
THIRD READING

Bill No: AB 237
Author: Patel (D), et al.
Amended: 7/3/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 7/1/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 75-0, 6/3/25 - See last page for vote

SUBJECT: Crimes: threats

SOURCE: San Diego County District Attorney's Office

DIGEST: This bill creates a new crime of threatening to commit a crime that will result in death or great bodily injury at a daycare, school, university, workplace, house of worship, or medical facility, punishable as an alternate felony-misdemeanor.

ANALYSIS:

Existing Law:

- 1) States that any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement made (either verbally, in writing, or by means of an electronic device) is to be taken as a threat, even if there is no intent of carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution, and which thereby causes the person reasonably to be in sustained fear for their own safety or that of their family, is guilty of a crime punishable either as a

misdemeanor or felony, as specified. (Penal (Pen.) Code, § 422.)

- 2) States that any person who with intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution to do, or refrain from doing, any act in the performance of his or her duties, by means of a directly-communicated threat to the person, to inflict unlawful injury upon any person or property, and it reasonably appears to the recipient that such threat could be carried out, is guilty of a crime. (Pen. Code, § 71, subd. (a).)
- 3) States that any person who with intent to annoy, telephones another or contacts him or her by means of an electronic device, and threatens to inflict injury on the person or the person's family, or to the person's property is guilty of a misdemeanor. (Pen. Code, § 653m, subd. (a).)
- 4) Provides that any person who with intent to cause, attempts to cause or causes, another to refrain from exercising his or her religion or from engaging in a religious service by means of a threat directly communicated to such a person to inflict an injury upon the person or property, and it reasonably appears to the recipient that such a threat could be carried out, is guilty of a felony. (Pen. Code, § 11412.)
- 5) Provides that any person who knowingly threatens to use a weapon of mass destruction with the specific intent that the statement, as defined, or a statement made by means of an electronic device, is to be taken as a threat, even if there is no intent of carrying it out, which on its face and under the circumstances in which it is made, is so unequivocal, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution, and thereby causes the person reasonably to be in sustained fear of for personal safety or that of their family is guilty of a crime. (Pen. Code, § 11418.5, subd. (a).)
- 6) Defines a "hate crime" as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:
 - a) Disability;
 - b) Gender;
 - c) Nationality;
 - d) Race or ethnicity;

- e) Religion;
 - f) Sexual orientation;
 - g) Association with a person or group with one or more of these actual or perceived characteristics. (Pen. Code, § 422.55, subd. (a).)
- 7) Provides that a “hate crime” includes but is not limited to violating or interfering with the exercise of civil rights, or knowingly defacing, destroying, or damaging property because of actual or perceived characteristics of the victim that fit the “hate crime definition.” (Pen. Code, §§ 422.55, subds. (a) & (b), 422.6, subds. (a) & (b).)
- 8) Provides that a conviction for violating or interfering with the civil rights of another on the basis of actual or perceived characteristics of the victim that fit the “hate crime” definition is punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$5,000, or by both the above imprisonment and fine, and a minimum of community service, not to exceed 400 hours, as specified. (Pen. Code, § 422.6, subd. (c).)
- 9) Makes any other hate crime that is not punishable by imprisonment in the state prison a wobbler (punishable alternatively as a misdemeanor or county jail felony) if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that other person’s free exercise or enjoyment of any constitutional right under any of the following circumstances:
- a) The crime against the person either includes the present ability to commit a violent injury or causes actual physical injury;
 - b) The crime against property causes damage in excess of \$950; or,
 - c) The person charged with a crime under this provision has been convicted previously of a hate crime or conspiracy to commit a hate crime, as specified. (Pen. Code, § 422.7.)
- 10) Provides that unless punishable under the provision above:
- a) A person who commits a felony that is a hate crime or attempts to do so, shall receive an additional term of one, two, or three years in the state prison,

at the court's discretion; and,

- b) A person who commits a felony that is a hate crime, or attempts to do so, and who voluntarily acted in concert with another person in the commission of the crime shall receive an additional term of two, three, or four years in the state prison. (Pen. Code, § 422.75, subds. (a) & (b).)
- 11) Provides that every person who intentionally disturbs or disquiets any assemblage of people met for religious worship at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor punishable by a fine not exceeding \$1,000, or by imprisonment in a county jail for a period not exceeding one year, or by both. (Pen. Code, § 302.)

