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AB-1488 Self-defense. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1488

Introduced by Assembly ~~Member~~ **Members** Flora **and Chen**

February 21, 2025

An act to **amend Section 50 of the Civil Code, and to** amend ~~Section 16~~ **Sections 692 and 693** of the Penal Code, relating to ~~criminal law.~~ **self-defense.**

LEGISLATIVE COUNSEL'S DIGEST

AB 1488, as amended, Flora. ~~Criminal Law.~~ **Self-defense.**

Existing law authorizes a party about to be injured to lawfully resist the commission of a public offense and to use sufficient resistance to prevent the offense. Existing case law provides that, in order to justify an act of self-defense, an individual must have a reasonable belief that the threat is imminent, and limits the right of self-defense to the use of that force that is reasonable under the circumstances.

This bill, the Preemptive Self Defense Act of 2025, would clarify that a party who reasonably perceives an imminent threat of bodily harm may make lawful resistance to the commission of a public offense and that the resistance authorized is required to be proportional to the reasonably perceived threat and to cease when the threat is no longer present. The bill would prohibit a party's background, training, and professional fighting skills from being taken into account when determining whether a party has taken reasonable defensive action.

Existing law authorizes necessary force to be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest.

This bill would also specify that there shall not be any civil liability on the part of, and no cause of action shall accrue against, a person who lawfully resists a public offense, as described above.

~~Existing law specifies that crimes and public offenses include felonies, misdemeanors, and infractions.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

SECTION 1. *This act shall be known and may be cited as the Preemptive Self Defense Act of 2025.*

SEC. 2. *Section 50 of the Civil Code is amended to read:*

50. (a) Any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a spouse, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest.

(b) (1) There shall not be any civil liability on the part of, and no cause of action shall accrue against, a person who lawfully resists a public offense, as described in Chapter 1 (commencing with Section 692) of Title 1 of Part 2 of the Penal Code.

(2) This subdivision does not apply to a person who was the primary aggressor and subsequently suffers injury or to a person who used force that was not proportional to the reasonably perceived threat.

SEC. 3. *Section 692 of the Penal Code is amended to read:*

692. Lawful resistance to the commission of a public offense may be made:

~~1. By~~

(a) (1) By the party about to be ~~injured~~; injured, including by a party who reasonably perceives an imminent threat of bodily harm.

(2) For the purposes of this subdivision, "imminent threat of bodily harm" means an action that reasonably indicates a physical attack is about to occur, including, but not limited to, a deliberate feint, fake strike, or other aggressive movement intended to provoke a reaction or create fear of an immediate attack.

~~2. By~~

(b) By other parties.

SEC. 4. *Section 693 of the Penal Code is amended to read:*

693. (a) Resistance sufficient to prevent the offense may be made by the party about to be injured:

~~1. To~~

(1) To prevent an offense against ~~his~~ their person, ~~or his~~ their family, or ~~some a member thereof~~ of their family.

~~2. To~~

(2) To prevent an illegal attempt by force to take or injure property in ~~his~~ their lawful possession.

(b) The resistance authorized by this section shall be proportional to the reasonably perceived threat and shall cease when the threat is no longer present.

(c) A party resisting an imminent threat of bodily harm, as defined in Section 692, shall not be required to wait until a physical attack has begun before taking reasonable defensive action. In determining whether a party has taken reasonable defensive action, the party's background, training, and professional fighting skills shall not be taken into account.

~~SECTION 1. Section 16 of the Penal Code is amended to read:~~

~~16. Crimes and public offenses include all of the following:~~

~~(a) Felonies.~~

~~(b) Misdemeanors.~~

~~(c) Infractions.~~