

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 2371 (Juan Carrillo)  
Version: April 1, 2024  
Hearing Date: June 25, 2024  
Fiscal: No  
Urgency: Yes  
ID

**SUBJECT**

Electrified security fences

**DIGEST**

This bill prohibits local cities, counties, and cities and counties from prohibiting the installation and operation of an electrified security fence on specified industrial or manufacturing property, or from requiring a permit or approval for such fences, as specified, when the fence is compliant with the law's requirements for electrified security fences, and makes various changes to the requirements for such fences.

**EXECUTIVE SUMMARY**

Electrified fences are fences charged with enough electrical current through conductive material like metal wire so that they deliver a shock when touched. In 2015, the Legislature enacted a law to establish the basic requirements for electrified fences used for security purposes on commercial, industrial, or manufacturing property. The law specified that electrical security fences may not be installed or operated where local jurisdictions prohibit such electrical security fences. The law additionally specified that, if a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence must meet the law's requirements as well as the requirements of that local ordinance. This bill proposes to change various requirements on such electrified security fences, and to specify that such fences include ones used to protect and secure property legally authorized to store, park, service, sell, or rent vehicles, equipment, materials, freight, or utility infrastructure, as specified. This bill also prohibits a city, county, or city and county from prohibiting the installation and operation of a compliant electrified security fence, and prohibits a city or county from requiring a permit or approval that is in addition to an alarm system permit. This bill contains an urgency clause. AB 2371 is sponsored by the company AMAROK LLC and the Family Business Association, and is supported by numerous businesses and business associations. It is opposed by the League of California Cities and the California

State Association of Cities. If the bill passes this Committee, it will next be heard by the Senate Local Government Committee.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Defines, for the purposes of the following provisions, "electrified security fence" to mean any fence, other than an electrified fence as defined in Section 17151 of the Food and Agricultural Code, that meets the following requirements:
  - a) The fence is powered by an electrical energizer with both of the following output characteristics:
    - i. The impulse repetition rate does not exceed 1 hertz (hz).
    - ii. The impulse duration does not exceed 10 milliseconds, or 10/10000 of a second.
  - b) The fence is used to protect and secure commercial, manufacturing, or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial, manufacturing, or industrial purpose. (Civ. Code § 835(a).)
- 2) Allows an owner of real property to install and operate an electrified security fence on their property, subject to all of the following:
  - a) The property is not located in a residential zone.
  - b) The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."
  - c) The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:
    - i. The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 feet.
    - ii. The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.
    - iii. The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.
  - d) The height of the fence does not exceed 10 feet or 2 feet higher than an existing perimeter fence, whichever is greater. The electrified security fence shall be located behind a perimeter fence that is not less than five feet in height. (Civ. Code § 835(b).)

- 3) Permits an electrified security fence to interface with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business, a monitoring service, or both the business and a monitoring service, in response to an intrusion or burglary. (Civ. Code § 835(c).)
- 4) Provides that an owner of real property shall not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence. Specifies that a local ordinance that prohibits or regulates only the installation or operation of an electrified fence as defined in Section 17151 of the Food and Agricultural Code does not apply to an electrified security fence. (Civ. Code § 835(d)(1).)
- 5) Requires that, if a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence must meet the requirements of that ordinance and the requirements of subdivision (b) of Section 835 of the Civil Code. (Civ. Code § 835(d)(2).)
- 6) Defines “electrified fence” for purposes of the Food and Agriculture Code to mean any fence and appurtenant devices, including, but not limited to, fences and devices used in animal control, and including, but not limited to, a fence consisting of a single strand of wire supported by posts or other fixtures, which has an electrical charge or is connected to a source of electrical current, and which is so designed or placed that a person or animal coming into contact with the conductive element of the fence receives an electrical shock. Clarifies that an electrified fence for its provisions does not include an electrified security fence as described in Section 835 of the Civil Code. (Food & Ag. Code § 17151.)

