

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Prohibition on Law Enforcement Cooperating with Other States' Investigations and Prosecutions of Abortions that are Legal in California</p>	<p><i>No.</i> 2026-DLE-05</p>	<p><i>Contact for information:</i> <u>Public Rights Division</u> Karli Eisenberg - (916) 210-7913 Supervising Deputy Attorney General <u>Criminal Law Division</u> Tia Coronado - (916) 210-7690 Deputy Attorney General</p>

TO: ALL CALIFORNIA DISTRICT ATTORNEYS, CHIEFS OF POLICE, SHERIFFS, AND STATE LAW ENFORCEMENT AGENCIES

California has recognized and supported reproductive freedom and access to safe, legal abortion for over half a century.

After the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* (2022), holding there is no federal constitutional right to abortion, some states other than California have outlawed abortion in some or all circumstances, and authorized civil suits and criminal prosecutions of those who perform, seek, obtain, or assist others in seeking or obtaining abortions.

For example, Louisiana is currently seeking to prosecute a California physician for allegedly providing a medication abortion in violation of Louisiana law. However, medication abortion is legally protected health care under California law. Accordingly, on January 14, 2026, Governor Newsom rejected Louisiana's request to extradite the California physician.¹

In light of these events, the Department issues this bulletin to remind law enforcement agencies that it is illegal under California law for local or state law enforcement to knowingly assist in out-of-state investigations or prosecutions related to providing, facilitating, or obtaining an abortion that is lawful under California law, or intending or attempting to do the same.

Applicable California Penal Code Provisions

- Prohibition on Arrests and Information Sharing
 - Arrests: State and local law enforcement agencies and officers are prohibited from knowingly arresting or participating in the arrest of someone for performing, obtaining, or aiding in the performance of "legally protected health care activity." (Pen. Code, § 13778.2, subd. (a).) As discussed below, "legally protected health care activity" includes reproductive health care

¹ See <https://www.gov.ca.gov/2026/01/14/governor-newsom-rejects-louisianas-attempt-to-extradite-california-doctor-for-providing-abortion-care/>; see also Pen. Code, § 1549.1 (governor has discretion to deny extradition request); Executive Order N-12-22.

services that are lawful under the laws of California, regardless of the patient's location. (Pen. Code, § 1549.15, subd. (b)(1)(C).) This definition covers telehealth services to terminate a pregnancy. (Pen. Code, § 1549.15, subd. (c).)

- Information Sharing: State and local public agencies and their employees are prohibited from cooperating with or providing information to any individual, agency, or department from another state about "legally protected health care activity." (Pen. Code, §§ 13778.2, subd. (b); 13778.3, subd. (b)) Sharing such information with federal law enforcement agencies is also not permitted, unless required by federal law. (Pen. Code, § 13778.2, subd. (b).)
- Legally protected health care activity includes, but is not limited to:
 - An act or omission undertaken to aid or encourage, or attempt to aid or encourage, a person in the exercise and enjoyment or attempted exercise and enjoyment of rights to reproductive health care services secured by the Constitution or laws of California. (Pen. Code, § 1549.15, subd. (b)(1)(B).)
 - The provision of reproductive health care services by a person duly licensed under the laws of California, if the service or care is lawful under the laws of California, regardless of the patient's location. (Pen. Code, § 1549.15, subd. (b)(1)(C).)
 - "Reproductive health care services" includes all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and laws of this state, whether provided in person or by means of telehealth services which includes, but is not limited to, all services, care, and products relating to pregnancy, the termination of a pregnancy, assisted reproduction, or contraception. (Pen. Code § 1549.15, subd. (c).)
- Use of Government Resources: State and local public government employees, persons or entities contracted by state or local government, or persons or entities acting on behalf of state or local government are prohibited from expending or using time, money, facilities, property, equipment, personnel, or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanctions upon a person or entity for any legally protected health care activity that occurred in this state or that would be legal if it occurred in this state. (Pen. Code, § 13778.3(b).)

- Wires, Electronic Communications, Pen Registers, Trap and Trace Devices, and Warrants

- No court may issue ex parte orders authorizing (i) interception of wire or electronic communications, or (ii) the installation and use of pen registers or trap and trace devices, and no search warrants may be issued, for the purpose of investigating or recovering evidence of a "prohibited violation." (Pen. Code, §§ 629.52, subd. (e), 638.52, subd. (m), 1524, subd. (h).)

