

Date of Hearing: March 17, 2026

Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1872 (Ta) – As Introduced February 12, 2026

SUMMARY: Increases the punishment for a second or subsequent offense of “swatting” from a misdemeanor to an alternate felony-misdemeanor. Specifically, **this bill:**

- 1) Provides that a second or subsequent offense of reporting an “emergency” to a government entity, knowing that the report is false, is punishable by up to one year in county jail, by a fine of up to \$1,000, by both imprisonment and a fine, or by a felony punishable by imprisonment for 16 months, 2 years, or 3 years.
- 2) Provides that a second of subsequent offense of telephoning or using an electronic communication device to contact 911 with the intent to annoy or harass another person is a misdemeanor punishable by up to one year in county jail, by a fine of up to \$1,000, by both imprisonment and a fine, or of a felony punishable by imprisonment for 16 months, 2 years, or 3 years.
- 3) Provides that the increased penalties for a second or subsequent offense for swatting does not apply to a person who was under 18 years of age at the time they committed the prior offense or offenses.
- 4) Clarifies that the reasonable costs for which an individual convicted of the above crimes could be liable include property damage incurred by any party as a result of the emergency response.

EXISTING LAW:

- 1) Makes reporting to a government agency that an emergency exists, knowing that the report is false, a misdemeanor punishable by imprisonment in county jail for up to one year, a fine of up to \$1,000, or both. (Pen. Code, § 148.3, subd. (a).)
- 2) Makes knowingly making a false report of an emergency to a government agency, knowing that the response to the report is likely to cause death or great bodily injury, and great bodily injury or death results, a felony punishable by imprisonment in county jail for 16 months, 2 years, or 3 years. (Pen. Code, § 148.3, subd. (b).)
- 3) Provides that a person who telephones or uses an electronic communication device to initiate communication with the 911 emergency system with the intent to annoy or harass another person is guilty of a misdemeanor punishable by a fine of up to \$1,000, by imprisonment in a county jail for up to six months, or both. (Pen. Code, § 653x, subd. (a).)

- 4) Provides that an intent to annoy or harass is established by proof of repeated calls or communications over a period of time, however short, that are unreasonable under the circumstances. (Pen. Code, § 653x, subd. (b).)
- 5) Provides that an individual is liable to a public agency for the reasonable costs of the emergency response by that public agency when convicted of knowingly making a false report or calling 911 with the intent to annoy or harass another person. (Pen. Code, § 148.3, subd. (e); Pen. Code, § 653x, subd. (c).)
- 6) Makes knowingly allowing the use of or using the 911 emergency system for any reason other than an emergency an infraction, as specified. (Pen. Code, § 653y, subd. (a).)
- 7) Makes knowingly allowing the use of or using the 911 emergency system for the purpose of harassing another punishable by a fine of \$250 or a misdemeanor punishable by up to six months in county jail, by a fine of up to \$1,000, or both; a second or subsequent offense is a misdemeanor punishable by up to six months in county jail, by a fine of up to \$1,000, or both. (Pen. Code, § 653y, subd. (b).)
- 8) Makes knowingly allowing the use of or using the 911 emergency system for the purpose of harassing another person, and that act is a hate crime or violation of a condition of probation, a misdemeanor punishable by up to one year in county jail, by a fine of between \$500 and \$2,000, or both. (Pen. Code, § 653y, subd. (c).)
- 9) Makes it a misdemeanor to file a report with law enforcement that that a felony or misdemeanor has been committed, knowing the report to be false. (Pen. Code, § 148.5, subd. (a).)
- 10) Defines “emergency” as any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, aircraft, or vessel, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any individual may enter, or any situation that results in or could result in activation of the Emergency Alert System, as specified. (Pen. Code, § 148.3, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “According to the Educator’s School Safety Network, 63.8% of all violent incidents at schools in the past year were the result of false active shooter reports—a shocking 546% increase from 2018 to 2023. Put simply, swatting puts children, teachers, and other innocent members of our community in immediate jeopardy.

“Any person, including school faculty, students, and public servants, can easily be a target of swatting regardless of position or politics. This serious crime wastes public resources, leads to property damage, causes undue stress for the victims, and risks serious injury or death. Swatting is more than just a threat to the safety of individuals, including our school faculty, students, public officials, and their families – it’s an affront to democracy. By granting

judicial discretion to address the crime of swatting as a wobbler, AB 1872 will help crack down on such a dangerous crime to keep our schools and communities safe.”