This bill:

- 1) Makes changes to the definition of an electrified security fence, as follows:
  - a) The electrified security fence is powered by an electrical energizer that is driven by solar-charged batteries of no more than 12 volts of direct current.
  - b) The electrified security fence is used to protect and secure manufacturing or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial purpose that stores, parks, services, sells, or rents vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard, provided that the secured area does not include any existing residential or hospitality uses.
- 2) Specifies the types of property where an owner of real property may install and operate an electrified security fence, to include property that is not located in a residential zone and falls within the description of property described above.

- 3) Specifies that the perimeter fence that is required under existing law to be installed with an electrified security fence may be a fence or wall, and must be non-electrified.
- 4) Specifies that such electrified security fences must meet the standards and specifications of the International Electrotechnical Commission in "International Standard IEC 60335, Part 2-27:2018."
- 5) Requires an electrified security fence to include a device that enables first responders to deactivate the electrified security fence in response to an emergency, if devices are utilized by a city, county, or city and county.
- 6) Provides that an owner of real property not specified in (1)(b), above, may not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence.
- 7) Provides that a local ordinance may prohibit the installation and operation of an electrified security fence that does not comply with the specifications for an electrified security fence provided by this bill.
- 8) Provides that, for property specified in (1)(b), above, that is in compliance with the requirements of this bill, a city, county, or city and county ordinance, regulation, or code may not prohibit the installation and operation of an electrified security fence, nor require a permit or approval that is in addition to an alarm system permit issued by the city or county.
- 9) Provides that nothing in this bill or existing law governing the installation and operation of electrified security fences shall be construed to alter the authority of a jurisdiction to adopt and enforce an ordinance relating to non-electrified perimeter fences or walls as legally authorized, if applicable.
- 10) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this bill applies to all cities, including charter cities.
- 11) Provides that this bill is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are: To protect and secure businesses, employees, and other stakeholders from escalating incidences of trespass that have led to theft of valuable assets and risks to employee safety, it is necessary that this act take effect immediately.

## COMMENTS

### 1. Author's statement

According to the author:

Commercial property owners throughout California face escalating incidences of trespass and criminal activity such as theft, vandalism and threats to employee health and safety, which, in some cases, resulted in the closure of businesses and loss of jobs. Businesses statewide desperately seek help from their local governments to allow effective and safe security technology solutions to secure their property and protect their employees. Current state law for electrified security fence alarm technology has been in effect for more than eight years and has safely and effectively secured over 1,000 properties without a single instance of harm or concern about appearance.

However, current law has been inconsistently interpreted and applied by a number of local governments, leading to inequitable responses, or excessive and inefficient permitting processes. In many cases where this security alarm technology may be allowed, local governments often require unduly lengthy permitting processes that leave businesses and their employees vulnerable to ongoing criminal exploitation.

### 2. The use of electrified fences on commercial properties

Electrified fences are fences that provide a direct current throughout the fence's wires so that they provide an electric shock when touched. Electrified fences work by sending high voltage pulses of electricity at regular intervals through conductive materials in the fence like metal wires. While traditionally used in the agricultural context to keep in livestock, electrified fences are being increasingly used in the commercial context as a product to protect businesses' properties and equipment. Such systems typically will trigger an alarm if disturbed, and may be combined with cameras or other surveillance systems. Although the use of electrified fences for commercial purposes has been increasing, local jurisdictions have at times approached such fences in different ways to ensure the safety of the fences and that they are not located in areas that may place residents at risk.<sup>1</sup> Some jurisdictions require that businesses and properties obtain permits before constructing an electrified fence.

