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# Assembly California Legislature

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## AB 1165 – Tear Gas Ban in Juvenile Facilities

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### PURPOSE

Assembly Bill 1165 would end the state-sanctioned use of tear gas against youth in juvenile facilities.

### BACKGROUND

Unlike 35 other states in the U.S., California permits the use of tear gas against children in juvenile facilities. Of the remaining states, most have implemented some restrictions, making CA one of just six states that still allows tear gas to be carried in facilities. Not yet with the tide of change, this state policy is out of step with fundamental rights, best practices, and a developmentally appropriate vision for how to support youth.

CA in the 1980s and 1990s was a different place. Fueled by a tough-on-crime approach, at its peak, the CA Youth Authority (CYA) housed 10,000 juveniles and was sued for its abusive practices. Nearly two decades later, the Governor initiated the closure of the state-run youth prison system in an effort to adopt a new public health and positive youth development approach.

Current practices in many regions throughout the state are not yet in line with this new approach. For example, in 2021, the Department of Justice (DOJ) concluded a multiyear investigation that revealed Los Angeles County juvenile halls provide insufficient services and endanger youth safety. Among other things, the investigation found an excessive reliance on inappropriate physical and chemical use of force. Attorney General Xavier Becerra stated, *“We cannot condone or ignore any system that allows our kids to be mistreated or dehumanized.”*

LA is not alone. Investigations have revealed that tear gas is used disproportionately on youth with disabilities, many of whom are survivors of significant trauma. This mistreatment also disparately impacts youth of color, particularly Black, Latinx, and Indigenous youth. Tear gas poses serious health risks – it is particularly dangerous for

those with mental health, cardiovascular, or respiratory conditions. Because of induced reactions like coughing, especially in poorly ventilated areas, tear gas increases the likelihood of transmission of COVID-19 and the risk of severe consequences if infected, including death.

Most states and several CA counties (*Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and pending in Los Angeles*) have already eliminated chemical agents in juvenile facilities. They have supported de-escalation and positive behavior management.

The continued state-sanctioned use of tear gas does not align with CA’s new vision of creating environments that support the trusting relationships between staff and youth that are essential to promoting healthy and positive growth for young people.

### EXISTING LAW

California law (WIC § 851) provides that juvenile hall “shall not be deemed to be, nor be treated as, a penal institution. It shall be a safe and supportive homelike environment.” Additionally, minors in custody should “receive care, treatment, and guidance that is consistent with their best interest” (WIC § 202).

### SUMMARY

AB 1165 would prohibit the use or storage of chemical agents in juvenile facilities.

### SUPPORT

Children’s Defense Fund-CA (Co-sponsor)  
GLIDE (Co-sponsor)  
MILPA Collective (Co-sponsor)  
Youth Law Center (Co-sponsor)  
Disability Rights California (Co-Sponsor)  
RYSE Center (Co-Sponsor)

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