
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1338 **Hearing Date:** April 21, 2026
Author: Jones
Version: March 25, 2026
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Vehicles: repossession*

HISTORY

Source: California Association of Licensed Repossessors

Prior Legislation: AB 2503 (Hagman), Ch. 390, Stats. of 2014

Support: Unknown

Opposition: ACLU California Action; All of Us or None; California Public Defenders Association; Californians United for A Responsible Budget; Ella Baker Center for Human Rights; Justice2Jobs Coalition; La Defensa; Legal Services for Prisoners with Children; Smart Justice California

PURPOSE

The purpose of this bill is to make it a misdemeanor for a person to interfere with a reposessor transporting a vehicle to a storage facility, auction, or dealer once repossession is complete.

Existing law defines “assault” as an unlawful attempt, coupled with a present ability, to inflict a violent injury upon another person, and makes the offense punishable by up to six months in the county jail, by a fine not exceeding \$1,000, or by both. (Pen. Code, §§ 240, 241, subd. (a).)

Existing law defines “battery” as the willful and unlawful use of force or violence upon another person, and makes the offense punishable by up to six months in the county jail, by a fine not to exceed \$2,000, or by both. (Pen. Code, §§ 242, 243, subd. (a).)

Existing law provides that any person who commits an assault upon another by any means of force likely to produce great bodily injury shall be punished by imprisonment in a county jail for up to one year, or in the state prison for two, three, or four years, or by a fine not exceeding \$10,000, or by both the fine and imprisonment. (Pen. Code, § 245, subd. (a)(4).)

Existing law provides that when an assault is committed against a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital

engaged in providing services within the emergency department, and the perpetrator knows or reasonably should know that the victim is a member of one of the specified professions engaged in the performance of their duties, or rendering emergency medical care (whichever is applicable to the profession), the assault is punishable by a fine of up to \$2,000, or by imprisonment in a county jail not exceeding one year, or by both. (Pen. Code, § 241, subd. (c).)

Existing law provides that when a battery is committed against a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of them as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the person committing the offense knows, or reasonably should know, that the victim is a member of one of the specified professions engaged in the performance of their duties, or rendering emergency medical care (whichever is applicable to the profession), the offense is punishable by a fine of up to \$2,000, or by imprisonment in a county jail for up to one year, or by both. (Pen. Code, § 243, subd. (b).)

Existing law prohibits a person from interfering with the transport of a vehicle to a storage facility, auction, or dealer by an individual who is employed by a repossession agency or who is licensed as a reposessor, as specified, once repossession is complete, as specified. Does not apply to a peace officer while acting in an official capacity. Provides that this offense is punishable as an infraction. (Veh. Code, § 10856, subd. (a).)

Existing law requires that a person convicted of an infraction for a violation of the Vehicle Code is to be punished as follows:

- By a fine not exceeding \$100.
- For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine not exceeding \$200.
- For a third or subsequent infraction occurring within one year of two or more prior infractions that resulted in convictions, a fine not exceeding \$250. (Veh. Code, § 42001, subd. (a).)

Existing law requires any tow yard, impounding agency, or governmental agency, or any person acting on behalf of a person employed by a repossession agency or who is licensed as a reposessor, to release a vehicle or other collateral to anyone that is legally entitled to that vehicle or other collateral. Does not apply to a vehicle being held for evidence by law enforcement or a prosecuting attorney. (Veh. Code, § 10856, subd. (b).)

Existing law defines a repossession agency as any person who, for any consideration whatsoever, engages in business or accepts employment to locate or recover collateral, whether voluntarily or involuntarily, including, but not limited to, collateral registered under the provisions of the Vehicle Code that is subject to a security agreement. (Bus. & Prof. Code, § 7500.2.)

Existing law provides that a repossession is complete if any of the following occurs:

- The reposessor gains entry to the collateral.
- The collateral becomes connected to a tow truck or the reposessor's tow vehicle, as specified
- The reposessor moves the entire collateral present.
- The reposessor gains control of the collateral. (Bus. & Prof. Code, § 7500.2.)

This bill makes it a misdemeanor for a person to interfere with the transport of a vehicle to a storage facility, auction, or dealer by a reposessor once repossession is complete, punishable by up to six months in jail, a fine of up to \$1,000, or both.

