

Date of Hearing: March 15, 2022

Chief Counsel: Sandy Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 1899 (Mathis) – As Amended March 3, 2022

As Proposed to be Amended in Committee

SUMMARY: Prohibits the false impersonation of peace officers, firefighters, and other public officers and employees through, or on, an internet website, or by other electronic means.

Specifically, **this bill:**

- 1) Provides that any person who willfully and credibly impersonates a peace officer through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor.
- 2) Provides that any person who willfully and credibly impersonates an officer or member of a fire department, or any deputy state fire marshal through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor.
- 3) Provides that any person who willfully and credibly impersonates an employee of a public utility or district through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor.
- 4) Provides that any person who willfully and credibly impersonates an officer or employee of any state department or agency, or of any county, city, city and county, or special district through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor.
- 5) Provides that any person who willfully and credibly impersonates an officer or member of a government-agency-managed or affiliated search and rescue unit or team through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor.

EXISTING LAW:

- 1) Provides that any person other than one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor. (Pen. Code, § 538d.)
- 2) Provides that any person, other than an officer or member of a fire department, who willfully wears, exhibits, or uses the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating such a person, or of fraudulently

inducing the belief that they an officer or member of a fire department or the Office of the State Fire Marshal, is guilty of a misdemeanor. (Pen. Code, § 538e.)

- 3) Provides that any person, other than an employee of a public utility or district, as specified, who willfully presents themselves to a utility or district customer with the intent of fraudulently personating an employee of a public utility or district, or of fraudulently inducing the belief that they are an employee of a public utility or district, is guilty of a misdemeanor. (Pen. Code, § 538f.)
- 4) Provides that any person, other than a state, county, city, special district, or city and county officer or employee, who willfully wears, exhibits, or uses the authorized badge, photographic identification card, or insignia of such an officer or employee, with the intent of fraudulently impersonating an officer or employee, or of fraudulently inducing the belief that they are a state, county, city, special district, or city and county officer or employee, is guilty of a misdemeanor. (Pen. Code, § 538g.)
- 5) Provides that any person, other than an officer or member of a search and rescue unit or team, who willfully wears, exhibits, or uses the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing of member of a search and rescue unit or team, with the intent of fraudulently impersonating such a person, or of fraudulently inducing the belief that they are an officer or member of a search and rescue unit or team, or uses the same to obtain aid, money, or assistance within this state, is guilty of a misdemeanor. (Pen. Code, § 538h.)
- 6) Provides that any person who knowingly and without consent credibly impersonates another actual person through, or on, an internet website, or by other electronic means for the purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable by a fine not exceeding \$1,000, or by imprisonment in a county jail not exceeding one year, or both.. (Pen. Code, § 528.5, subs. (a) & (d).)
- 7) States that an impersonation is credible if another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated. (Pen. Code, § 528.5, subd. (b).)
- 8) Provides that every person who falsely personates another in either their private or official capacity, and in such assumed character either, and does any of the following, is punishable by a fine not exceeding \$10,000, or by imprisonment in the county jail not exceeding one year, or imprisonment in the county jail for 16 months, two, or three years, or by both a fine and imprisonment:
 - a) Becomes bail or surety for any party in any proceeding whatever, before any court or officer authorized to take such bail or surety;
 - b) Verifies, publishes, acknowledges, or proves, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, or used as true; or,
 - c) Does any other act whereby, if done by the person falsely personated, they might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party

personating, or to any other person. (Pen. Code, § 529.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “AB 1899 is a bipartisan measure that enacts a necessary modernization of California law to reflect and tackle the evolving tactics of fraudulent impersonation of government agencies and first responders, and ensures that the most vulnerable segments of our society are no longer deliberately targeted and victimized.”
- 2) **Need for This Bill:** Several provisions of the Penal Code prohibit the fraudulent impersonation or attempted impersonation of peace officers and other public officers and employees. These provisions proscribe willfully wearing, exhibiting, or using the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing of those officers and employees to commit the fraudulent impersonation. (See Pen. Code, §§ 538d-538h.)

Current law also prohibits the credible impersonation “of another *actual person*” on an internet website, or by other electronic means for purposes of defrauding another person. (Pen. Code, § 528.5, subd. (a), emphasis added.)

However, it is unclear whether purporting to be a peace officer or other public officer or employee generally, as opposed to an actual person who is such an officer or employee, via an internet website or by other electronic means is prohibited under existing law.

This bill would ensure that the false impersonation of a peace officer, firefighter, public utility employee, state or local government agency employee or officer, and a member of a search and rescue team via an internet website, or by other electronic means for purposes of defrauding another is prohibited by law.

- 3) **Argument in Support:** None submitted.
- 4) **Argument in Opposition:** None submitted.
- 5) **Prior Legislation:**
 - a) AB 1598 (Fong), of the 2019-2020 Legislative Session, would have created a new misdemeanor for knowingly and credibly impersonating another person by electronic means for the purpose of initiating a sexual relationship with another person. AB 1598 was not heard in this committee at the request of the author.
 - b) AB 1920 (Grayson), Chapter 252, Statutes of 2018, made it a misdemeanor for a person to intentionally and fraudulently impersonate a member of a search and rescue team.
 - c) SB 1411 (Simitian), Chapter 335, Statutes of 2010, made it misdemeanor for a person knowingly and without consent to credibly impersonate another actual person on the Internet, or via other electronic means in order to harm, intimidate, threaten, or defraud another person.

REGISTERED SUPPORT / OPPOSITION:

Support

None

Opposition

None

Analysis Prepared by: Sandy Uribe / PUB. S. / (916) 319-3744