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<sup>1</sup> See, City News Service, "LA leaders say not so fast on electric fence proposal," Los Angeles Daily News (Oct. 9, 2019), available at <https://www.dailynews.com/2019/10/09/la-leaders-say-not-so-fast-on-electric-fence-proposal/>; James Taylor, "Some Sacramento car dealerships considering electric fences to deter thieves, but some residents express concern," CBS News (Mar. 20, 2023), available at <https://www.cbsnews.com/sacramento/news/sacramento-dealership-electric-fence-theives/>.

While electrified fences usually use high voltage, they ordinarily should not cause significant harm to a person because the duration of the shock is very brief.<sup>2</sup> However, in different conditions, such as when more conductive materials like water are present, the risks of receiving a substantial current and being harmed increase.<sup>3</sup> Shocks closer to the heart or to those with pacemakers pose greater risks.

### 3. California's legislation around electrified fences

Prior to 2015, the only statutes regulating electric fences were provisions of the Food and Agriculture Code, relating to agricultural electrified fences. Reportedly, this resulted in hesitancy and delays on the part of local jurisdictions when companies applied to install electrified fences on industrial or commercial properties.<sup>4</sup> However, in 2015, the Legislature enacted SB 582 (Hall, Ch. 273, Stats. 2015) to create Civil Code Section 835 to authorize and regulate the use of electrified fences on commercial, manufacturing, or industrial property. SB 582 explicitly permitted property owners to install and operate specified electrified security fences to protect commercial, manufacturing, or industrial property, or property zoned for another designation that is authorized to be used for such a purpose. (Civ. Code § 835(b).) However, it provides a variety of limitations and requirements, including that: the property is not located in a residential zone; the fence meets certain international standards; the fence has prominent warning signs on both sides of the fence; and that the fence meets certain height restrictions and is located behind a perimeter fence. (Civ. Code § 835(b).) However, SB 582 also provides for some local control relating to the installation of such permits, providing that an owner of property may not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified fence. SB 583 specified that, if a local ordinance permits electrified security fences, the installation and operation of the fence must meet the requirements of that ordinance, in addition to the requirements created by SB 582.

Subsequent to SB 582, the Legislature further clarified the limits and contours of local control over the installation and operation of electrified security fences in AB 358 (Flora, Ch. 148, Stats. 2021). SB 358 specified that any prohibition of an agricultural electrified fence under the Food and Agricultural Code does not apply to an electrified security fence for industrial, manufacturing, or industrial purposes. (Civ. Code § 835(d).)

### 4. AB 2371 proposes to mandate that local jurisdictions approve electrified fences

AB 2371 proposes to limit local jurisdictions' ability to create additional requirements for the approval of a request to install an electrified security fence. It specifies that, for

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<sup>2</sup> John Webster, *Safety of electric security fences*, University of Wisconsin-Madison (2021), available at <https://static.spokanecity.org/documents/projects/electric-fence-text-amendment-update/electric-fence-university-wisconsin-report.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> See Senate Judiciary Committee, Analysis: AB 582 (Apr. 7, 2015).

manufacturing or industrial property, or property used to store, service, park, sell, or rent vehicles, equipment, freight, or utility infrastructure that meets the specified requirements for an electrified security fence, a local ordinance may not prohibit the installation and operation of the electrified security fence, nor require a permit or approval in addition to any alarm system permit used by the local jurisdiction. This prohibition effectively means that, if a property owner proposes to install and operate an electrified security fence that meets the requirements of Civil Code Section 835, the city or county cannot place additional requirements on the fence or require the owner to apply for and receive a permit from the city first. These provisions of AB 2371 are substantially similar to AB 1531 (Flora, 2023) from 2023 that failed to pass the Assembly Local Government Committee.

AB 2371 also makes a number of changes to the requirements for compliant electrified security fences. It specifies that an electrified security fence under its provisions is one that is powered by an electrical energizer driven by solar-charged batteries of no more than 12 volts of direct current. It also updates the code's reference to the international standards to reference more recent standards than the 2006 standards currently referenced.

Because AB 2371 is an urgency measure, its prohibition on such denials and permits by cities or counties would go into immediate effect on the date of enactment.