- 2) **“Swatting”**: According to one security expert, “Swatting involves people making fraudulent 911 calls reporting serious-level criminal threats or violent situations like bomb threats, hostages, killing, etc. to fool the police into raiding the house or business of somebody who is not actually committing a crime.”¹

There have been numerous high-profile swatting instances in recent years.² According to Politico, “A broad range of politicians and other public figures have been targeted by swatting calls for a variety of reasons that aren’t always tied to Trump. The pranks are designed to fool unsuspecting police into responding with force, sometimes with their arms drawn. Callers have reported fake incidents at the homes of Boston Mayor Michelle Wu, a Democrat, and Republican Rep. Majorie Taylor Greene of Georgia has claimed multiple incidents, criticizing the FBI while lauding local police for their response.”³

The FBI recently launched a “Virtual Command Center” in partnership with state and local law enforcement to help track and prevent swatting incidents.⁴ “The initiative allows police and intelligence fusion centers to share details of swatting incidents taking place within their jurisdictions, providing authorities nationwide with a “common operating picture” regarding the nature of the threat, and can assist in identifying whether the same perpetrator is responsible for multiple incidents.”⁵

- 3) **This Bill is Inconsistent with Other Provisions of Law**: This bill would increase the punishment for “swatting” from a misdemeanor to a wobbler. However, allowing for an alternate misdemeanor-felony in swatting cases is arguably inconsistent with provisions of law intended to prohibit similar conduct and prevent similar harms.

For example, AB 1775 (Jones-Sawyer), Chapter 327, Statutes of 2020, made a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass people. That bill was an explicit response to a number of media reports on people calling 911 and making false claims to harass others, in part because the target individuals were members of a protected class.⁶ The threat posed by such reports is likely greater to communities of color, and particularly to Black men.⁷

¹ Ward, *The FBI has formed a national database to track and prevent ‘swatting’*, NBCNews.com (June 29, 2023) <<https://www.nbcnews.com/news/us-news/fbi-formed-national-database-track-prevent-swatting-rcna91722>> [last visited Mar. 27, 2024].

² See e.g., Cadelago, *California lieutenant governor ‘swatted’ after push to boot Trump from ballot*, Politico.com (Jan. 4, 2024) <<https://www.politico.com/news/2024/01/04/california-lieutenant-governor-swatted-after-push-to-boot-trump-from-ballot-00133952>> [last visited Mar. 27, 2024].

³ *Ibid.*

⁴ Ward, *supra*.

⁵ Campbell, *High-profile political figures are the targets in latest wave of ‘swatting’ incidents. Why the trend is so alarming*, CNN.com (Jan. 15, 2024) <<https://www.cnn.com/2024/01/14/us/swatting-incidents-trend-explained/index.html>> [last visited Mar. 27, 2024].

⁶ See e.g., North, *Amy Cooper’s 911 call is part of an all-too-familiar pattern*, Vox.com (May 26, 2020) <<https://www.vox.com/2020/5/26/21270699/amy-cooper-franklin-templeton-christian-central-park>> [last visited Mar. 27, 2024].

⁷ Cf. Premkumar, *Police Use of Force and Misconduct in California*, PPIC (Oct. 2021)

<<https://www.ppic.org/publication/police-use-of-force-and-misconduct-in-california/>> [last visited Mar. 27, 2024].

Under existing law, it is a misdemeanor punishable by up to one year in county jail to use the 911 emergency system to harass another person if the conduct qualifies as a hate crime, as specified. (Pen. Code, § 653y, subd. (c).) Where no evidence of hate crime exists, knowingly using the 911 emergency system for the purpose of harassing another is an alternate infraction-misdemeanor for a first offense, and a straight misdemeanor for a second or subsequent offense. In these circumstances, a misdemeanor for a first offense would carry possible imprisonment in county jail for up to six months, whereas a second or subsequent offense carries a punishment of up to one year in county jail. (Pen. Code, § 653y, subd. (b)(1) & (2).)

Similarly, existing law makes it a misdemeanor to knowingly file a false police report (Pen. Code, § 148.5, subd. (a)); to file a petition for a gun violence restraining order knowing that the information in the petition is false or with the intent to harass (Pen. Code, § 18200); and, to willfully and maliciously sound a false alarm of fire (Pen. Code, § 148.4, subd. (a)). Like “swatting,” these acts all require agencies to divert resources from legitimate duties to handle false reports; and, in many cases, these acts could cause potentially volatile interactions between emergency responders and those targeted by a false report.

Finally, existing law already provides for up to three years in county jail for “swatting” when the false report results in death or great bodily injury if the person knew or should have known that that result was likely. (Pen. Code, § 148.3, subd. (b); see also Pen. Code, § 148.4, subd. (b) [false fire alarm resulting in serious bodily injury or death].) This bill would allow for felony punishment of up to three years for swatting even when there was no injury. As a result, a person convicted of swatting when no injury results could receive the same, or an even longer, sentence as another person whose conduct resulted in great bodily injury or death.