This Bill:

- 1) Provides that any person who, willfully threatens, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime that will result in death or great bodily injury to another person or persons at a daycare, school, university, workplace, house of worship, or medical facility with specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, if the threat on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or person to reasonably be in sustained fear for their own safety or the safety of others at these locations, is guilty of a crime.
- 2) States that the new crime is an alternate felony-misdemeanor, punishable by imprisonment in county jail for a term not exceeding one year, or in county jail for 16 months, 2, or 3 years pursuant to realignment.
- 3) Specifies that a person under 18 years of age who commits this crime is guilty of a misdemeanor.
- 4) States that this crime does not preclude punishment under any other law, but prohibits dual conviction for this crime and the general criminal threats statute based on the same threat.

Background:

In order to convict a person under the current criminal threat statute, Penal Code section 422, the prosecutor must prove the following:

- 1) that the defendant willfully threatened to commit a crime which will result in death or great bodily injury to another person;
- 2) that the defendant made the threat;
- 3) that the defendant intended that the statement is to be taken as a threat, even if there is no intent of actually carrying it out;
- 4) that the threat was so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat;
- 5) that the threat actually caused the person threatened to be in sustained fear for his or her own safety or for his or her immediate family's safety; and,
- 6) that the threatened person's fear was reasonable under the circumstances. (Pen. Code, §422; CALCRIM No. 1300; see also *People v. Toledo* (2001) 26 Cal.4th 221, 227-228.)

Penal Code section 422 applies to all criminal threats which will result in death or great bodily injury regardless of location or the exact type of violence that is threatened. This bill seeks to create the specific crime of criminal threats when the threat is to take place at a daycare, school campus, university, workplace, house of worship, or medical facility. This new crime is very similar to the existing criminal threats statute. Some prosecutors argue that the current criminal threats statute does not fit well into instances of threats to locations in general rather than to specific persons.

However, a recent example illustrating the existing law's application to threats of violence on school grounds notwithstanding no specified target can be found in an appellate court's recent ruling. In *In re A.G.* (2020) 58 Cal.App.5th 647, A.G., a high school student posted an image of a realistic-looking gun replica with the caption, "Everybody goes to school tomorrow. I'm taking gum [sic]," on his Snapchat account, which was visible to about 60 "friends." (*Id.* at p. 650.) Another student saw the post, "worried when she saw the story because she knew school shootings happened regularly", and alerted a teacher. (*Id.* at p. 651.) This same

student saw a subsequent post by A.G. saying, “Everyone, it wasn't real. I was xanned out.” But this did not alleviate her fear. (*Ibid.*) The juvenile court found this conduct was sufficient to constitute a violation of the criminal threats statute, Penal Code section 422. (*Id.* at p. 650.) The minor appealed alleging insufficient evidence to support the adjudication. Specifically, the minor alleged that the evidence failed to show: “(1) he intended his Snapchat post to be understood as a threat; (2) he willfully threatened to unlawfully kill or cause great bodily injury to anyone; (3) he intended to threaten D.J. or Henriquez specifically; (4) any alleged threat was unequivocal or unambiguous to reasonably sustain fear in either D.J. or Henriquez; or (5) any threat to D.J. or Henriquez was sufficiently immediate to place either of them in fear.” (*Id.* at p. 653.) The appellate court disagreed with all of A.G.’s contentions and affirmed. (*Id.* at p. 659.)

In other words, courts have upheld convictions/juvenile adjudications in these circumstances. Additionally, as to places of worship, general threats which do not single out an individual can be prosecuted under hate crime laws or a violation of Penal Code section 11412.

The existing crime of criminal threats is punishable as either a misdemeanor or a felony. (Pen. Code, § 422.) When a criminal threats conviction is punished as a felony, it also becomes a serious felony for purposes of enhanced punishment under the Three Strikes Law (Pen. Code, 1192.7. subd. (c)(38)) and the five-year prison enhancement for prior serious felony convictions (Pen. Code, § 667). Additionally it triggers credit earning limitations. (Pen. Code, § 1170.12; see also *People v. Moore* (2004) 118 Cal.App.4th 74.)

This bill would also punish the new crime as an alternate felony or misdemeanor, with the felony punishment being served in county jail rather than state prison. However, this bill does not add the newly-created crime of criminal threats directed at a daycare, school, university, workplace, place of worship, or medical facility to the serious-felony list. Therefore, credits limitations and future enhanced penalty provisions for prior convictions would not apply. This bill would also specify that a minor committing this offense can be adjudicated only of a misdemeanor.