COMMENTS

1. Need For This Bill

The author writes:

Repossessions often occur in unpredictable and dynamic environments, where interactions between agents and debtors can escalate quickly. While current law prohibits interference with the transportation of a repossessed vehicle, existing provisions do not sufficiently ensure orderly completion of these activities. SB 1338 reinforces these protections by increasing the penalty for intentional interference from an infraction to a misdemeanor, establishing clearer consequences for interference once the repossession is complete. The bill helps reduce the likelihood of confrontation and supports safer outcomes for all parties involved.

2. Repossessions

Under existing law, it is an infraction for a person to interfere with the transport of a vehicle to a storage facility, auction, or dealer by a reposessor once repossession is complete. (Veh. Code, § 10856, subd. (a).)

A repossession is complete if any of the following occurs: the reposessor gains entry to the collateral; the collateral becomes connected to a tow truck or the reposessor's tow vehicle, as specified; the reposessor moves the entire collateral present; or the reposessor gains control of the collateral. (Bus. & Prof. Code, § 7500.2.)

A violation of the infraction described above is punishable with a fine, as follows:

- For a first infraction, a fine not exceeding \$100
- For a second infraction occurring within one year of a prior infraction, a fine not exceeding \$200
- For a third or subsequent infraction occurring within one year of two or more prior infractions, a fine not exceeding \$250. (Veh. Code, § 42001, subd. (a).)

3. Assaults Against Repossession Agents

There are reports of people assaulting repossession agents while they are in the process of repossessing or transporting a vehicle, and this bill is intended to deter those assaults. For example, in February 2026, a repossession agent in Apple Valley towed a vehicle when a suspect approached and threatened him with a firearm; the defendant put the firearm away when he was informed the tow truck driver was a repossession agent. (Victor Valley News Group, *20-Year-Old Apple Valley Resident Arrested After Allegedly Pointing Gun at Repo Driver In Victorville*, (Feb. 14, 2026) <<https://www.vvng.com/20-year-old-apple-valley-resident-arrested-after-allegedly-pointing-gun-at-repo-driver-in-victorville/>> [as of April 4, 2026].) In 2025, a Huntington Beach man assaulted a repossession agent who was attempting to recover a towed boat, causing significant injuries. (Lily Dallow, *Huntington Beach man arrested after assault, SWAT standoff over towed boat*, KTLA 5 (Dec. 19, 2025) <<https://ktla.com/news/local-news/huntington-beach-man-arrested-after-assault-swat-standoff-over-towed-boat/>> [as of April 4, 2026].) In 2023, repossession agent Blaine LaPrairie responded to a call to repossess a vehicle when he was shot in the upper body. He was transported to a nearby hospital, where he later died from his injuries. (Vivian Chow, *Southern California repo man killed on the job, suspect at large*, KTLA 5 (Dec. 15, 2023) <<https://ktla.com/news/local-news/socal-repo-man-killed-on-the-job-suspect-at-large/>> [as of April 4, 2026].) The sponsor further notes that people sometimes obstruct tow trucks or repossession agents with other vehicles, which can impede the repossession process.

4. The Effect of This Bill and Policy Implications

a. Elevation to a Misdemeanor

This bill would make it a misdemeanor for a person to interfere with the transport of a vehicle to a storage facility, auction, or dealer by a repossession agent once repossession is complete. This offense would be punishable by up to six months in jail, a fine of up to \$1,000, or both. (See Pen. Code, § 19.) Assault and battery against anyone, including against a repossession agent, are already criminal offenses. An assault is “an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.” (Pen. Code, § 240.) A battery is “any willful and unlawful use of force or violence upon the person of another.” (Pen. Code, § 242.) Put simply, assault is attempted battery. “Simple” battery or assault do not involve infliction of serious injury or the likelihood of serious bodily injury. Simple assaults and batteries on most individuals are misdemeanors punishable by up to 6 months in jail, a fine of up to \$1,000, or both.

It is unclear there is a need to further criminalize conduct that does not rise to the level of assault or battery. Given the lack of clarity around what it means to “interfere” with the transport of a vehicle, discussed below, this bill raises concerns because someone could receive jail time for conduct that does not amount to physical harm or the threat of physical harm. Thus, the Committee may consider leaving this offense as an infraction, which carries a fine.

b. Definition of “Interfere”

Notably, neither existing law nor this bill define what it means to “interfere” with the transportation of the vehicle, and there is no relevant definition of “interfere” in the existing Vehicle Code or Business and Professions Code. Further, there is no existing case law applying this statute that clarifies the definition of “interfere.”