##### 5. Considerations and the concerns raised by opposition

There are a variety of considerations and concerns raised by AB 2371's provisions. The opposition raises concerns that its requirements on local cities and counties forces those local jurisdictions to accept electrified security fences in every instance, and thus poses risks to residents where it may be installed near a residential or hospitality facility. The opposition points to the fact that cities are being required to approve housing sometimes without discretion, such that it is possible housing could be built next to a property with an electrified fence. Once a property has installed a fence, AB 2371 would not allow any process for revisiting the fence's approval if housing later is developed next to the electrified property. As the opposition states: "Considering the potential hazards an electrified security fence can pose to the public, it is critically important for local governments to retain their discretion on a case-by-case basis to ensure installation of such fences is safe and appropriate for the given area."

Additionally, there may be some implementation concerns with AB 2371, considering that it is an urgency measure. For example, how will local jurisdictions be able to promptly verify that proposed electrified fences meet the new, updated standards added by AB 2371, and how will local jurisdictions adjust their application process to be in compliance with AB 2371's prohibition on permit processes and restrictions without any time for them to do so before the law takes effect? This may well disrupt many

currently-pending applications and cities' current review processes, without providing them time to adjust for or implement the new rules.

Lastly, AB 2371 is sponsored by a private company that specifically makes and sells electrified security fences. Thus, if AB 2371 passes, it will directly benefit the sponsor and require local jurisdictions to approve installation of the sponsor's product. While that is not in and of itself a constitutional concern, it does raise questions about whether AB 2371's provisions and added requirements for compliant electrified security fences would give the sponsor a competitive marketplace advantage. For example, AB 2371 requires that compliant fences be powered by solar-powered batteries. While the sponsor's systems apparently all operate on solar-powered batteries, it is not clear whether the entire industry of electrified security fences relies on solar-powered batteries. As AB 2371 would be making solar-powered batteries a requirement for fences that cannot be denied installation or operation, it could advantage the sponsor's business over other electrified security fence companies whose products do not utilize solar-powered batteries to power their fences.

## 6. Amendments

The author has agreed to accept amendments that would: allow a local jurisdiction to require an administrative permit to confirm that an electrified security fence complies with the statute's provisions if the fence is on a property that abuts a property in residential use or that is within 300 feet of a public park or school facility; and would sunset the bill's amendments by January 1, 2028. A mock-up of these amendments are attached at the end of this analysis.

## 7. Arguments in support

According to AMAROK, LLC, which is the sponsor of AB 2371:

California Civil Code Section 835 (Section 835) was established in 2015 (SB 582, Hall) to ensure that only electrified security fence systems that meet specified safety standards in statute are authorized for installation on manufacturing, industrial and commercial properties in California. AB 2371 adds to Section 835 by creating uniformity in the local permitting requirements for manufacturing, industrial and specified commercial properties in need of this security alarm technology. This bill will enable property owners and businesses to install and employ this security technology in a timely manner, while still allowing local government authorities to regulate or prohibit installations that do not comply with all requirements under State law.

Despite the existing statute's clear requirements for the safe installation and operation of this security alarm technology, great disparity remains among local governments with widely varying local permitting requirements and timelines.



These permitting disparities range from one day in a few local jurisdictions to as long as two years in many others due to protracted permitting processes that are never required of other alarm system permit applications.

Over the past 8 years, more than 1,000 businesses statewide have been permitted for this security technology under Section 835 and are safely and effectively securing their properties and protecting their employees. However, close to 400 businesses are currently waiting for permits to protect their assets with an average delay over 1 year and growing. In contrast, local governments typically issue other security/burglar alarm permits over the counter or within a few days. This disparity leaves businesses that store vehicles, construction equipment and other forms of large inventory outdoors vulnerable to escalating property crime and significant economic and job losses.