- “Prohibited violation” is defined as any violation of law that creates liability for, or arising out of, either of the following:
 - Providing, facilitating, or obtaining “legally protected health care activity” that is lawful under California law. (Pen. Code, § 629.51, subd. (a)(5)(A)(I).)
 - Intending or attempting to provide, facilitate, or obtain “legally protected health care activity” that is lawful under California law. (Pen. Code, § 629.51, subd. (a)(5)(A)(II).)
 - “Facilitating” means assisting, directly or indirectly in any way, with the obtaining of “legally protected health care activity” that is lawful under California law. (Pen. Code, § 629.51, subd. (a)(5)(B).)
- In order to obtain a search warrant for electronic communications under section 1524.2, out of state law enforcement must provide an attestation stating that the evidence being sought does not relate to an investigation or prosecution of a “prohibited violation.” (Pen. Code, § 1524.2, subd. (c)(2).)
- Warrants: A magistrate shall not issue a warrant for the arrest of an individual who performed an abortion that is legal in California, regardless of the recipient’s location. (Pen. Code, § 847.5, subd. (b).)²

- Bail Schedule
 - The countywide bail schedule will set bail at zero dollars (\$0) for any individual who has been arrested in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of “legally protected health care activity” that is lawful under the laws of this state. (Pen. Code, § 1269b, subd. (f)(2).)

Best Practices

Out-of-state law enforcement seeking California’s assistance may not disclose to California law enforcement that their request is about abortion-related activity by characterizing it as, for example, child endangerment, child abuse, drug abuse, concealing a death, or murder. Appropriate training, including the best practices outlined below, can help law enforcement identify requests that seek protected information.

² In addition, pursuant to Governor Newsom’s Executive Order N-12-22, agencies and departments, including all employees, appointees, officers, or other persons acting in their official capacity subject to the Governor’s authority are prohibited from providing any information or otherwise expending any time or resources in furtherance of any inquiry, investigation, or proceeding initiated in or by another state for providing, securing, receiving or in any way supporting or assisting reproductive health care services legally performed or provided in California, including all medical, surgical, counseling, or referral services relating to the human reproductive system which include but not limited to services relating to pregnancy, contraception, or the termination of a pregnancy.

Law Enforcement Training

All staff should receive training on the Penal Code provisions cited above. This training should include the following points:

- (1) California law enforcement agencies should be careful, when sharing any information or otherwise cooperating with law enforcement from other states or federal agencies, to prevent information sharing about abortions that are legal under California law.
- (2) Law enforcement agencies should closely examine any out-of-state arrest warrant prior to taking any person into custody. Law enforcement is prohibited from cooperating where the arrest relates to abortions that are legal under California law, even if the warrant may not clearly state that the offense is related to abortion.
- (3) Law enforcement agencies should be aware that an out of state warrant does not require arrest or the initiation of extradition proceedings.
- (4) Law enforcement should be careful when applying for authorization from a magistrate to intercept electronic communications or wires, to install trap and trace devices, or for warrants on behalf of other states to ensure the other states are not seeking information relating to abortions that are legal under California law.
- (5) Law enforcement agencies should immediately contact the California Attorney General's Office if they have any questions regarding an out-of-state warrant.

District Attorney-Specific Training

Reproductive rights crimes may not be clearly identified as such. Prosecutors should carefully review any out-of-state information requests before responding. Likewise, prosecutors should closely review out-of-state warrants and any supporting documents provided by the out-of-state agency, in consultation with the Attorney General's Office, before initiating extradition proceedings pursuant to Penal Code section 1551. Information about the underlying crime(s) may be found in the indictment, information, complaint, or affidavit and the out-of-state warrant provided by the demanding agency. Prosecutors should not rely solely on the statutes contained in the above documents but should carefully review the underlying facts to ensure that activity associated with reproductive healthcare services is not improperly described as criminal conduct, including child neglect, child abuse, drug use, or murder. If the underlying facts cannot be readily determined from the documents provided by the demanding agency, additional documentation should be requested before initiating extradition proceedings pursuant to Penal Code section 1551.

Additional Guidance Materials

In 2025, the Commission on Peace Officer Standards and Training (POST) issued its revised Guidelines on Anti-Reproductive-Rights Crimes. The Guidelines discuss these above-referenced issues and are available here:

https://post.ca.gov/Portals/0/post_docs/publications/Anti-Reproductive-Rights_Crimes.pdf

Contact Information

The California Department of Justice is available to assist local law enforcement agencies in complying with the above-described Penal Code provisions. Should your agency or individual officers require technical assistance or if you are interested in the training, please contact Supervising Deputy Attorney General Karli Eisenberg at Karli.Eisenberg@doj.ca.gov or (916) 210-7913, or Deputy Attorney General Tia Coronado at Tia.Coronado@doj.ca.gov or (916) 210-7690.