This raises concerns because this lack of a definition may render the statute unconstitutionally vague. A statute is unconstitutionally vague if it does not provide adequate notice of the conduct proscribed. (*People v. Superior Court (Caswell)* (1988) 46 Cal. 3d 381, 389.) “A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.” (*Connally v. General Const. Co.* (1926) 269 U.S. 385, 391.) Additionally, a statute must provide sufficiently definite guidelines for the police in order to prevent arbitrary and discriminatory enforcement. (*Caswell, supra*, at p. 390.) Here, if someone argues with the repossession agent taking their vehicle, does that qualify as interference? If someone yells in frustration, does that qualify as interference? This statute, as written, likely does not provide adequate notice of what is prohibited; thus, it likely does not survive the vagueness test. Notably, this vague language is already in existing statute and possibly has never been challenged, but it is far more likely to be challenged if the conduct described is elevated to a misdemeanor.

The Committee may consider defining the term “interfere” to clarify and limit the scope of criminalized conduct to only “physically impeding” the transportation of the repossessed vehicle, such that it provides adequate notice of what is prohibited. Even with this limited definition, the Committee may not want to criminalize conduct that does not amount to physical harm or threat of physical harm with a misdemeanor, which carries the possibility of jail time.

c. Deterrence

This bill may not actually deter people from interfering with repossessions, because people doing so are likely in a state of passion and are unlikely to know of this increase in penalty. Existing research on deterrence indicates that “[l]aws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes.” (National Institute of Justice, *Five Things About Deterrence*, U.S. Department of Justice (Jun. 5, 2016) <<https://nij.ojp.gov/topics/articles/five-things-about-deterrence>> [as of April 4, 2026].) People are unlikely to learn about this offense being elevated to a misdemeanor, and so it is unlikely to deter offenses against repossession agents.

5. Argument in Support

The California Association of Licensed Repossessors writes:

Unfortunately, a violent and dangerous trend has emerged in the repossession industry. After a vehicle has been repossessed and is in transit, individuals—including the registered owner—follow and attempt to stop the reposessor’s tow vehicle by using other vehicles to block exits, by boxing in the tow truck on residential streets or at intersections, or by otherwise obstructing the roadway. Once the reposessor’s vehicle has been stopped, individuals attempt to unhook the repossessed vehicle from the tow truck, enter or sit inside the repossessed vehicle, sit on the tow vehicle, or stand in front of the tow truck to prevent it from leaving. In some cases, when they are unable to regain possession of the vehicle, individuals damage the reposessor’s tow vehicle. This conduct creates serious public safety risks not only to the reposessor and the involved individuals, but also to law enforcement officers and passing motorists.

SB 1338 does not expand repossession authority nor alter the breach-of-peace doctrine, nor change the definition of when a repossession must cease. It is a narrowly tailored public safety enforcement adjustment addressing post-repossession completion transport interference. This proposal amends Vehicle Code Section 10856 to reclassify interference with a repossessed vehicle after repossession has been lawfully completed from an infraction to a misdemeanor.

Reclassifying this violation provides law enforcement with meaningful enforcement authority. It allows them to deter dangerous roadway obstruction and interference, to protect involved individuals and the general public, and preserves California's breach-of-peace doctrine.

6. Argument in Opposition

The California Public Defenders Association writes:

SB 1338 wastes scarce resources that would be better spent elsewhere and is unnecessary. There is no evidence or research indicating the current penalty is inadequate. Moreover, AB 2503 (Hagman) which enacted the current penalty was actually sponsored by The California Association of Licensed Repossessors (CALR).

SB 1338 goes against existing, extensive public safety research which demonstrates that increased sentences do not deter or prevent crime. This is a sentiment reflected by the U.S Department of Justice's National Institute of Justice guidance that "laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes". In addition to not improving public safety, the Legislature cannot ignore the fiscal cost of incarceration. In 2021, incarcerating an individual in LA County jail for one year cost approximately \$90,000. The Legislature should not drive-up local costs in pursuit of an ineffective carceral approach.

Moreover, by increasing the criminal liability from an infraction to a misdemeanor, SB 1338 will have devastating impacts on individuals and their families. Misdemeanor convictions carry approximately 580 collateral consequences – making it difficult for a person to find meaningful employment, secure housing, or pursue higher education.

Lastly, our current laws already address situations where an individual interferes with a repossession agency employee in a nontrivial manner. If an individual assaults a repossession agency employee, they are already liable under Penal Code Section 241. Likewise, if an individual commits battery against a repossession agency employee, they are already liable under Penal Code Section 243 – with incidents resulting in serious injuries being punishable by up to 4 years of incarceration. There is no need for SB 1338.