An unfortunate example is the preventable incident experienced by the family-owned business, Salinas Valley Ford Truck Center in 2021. During the fifth month of waiting for the City of Salinas to approve a permit for an electrified security fence alarm system, a criminal breached the property's chain link fence and committed arson, burning a multi-generation dealership to the ground. The tragedy here was preventable. Had this security alarm technology been permitted in a timely manner, it would have prevented the total loss of the dealership and jobs for 24 employees.

A prominent RV sales and service company in La Mirada, Camping World, is another example. Camping World experienced repetitive criminal trespass and the grand theft of multiple Class-A RVs from its vehicle lot while city staff considered and developed a permit application process for nearly two years. This not only subjected Camping World and its customers to property loss and financial costs, but of most concern posed a grave risk to public safety due to stolen RVs being driven by criminals on city streets and highways.

These examples of hardship imposed on business property owners due to unreasonable delays by local government departments are not unique. AB 2371 provides a concrete solution to overcome these barriers for businesses that urgently need this safe and proven security alarm technology to enhance public safety in the workplace and the community as a whole.

## 8. Arguments in opposition

According to the League of California Cities, which is opposed to AB 2371:

[AB 2371] would prohibit local governments from banning electrified security fences within areas zoned for manufacturing, industrial property, or property zoned under another designation as long as the fence is authorized to be used for

a commercial purpose that stores, parks, services, sells, or rents vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard so long as the land does not include any residential or hospitality uses.

AB 2371 would force local governments to permit and allow for electrified security fences if such installations meet the requirements in subdivision (b) of Section 835 of the California Civil Code; or ban their installation altogether.

Considering the potential hazards an electrified security fence can pose to the public, it is critically important for local governments to retain their discretion on a case-by-case basis to ensure installation of such fences is safe and appropriate for the given area. While existing law may help establish minimum standards for the installation of electrified security fences, it simply cannot account for all community circumstances that may require additional discretion. Local governments are best suited to balance the needs of their residents and businesses to ensure potentially hazardous facilities are installed safely and appropriately. Unfortunately, this bill fails to strike that balance.

Although the bill specifies that if there is a residential or hospitality use near the facility electrified fences may be prohibited by the local government, it fails to account for recent legislation that forced cities to approve housing, by-right, without discretions or environmental review in commercial, rental, and parking zones. As local governments continue to address the need for more housing, local governments need discretion to balance competing needs.

### SUPPORT

AMAROK LLC (sponsor)  
Family Business Association (co-sponsor)  
A.G.M. LLC  
A.L. Lease Company  
AAA Fire Protection  
ABF Freight System Inc.  
Alfred Louie, Inc.  
All Points Manufacturing  
American Cylinder Head Inc.  
American Pavement Systems  
Anaheim Chamber of Commerce  
Arrowhead Towing  
Associated Coffee San Leandro  
Astro Turf  
AT Industrial Products  
Auto Empire Bakersfield  
Automotive Engineering Bakersfield

Bakersfield Cotton Warehouse  
Bay Area Council  
Best RV Center  
Brightview Landscaping Sacramento  
Bryan Industrial Properties  
Budd Van Lines  
Cal-Coast Machinery  
Cal FIRE, Local 2881  
Caliber Collision  
California Fuels & Convenience Alliance  
California Landscape Contractors Association  
California Trucking Association  
Canteen of Coastal California  
Capitol City Towing  
Castro Towing  
Certified Collision Center  
City Wide Towing  
Coalition for Small & Disabled Veteran Businesses  
Collins Electrical  
Commercial Van Interiors  
Crime Survivors  
D&M Kitchen & Bath Supply  
David Knott, Inc.  
Enterprise Rent-A-Car Company of Sacramento  
E-Recycling of California  
Filo America  
Fleet Yards, Inc.  
Freedom Farms  
Gachina Landscape Management  
Galey's Marine  
GBH Cultivation, LLC  
Gold Empire Cleaners  
Gold Rush Distribution  
Golf Cars of Riverside  
Great American and Titan Worldwide  
Harper Construction  
Holt CAT of California  
JB Wholesale, SRS Distribution  
JS West  
Junk-Atique Outlet  
KVL Tires  
Lees Iron & Metal  
McKinney Trailer  
Mission Valley Truck Center