- 4) **Deterrence:** Research shows that increasing the severity of the punishment does little to deter crime. According to the National Institute of Justice, an agency of the U.S. Department of Justice, “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. More severe punishments do not ‘chasten’ individuals convicted of crimes, and prisons may exacerbate recidivism... Studies show that for most individuals convicted of a crime, short to moderate prison sentences may be a deterrent but longer prison terms produce only a limited deterrent effect. In addition, the crime prevention benefit falls far short of the social and economic costs.”⁸
- 5) **Argument in Support:** According to the *City of Los Alamitos*, “Swatting poses a direct threat to public safety, but it is especially dangerous when schools and students are involved. Swatting is the malicious act of falsely reporting an emergency, such as an active shooter situation, in order to trigger a large-scale law enforcement response. This not only diverts critical resources away from legitimate emergencies, but it places students and educators in immediate harm’s way. According to the Educator’s School Safety Network, 63.8% of all violent incidents at schools in the past year were the result of false active shooter reports—a shocking 546% increase from 2018 to 2023.

⁸ National Institute of Justice, *Five Things about Deterrence* <<https://www.ojp.gov/pdffiles1/nij/247350.pdf>> [as of Feb. 25, 2025].

“These fake threats cause panic and trauma for students, teachers, and parents. The presence of SWAT teams and armed officers on school grounds, responding to a false report, can lead to confusion, fear, and even physical harm. In addition to the emotional toll, the disruption caused by swatting incidents interrupts the learning environment, jeopardizing students' education and well-being. As we have seen, these swatting events can have a lasting psychological impact on those involved, particularly children who should feel safe in their schools.

“AB 1872 provides a necessary response to this growing problem. By allowing the State of California to prosecute swatting as either a misdemeanor or felony, the bill gives law enforcement the tools to appropriately address these crimes based on their severity. It also ensures that victims, including schools and their staff, are compensated for the costs they incur, such as repairs to property or other damage resulting from these false reports.

“The City of Los Alamitos strongly supports AB 1872 as a crucial step in protecting our students, teachers, and the broader community from the dangers of swatting. The safety and security of our schools must remain a top priority, and we believe this bill is an essential tool in ensuring that students can learn in an environment free from fear and disruption.”

6) Prior Legislation:

- a) AB 327 (Ta), of the 2025-2026 Legislative Session, was nearly identical to this bill. AB 327 was held in suspense in the Assembly Appropriations Committee.
- b) AB 2609 (Ta), of the 2023-2024 Legislative Session, was nearly identical to this bill. AB 2609 was held in suspense in the Assembly Appropriations Committee.
- c) AB 1775 (Jones-Sawyer), Chapter 327, Statutes of 2020, made a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class.
- d) AB 1769 (Rodriguez) Chapter 96, Statutes of 2016, prohibited contacting the 911 system via electronic communication for the purpose of annoying, harassing, or any purpose other than an emergency.
- e) AB 538 (Juan Arambula), of the 2009-2010 Legislative Session, would have authorized agencies that provide emergency medical services to report misuse of the 911 system to the public safety entity that originally received the call. Governor Brown vetoed AB 538.
- f) AB 1976 (Benoit), Chapter 89, Statutes of 2008, increased the penalties for knowingly using the 911 system for any reason other than an emergency.
- g) AB 2225 (Mountjoy), Chapter 227, Statutes 2006, added activation of the Emergency Alert System to the definition of “emergency” for which an individual making a knowingly false report is guilty of misdemeanor.
- h) AB 911 (Longville), Chapter 295, Statutes of 2004, created a new infraction for using the 911 telephone system for purposes other than an emergency, as defined.

- i) SB 2057 (O'Connell), Chapter 521, Statutes of 2002, required the felony offense of knowingly making a false emergency report to public officials that results in great bodily injury or death to include knowledge that great bodily injury or death was likely.
- j) AB 2741 (Cannella), Chapter 262, Statutes of 1994, made it a misdemeanor to telephone the 911 emergency system with the intent to annoy or harass another person.

REGISTERED SUPPORT / OPPOSITION:

Support

Antelope Valley Union High School District
Brentwood Union School District
California District Attorneys Association
California State Sheriffs' Association
Capistrano Unified School District
Ceres Unified School District
Chaffey Joint Union High School District
City of Los Alamitos
El Monte Union High School District
Garden Grove Unified School District
Golden Valley Unified School District
Hope School District
Huntington Beach Union High School District
Madera Unified School District
Newport-mesa Unified School District
Pacific Union Elementary School District
Peace Officers Research Association of California (PORAC)
Perris Union High School District
Redondo Beach Unified School District
South Monterey County Joint Union High School District
Tehachapi Unified School District
Temple City Unified School District
3 Private Individuals

Oppose

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Ella Baker Center for Human Rights
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender
Smart Justice California, a Project of Beyond Impact

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744