

ASSEMBLY THIRD READING
AB 1872 (Ta)
As Introduced February 12, 2026
Majority vote

SUMMARY

Increases the punishment for a second or subsequent offense of "swatting" from a misdemeanor to an alternate felony-misdemeanor.

Major Provisions

- 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, two years, or three years.
- 2) Provides that a second or 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, two years, or three 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.

COMMENTS

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.¹ The threat posed by such reports is likely greater to communities of color, and particularly to Black men.²

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, Section 653y, subdivision. (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, Section 653y, subd. (b)(1) & (2).)

Similarly, existing law makes it a misdemeanor to knowingly file a false police report (Pen. Code, Section 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, Section 18200); and, to willfully and maliciously sound a false alarm of fire (Pen. Code, Section 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, Section 148.3, subd. (b); see also Pen. Code, Section 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.

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."

¹ 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].

² 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].

Arguments 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."

"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."

Arguments in Opposition

According to the *ACLU California Action*, "California law already provides strong penalties for false emergency reporting. Knowingly making a false report that an emergency exists is a misdemeanor punishable by up to one year in county jail and a fine. If the false report leads to great bodily injury or death, the offense may already be charged as a felony. In addition, existing law allows public agencies to recover the reasonable costs of an emergency response from individuals convicted of swatting."

"AB 1872 escalates penalties by allowing a second or subsequent offense to be charged as a felony and expands liability to include property damage resulting from an emergency response. Increasing punishment in this way is unlikely to deter misconduct but will increase incarceration and impose additional financial penalties on people who are often already struggling economically."

"People in the criminal legal system are overwhelmingly low income. Additional fines, restitution, and civil liability can saddle individuals with debts they have little ability to repay, making reentry more difficult and destabilizing families. Research has consistently found that criminal legal system debt worsens poverty and can force families to cut spending on essential needs such as housing, education, and healthcare."

FISCAL COMMENTS

According to the Assembly Public Safety Committee, "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."

VOTES**ASM PUBLIC SAFETY: 9-0-0**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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