

BILL: AB 394 (Wilson, D-Suisun City)
Introduced February 3, 2025

SUBJECT: AB 394 would enhance safety protections for public transportation employees, coach operators and riders.

STATUS: Read first time. To print.

SUMMARY AS OF FEBRUARY 4, 2025:

Historically, battery protections for public transit workers applied only to operators, drivers, and passengers of buses, taxicabs, and similar transit vehicles. These protections included enhanced penalties when the perpetrator knew or should have known the victim was performing their duties. However, these protections did not explicitly cover other employees or contractors working for public transportation providers, leaving gaps in legal coverage and enforcement. Additionally, existing law allows transit agencies to restrict individuals from entering transit property if their presence disrupts operations, but enforcement authority has been limited.

AB 394 (Wilson, D-Suisun City) expands battery protections to include employees and contractors of public transportation providers, ensuring they receive the same legal protections as transit operators and drivers. The bill also authorizes courts to issue prohibition orders barring convicted offenders from reentering transit properties, making violations of such orders a misdemeanor. Additionally, the bill broadens the definition of transit-related property to include ferries and properties under a transportation agency's policing responsibilities through agreements with local governments. Finally, AB 394 clarifies that state and local law enforcement officers, as well as transit enforcement officers, are authorized to enforce these provisions.

EFFECTS ON ORANGE COUNTY:

The Orange County Transportation Authority (OCTA) operates an extensive public transportation network to serve the mobility needs of Orange County residents.

AB 394 will provide new tools for OCTA to use to help address safety incidents on its system. This includes allowing courts to issue prohibition orders that bar individuals convicted of assaulting public transit workers from accessing transit property. This is a significant improvement, as existing laws do not provide a clear mechanism for excluding offenders, leaving OCTA with limited options to protect its workforce. By making the violation of a prohibition order a misdemeanor, AB 394 establishes real consequences for repeat offenders who attempt to return to the system after being barred. Additionally, AB 394 clarifies that state and local law enforcement officers, as well as transit enforcement officers, have explicit authority to enforce these orders, strengthening OCTA's ability to maintain a safe transit environment. This new enforcement mechanism will help deter assaults, reduce operator safety concerns, and improve overall system security. As OCTA continues to prioritize the safety of its workforce and riders, AB 394 provides a critical tool to remove violent offenders from the transit system and ensure a safer working environment for coach operators and other transit employees.

This legislation is sponsored by the California Transit Association. A SUPPORT position is consistent with OCTA's 2025-26 State Legislative Platform principles to "Support policies that aim to enhance transit services and the overall safety and security of transit riders, public transit employees, and on-road vehicles while avoiding undue burden on transportation agencies to implement unfunded safety measures."

OCTA POSITION:

Staff recommends: SUPPORT

ASSEMBLY BILL

No. 394

Introduced by Assembly Member Wilson

February 3, 2025

An act to amend Sections 243.3 and 369i of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 394, as introduced, Wilson. Crimes: public transportation providers.

Existing law defines a battery as any willful and unlawful use of force or violence upon the person of another. Existing law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, and the person who commits the offense knows or reasonably should know that the victim is engaged in the performance of their duties, the penalty is imprisonment in a county jail not exceeding one year, a fine not exceeding \$10,000, or both the fine and imprisonment. Existing law also provides that if the victim is injured, the offense would be punished by a fine not exceeding \$10,000, by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, 2, or 3 years, or by both that fine and imprisonment.

This bill would expand this crime to apply to an employee or contractor of a public transportation provider. The bill would authorize the court, following a conviction, to impose a prohibition order barring reentry to public transit property, as specified. The bill would make a violation of a prohibition order a misdemeanor, as specified. By

expanding the scope of an existing crime and creating a new crime, the bill would impose a state-mandated local program.

Under existing law, any person who enters or remains upon any transit-related property without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility is guilty of a misdemeanor. Existing law defines “transit-related property” for this purpose as any land, facilities, or vehicles owned, leased, or possessed by a county transportation commission, transportation authority, or transit district, as defined, that are used to provide public transportation by rail or passenger bus or are directly related to that use, or any property, facilities, or vehicles upon which the San Francisco Bay Area Rapid Transit District owes policing responsibilities to a local government, as specified.

This bill would expand that definition to include any properties, facilities, ferries, or vehicles, upon which a county transportation commission, transportation authority, joint powers authority, or operator, as defined, owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement. By expanding the scope of an existing crime, the bill would impose a state-mandated local program. The bill would authorize state and local law enforcement officers or transit enforcement officers, as specified, to enforce the above-described provisions.

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.

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

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

- 1 SECTION 1. Section 243.3 of the Penal Code is amended to
- 2 read:
- 3 243.3. ~~When~~ (a) If a battery is committed against the person
- 4 of an operator, driver, or passenger on a bus, taxicab, streetcar,
- 5 cable car, trackless trolley, or other motor vehicle, including a
- 6 vehicle operated on stationary rails or on a track or rail suspended
- 7 in the air, used for the transportation of persons for hire, or against

1 a schoolbus driver, or against the person of a station agent or ticket
2 agent for the entity providing the transportation, *or against an*
3 *employee or contractor of a public transportation provider, as*
4 *defined in Section 243.35, and the person who commits the offense*
5 *knows or reasonably should know that the victim, in the case of*
6 *an operator, driver, or agent, employee, or contractor, is engaged*
7 *in the performance of his or her their duties, or is a passenger the*
8 *offense shall be punished by a fine not exceeding ten thousand*
9 *dollars (\$10,000), or by imprisonment in a county jail not*
10 *exceeding one year, or by both that fine and imprisonment. If an*
11 *injury is inflicted on that victim, the offense shall be punished by*
12 *a fine not exceeding ten thousand dollars (\$10,000), or by*
13 *imprisonment in a county jail not exceeding one year or in the*
14 *state prison for 16 months, or two or three years, or by both that*
15 *fine and imprisonment.*