National Federation of Independent Business  
Pacific Commercial Truck Body, Inc.  
Papé Material Handling  
Paper Pulp & Film  
Peace Officers' Research Association of California  
Pennhall  
Peterson CAT  
Pinnacle Power Services  
Quadrant Concrete  
QUINN Caterpillar  
Reimer Transport  
Republic Services  
Republic Services - Western Region  
Robert V. Jensen, Inc.  
Roto-Rooter  
Ry-Den Truck Centre  
SA Recycling  
SAIA LTL Freight  
Salinas Valley Ford Dealership  
Scelzi Enterprise  
Schneider Resources, Inc.  
Sea Wolf Group Corp.  
Stotz Equipment  
Temecula Motorsports  
Total Landscape  
TourCoach Charter and Tours  
TW Metals in Commerce California  
United Rentals CA  
United Rentals Menifee  
United Rentals Modesto  
Valley Industry and Commerce Association  
Velocity Vehicle Group  
West Coast Imports

**OPPOSITION**

California State Association of Counties  
League of California Cities

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

AB 1531 (Flora, 2023) would have authorized a local ordinance to prohibit the installation of an electrified security fence only if the fence fails to meet specified requirements, and would have prohibited a local jurisdiction from requiring a permit or approval for a compliant fence in addition to an alarm system permit. AB 1531 died in the Assembly Local Government Committee.

SB 358 (Flora, Ch. 148, Stats. 2021) authorized the installation and operation of an electrified security fence to protect and secure commercial, manufacturing, or industrial property, or property zoned under another designation but legally authorized to be used for a commercial, manufacturing, or industrial purpose. Specified that a local ordinance that prohibits or regulates only specified animal control fencing does not apply to an electrified security fence.

AB 582 (Hall, Ch. 273, Stats. 2015) authorized an owner of property to install and operate an electrical security fence, as defined, if the property is not in a residential zone, the fence has prominent warning signs, certain height restrictions are met, the fence is behind a perimeter fence, and the fence meets other specified technical and local requirements. Specifies that, if a local ordinance allows electrical security fences, the installation and operation of the fence must meet the requirements of that ordinance in addition to AB 582's requirements.

**PRIOR VOTES:**

Assembly Floor (Ayes 73, Noes 0)

Assembly Local Government Committee (Ayes 9, Noes 0)

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**MOCK-UP OF PROPOSED AMENDMENTS FOR AB 2371 (Juan Carrillo)**  
*(subject to any technical or corrective changes made by legislative counsel)*

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

**SECTION 1.**

Section 835 of the Civil Code is amended to read:

**835.**

(a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence as defined in Section 17151 of the Food and Agricultural Code, that meets the following requirements:

(1) The electrified security fence is powered by an electrical energizer, driven by solar-charged batteries of no more than 12 volts of direct current, with both of the following output characteristics:

(A) The impulse repetition rate does not exceed 1 hertz (hz).

(B) The impulse duration does not exceed 10 milliseconds, or  $10/1000$  of a second.

(2) The electrified security fence is used to protect and secure manufacturing or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial purpose that stores, parks, services, sells, or rents vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard, provided that the secured area does not include any *existing* residential or hospitality uses.

(b) An owner of real property may install and operate an electrified security fence on their property, subject to all of the following:

(1) The property is not located in a residential zone and falls within the description of property described in paragraph (2) of subdivision (a).

(2) The electrified security fence meets the ~~2006—international~~ standards and specifications of the International Electrotechnical Commission for electric *security* fence energizers in "International Standard IEC 60335, ~~Part 2-76.~~ Part 2-76:2018."

