

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill increases the punishment for a second or subsequent offense of swatting from a misdemeanor to an alternate felony-misdemeanor.

Specifically, this bill:

- 1) Makes a second or subsequent offense of reporting a false emergency to a government entity punishable as a “wobbler” — a misdemeanor punishable by up to one year in county jail and a fine of up to \$1,000, or a felony punishable by 16 months, two years, or three years.
- 2) Makes a second or subsequent offense of contacting 911 with the intent to annoy or harass punishable as a wobbler under the same terms.
- 3) Excludes from the enhanced penalty any person who was under 18 at the time of the prior offense.
- 4) Clarifies that the reasonable costs for which a convicted person is liable include property damage incurred by any party as a result of the emergency response.

FISCAL EFFECT:

Incarceration costs (local funds, General Fund) to the counties and California Department of Corrections and Rehabilitation (CDCR) of an unknown amount. This bill elevates a second or subsequent swatting offense from a misdemeanor to a wobbler, making it punishable by up to three years in state prison. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence is served in county jail or state prison.

Because swatting is currently a misdemeanor, county-level conviction data is not available to this committee, and the number of second or subsequent offenders who would be subject to the enhanced penalty cannot be determined. Swatting prosecutions are relatively uncommon compared to other misdemeanor offenses, and the subset involving repeat offenders would be smaller still. However, even a small number of additional felony convictions resulting in state prison commitments would translate into meaningful and ongoing incarceration costs. The Legislative Analyst’s Office estimates the average annual cost to incarcerate one person in state prison at \$128,000; CDCR estimates \$135,921. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has

historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

1) **Purpose.** According to the author,

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. 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) **Background.** “Swatting” refers to calling 911 or otherwise falsely reporting an emergency at a location in an attempt to draw a law enforcement response, often a SWAT team, to that location. There are several criminal offenses that may be charged if a person engages in swatting. Under existing law, it is a misdemeanor to knowingly make a false report of an emergency to a state or local department or agency, punishable by up to one year in county jail. It is also a misdemeanor to use an electronic communication device to contact a 911 emergency system with the intent to annoy or harass, punishable by up to six months in county jail. Currently, there is no distinction between the punishment for a first conviction and any subsequent conviction for these offenses. When a false report results in death or great bodily injury and the person knew that result was likely, existing law provides for felony punishment of up to three years.

This bill increases, from a misdemeanor to a wobbler, the penalty for a second or subsequent conviction of each of the swatting offenses described above. A wobbler is an offense that may be charged as a misdemeanor or a felony at the discretion of a prosecutor. A misdemeanor conviction would be punishable by up to one year in county jail; a felony conviction would be punishable by 16 months, two years, or three years in county jail, or state prison if a defendant has certain prior convictions. The bill specifies these increased penalties do not apply to a person who committed the prior offense as a minor. Additionally, the bill makes a convicted defendant liable for property damage incurred by any party as a result of the emergency response — under existing law, liability extends only to the reasonable costs of the emergency response itself, not resulting property damage.

The policy committee analysis raises several concerns. First, the bill would allow felony punishment of up to three years for swatting even when no injury results, meaning a person convicted under this bill could receive the same or a longer sentence than a person whose swatting resulted in great bodily injury or death. Second, the bill is arguably inconsistent with penalties for similar conduct under existing law. Filing a false police report, filing a fraudulent gun violence restraining order petition, sounding a false fire alarm, and knowingly using the 911 system to harass another person — even as a hate crime — are all straight misdemeanors. Finally, research shows that lengthy criminal sentences do not effectively deter crime; the certainty that someone will be punished plays a larger role in deterrence than the length of the potential punishment.

3) **Prior Legislation.** AB 327 (Ta), of the 2024-25 Legislative Session, was identical to this bill. It was held on the Senate Appropriation's suspense file.

AB 2609 (Ta), of the 2023-24 Legislative Session, was similar to AB 327 but did not alter a swatting defendant's liability for damage. AB 2609 was held on this committee's suspense file.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081