16 *(b) A person convicted of violating this section or Section 369i*
17 *may be subject to a prohibition order barring reentry to public*
18 *transit property as follows:*

19 *(1) Upon conviction, the prosecuting authority, transit agency,*
20 *or its legal representative may petition the court for a prohibition*
21 *order to restrict the individual's access to public transit property.*
22 *The petition shall include all of the following:*

23 *(A) Evidence of the conviction pursuant to this section or Section*
24 *369i.*

25 *(B) A statement of facts demonstrating the need for the*
26 *prohibition to protect public safety and transit operations.*

27 *(C) The proposed duration and scope of the prohibition order,*
28 *not to exceed a period of 18 months.*

29 *(2) The court shall hold a hearing within 30 days of receiving*
30 *the petition to determine whether to issue the prohibition order.*
31 *The individual subject to the order shall be provided notice and*
32 *an opportunity to be heard.*

33 *(3) The court may issue a prohibition order if it finds by a*
34 *preponderance of the evidence both of the following:*

35 *(A) The individual poses a continuing threat to public safety or*
36 *transit operations.*

37 *(B) The order is necessary to prevent future violations or*
38 *disruptions.*

39 *(4) The scope of the prohibition order may do both of the*
40 *following:*

1 (A) Bar the individual from entering specified transit properties
2 or facilities.

3 (B) Limit access to transit services for a duration determined
4 by the court, not to exceed 18 months, subject to review.

5 (5) Prohibition orders issued pursuant to this subdivision shall
6 be consistent with state and federal laws protecting civil rights
7 and public access.

8 (c) (1) A violation of a prohibition order issued pursuant to
9 this section constitutes a misdemeanor.

10 (2) The individual subject to the prohibition order may petition
11 the court for modification or termination of the order after
12 demonstrating compliance and rehabilitation.

13 (3) Transit agencies shall maintain records of issued prohibition
14 orders and provide periodic reviews to ensure proportionality and
15 fairness.

16 SEC. 2. Section 369i of the Penal Code is amended to read:

17 369i. (a) (1) Any person who enters or remains upon the
18 property of any railroad without the permission of the owner of
19 the land, the owner’s agent, or the person in lawful possession and
20 whose entry, presence, or conduct upon the property interferes
21 with, interrupts, or hinders, or which, if allowed to continue, would
22 interfere with, interrupt, or hinder the safe and efficient operation
23 of any locomotive, railway car, or train is guilty of a misdemeanor.

24 (2) As used in this subdivision, “property of any railroad” means
25 any land owned, leased, or possessed by a railroad upon which is
26 placed a railroad track and the land immediately adjacent thereto,
27 to the distance of 20 feet on either side of the track, that is owned,
28 leased, or possessed by a railroad.

29 (b) (1) Any person who enters or remains upon any
30 transit-related property without permission or whose entry,
31 presence, or conduct upon the property interferes with, interrupts,
32 or hinders the safe and efficient operation of the transit-related
33 facility is guilty of a misdemeanor.

34 (2) This subdivision may be enforced by both of the following:

35 (A) State and local law enforcement officers.

36 (B) Transit enforcement officers designated by a public transit
37 agency, if they have completed the requisite training for issuing
38 citations and enforcing trespass violations.

1 (3) *Transit enforcement officers may detain individuals for*
2 *violations of this subdivision until law enforcement arrives or as*
3 *authorized pursuant to state law.*

4 (4) *This subdivision does not apply to individuals performing*
5 *official duties with lawful authority, including, but not limited to,*
6 *public transit agency employees, emergency responders, and*
7 *individuals granted special permission by the transit agency.*

8 (5) *Public transit agencies shall provide clear signage at*
9 *restricted access points to inform the public of trespassing*
10 *prohibitions and potential penalties.*

11 (2)

12 (6) *As used in this subdivision, “transit-related property” means*
13 *any land, facilities, or vehicles owned, leased, or possessed by a*
14 *county transportation commission, transportation authority, joint*
15 *powers authority, or ~~transit district, operator,~~ as defined in Section*
16 *99170 99210 of the Public Utilities Code, that are used to provide*
17 *public transportation by ~~rail or passenger bus rail, passenger bus,~~*
18 *or ferry, or are directly related to that use, or any property,*
19 *facilities, or vehicles upon which ~~the San Francisco Bay Area~~*
20 *Rapid Transit District a county transportation commission,*
21 *transportation authority, joint powers authority, or operator, as*
22 *defined in Section 99210 of the Public Utilities Code, owes policing*
23 *responsibilities to a local government pursuant to an operations*
24 *and maintenance agreement or similar interagency agreement.*

25 (7) *As used in this subdivision, “transit enforcement officer”*
26 *means an individual designated by a public transit agency to*
27 *enforce rules and regulations on transit property, including*
28 *security personnel authorized to issue citations.*

29 (c) *This section does not prohibit picketing in the immediately*
30 *adjacent area of the property of any railroad or transit-related*
31 *property or any lawful activity by which the public is informed of*
32 *the existence of an alleged labor dispute.*

33 SEC. 3. *No reimbursement is required by this act pursuant to*
34 *Section 6 of Article XIII B of the California Constitution because*
35 *the only costs that may be incurred by a local agency or school*
36 *district will be incurred because this act creates a new crime or*
37 *infraction, eliminates a crime or infraction, or changes the penalty*
38 *for a crime or infraction, within the meaning of Section 17556 of*
39 *the Government Code, or changes the definition of a crime within*

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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