely to provoke a person to commit a felony or do some great bodily injury, except if either of the following circumstances apply:~~ *When the person was the initial aggressor, except if either of the following apply:*
 - (A) ~~The person reasonably believed that they were in imminent danger of death or great bodily injury, and had exhausted every reasonable means to escape such danger other than the use of force likely to cause death or great bodily injury. The initial aggressor actually and in good faith tried to stop fighting and indicated to the opponent, by word or by conduct and in a way that a reasonable person would understand, that the initial aggressor wanted to stop fighting and had stopped fighting.~~
 - (B) ~~In good faith, the person withdrew from the encounter with the other assailant or assailants and indicated clearly to the other assailant or assailants that the person desired to withdraw and terminated the use of any force, but the other assailant or assailants continued or resumed the use of force. In cases of mutual combat, the initial aggressor gave the opponent an opportunity to stop fighting.~~

(c) Nothing in this section shall alter the presumption set forth in Section 198.5 in favor of one who uses deadly force against an intruder within their residence.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.