(3) The electrified security fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the electrified security fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people

with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the electrified security fence in wet conditions.

(4) The height of the electrified security fence does not exceed 10 feet or 2 feet higher than an existing nonelectrified perimeter fence or wall, whichever is greater. The electrified security fence shall be located behind a nonelectrified perimeter fence or wall that is not less than five feet in height.

(5) The *electrified security fence* includes a device that enables first responders to deactivate the electrified security fence in response to an emergency, if utilized by a city, county, or city and county.

(c) The electrified security fence may interface with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business, a monitoring service, or both the business and a monitoring service, in response to an intrusion or burglary.

(d) (1) An owner of real property not specified in paragraph (2) of subdivision (a) shall not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence. A local ordinance may prohibit the installation and operation of an electrified security fence that does not comply with subdivisions (a) to (c), inclusive. A local ordinance that prohibits or regulates only the installation or operation of an electrified fence as defined in Section 17151 of the Food and Agricultural Code ~~does not~~ *shall not be construed to apply to an electrified security fence.*

(2) For property specified under paragraph (2) of subdivision (a) and in compliance with subdivisions (a) to (c), inclusive, a city, county, or city and county ordinance, regulation, or code may not prohibit the installation and operation of an electrified security fence, nor require a permit or approval that is in addition to an alarm system permit issued by the city, county, or city and county. *A city or county may require an administrative permit from the Fire Marshall or Chief Building Official confirming the fence meets the statute's requirements, if it is on a property abutting a property in residential use, or within 300 feet of a public park or school facility.*

(e) Nothing in this section shall be construed to alter the authority of a jurisdiction to adopt and enforce an ordinance relating to nonelectrified perimeter fences or walls as legally authorized, if applicable.

*(f) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.*

*SEC. 2. Section 835 is added to the Civil Code, to read:*

*835. (a) As used in this chapter, "electrified security fence" means any fence, other than an electrified fence as defined in Section 17151 of the Food and Agricultural Code, that meets the following requirements:*

*(1) The fence is powered by an electrical energizer with both of the following output characteristics:*

*(A) The impulse repetition rate does not exceed 1 hertz (hz).*

*(B) The impulse duration does not exceed 10 milliseconds, or 10/10000 of a second.*

(2) The fence is used to protect and secure commercial, manufacturing, or industrial property, or property zoned under another designation, but legally authorized to be used for a commercial, manufacturing, or industrial purpose.

(b) An owner of real property may install and operate an electrified security fence on their property, subject to all of the following:

(1) The property is not located in a residential zone.

(2) The fence meets the 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76."

(3) The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

(A) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 feet.

(B) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.

(C) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

(4) The height of the fence does not exceed 10 feet or 2 feet higher than an existing perimeter fence, whichever is greater. The electrified security fence shall be located behind a perimeter fence that is not less than 5 feet in height.

(c) The electrified security fence may interface with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon the business, a monitoring service, or both the business and a monitoring service, in response to an intrusion or burglary.

(d) (1) An owner of real property shall not install or operate an electrified security fence where a local ordinance prohibits the installation or operation of an electrified security fence. A local ordinance that prohibits or regulates only the installation or operation of an electrified fence as defined in Section 17151 of the Food and Agricultural Code does not apply to an electrified security fence.

(2) If a local ordinance allows the installation and operation of an electrified security fence, the installation and operation of the fence shall meet the requirements of that ordinance and the requirements of subdivision (b).

(e) This section shall become operative on January 1, 2028.

**SEC. 2. SEC. 3.**

The Legislature finds and declares that Section 1 of this act amending Section 835 of the Civil Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

**SEC. 3. SEC. 4.**



This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To protect and secure businesses, employees, and other stakeholders from escalating incidences of trespass that have led to theft of valuable assets and risks to employee safety, it is necessary that this act take effect immediately.