Because of the differences in punishment, the creation of this new crime gives prosecutors additional charging options and judges additional sentencing options.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crime created by this bill. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000 to \$90,000 per year. Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. While most individuals incarcerated under this bill will serve their sentences in county jail, this bill specifies that violations are punishable “pursuant to subdivision (h) of Section 1170.” Under subdivision (h) of Section 1170 of the Penal Code, if the defendant has specified prior felony convictions, the sentence for a felony shall be served in the state prison. The Legislative Analyst’s Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. Potential cost pressures (General Fund) to the Department of State Hospitals (DSH), in order to adequately house, treat, and care for persons committed to DSH that otherwise would not. Cost pressures to DSH are connected with an increase in state prison sentences. Creating a new crime will increase the number of defendants declared incompetent to stand trial (IST), or committed to DSH due to their being not guilty by reason of insanity. Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the increased criminal penalties in this bill. Unknown, potentially significant cost pressures (local funds, General Fund) to county probation departments of an unknown, but potentially significant amount, if individuals convicted under this bill, particularly people under the age of 18 who must be referred to services, are supervised locally in the community in lieu of or in addition to incarceration. Actual supervision costs will vary by each county probation department and how many individuals sentenced to probation, mandatory supervision, or post release community supervision as a result of this bill.

SUPPORT: (Verified 8/29/2025)

San Diego County District Attorney's Office (source)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
California School Employees Association
City of Carlsbad

City of San Diego
City of Santa Rosa
City of Whittier
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Hindu American Foundation, INC.
League of California Cities
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Rancho Bernardo Community Council
Riverside Police Officers Association
Riverside Sheriffs' Association
United Administrators of Southern California

OPPOSITION: (Verified 8/29/2025)

ACLU California Action
Alliance for Boys and Men of Color
Black Organizing Project
California Alliance for Youth and Community Justice
California Public Defenders Association
Californians United for a Responsible Budget
Community Asset Development Re-defining Education
Disability Rights California
East Bay Community Law Center
Ella Baker Center for Human Rights
Fresh Lifelines for Youth
Initiate Justice
Justice2jobs Coalition
LA Defensa
Public Counsel
Sister Warriors Freedom Coalition
The Collective for Liberatory Lawyering
Youth Law Center

ARGUMENTS IN SUPPORT:

According to the San Diego District Attorney:

Current laws are outdated and do not meet the imperative safety needs of communities across our state.

The increased availability of anonymized software applications has led to a rise in threats against schools. Whether these threats are legitimate or not, they have a significant impact on the community. Lockdowns and ripple effects of fear and trauma grip what should be protected spaces, regardless of whether the threat turns out to be legitimate or not....

Between 2015 and 2023, the San Diego District Attorney's Juvenile Division reviewed 293 school threat cases, resulting in 127 cases being filed. Last year, the division collected data on school threat cases submitted by law enforcement for potential formal charges. They reviewed 49 reports and filed criminal charges in 9 cases. One of the main challenges in filing charges was identifying a named victim. Often, if law enforcement locates someone who could be a potential victim in a threat made to a school, that person is either reluctant to come forward or does not express fear. Another common hurdle was that some threatening language did not meet the criteria of Penal Code 422, which requires the threat to be clear, immediate, unconditional, and specific.

The increase in violent threats directed at schools has generated significant fear, anxiety, and frustration among educators, students, and parents. Threats to "shoot up" schools must be taken seriously and investigated thoroughly. Consequently, hundreds of schools are losing valuable classroom time, police resources are being misallocated, and children and parents feel frightened and alarmed....

Current law prohibits any individual from willfully threatening to commit a crime that could result in death or serious bodily injury to another person, especially if such threats cause the targeted individual or their family to experience ongoing fear for their safety. This offense can be charged as either a misdemeanor or a felony. However, under existing law, if someone posts images of a handgun on social media with a caption indicating they plan to "shoot up" a school and does not explicitly threaten an individual, then they do not violate the criminal threats statute.

Within our county, a preliminary hearing was held for a defendant who sent out hundreds of email threats to commit a mass shooting at Shoal Creek Elementary School. The judge dismissed the case because the threatening emails were not sent directly to the school. It was ruled that the existing criminal threat statute requires the threat to be specific to a threatened person.

The students, parents, staff, and faculty of Shoal Creek Elementary were left unprotected by California law when charges were dismissed because the threats were not specific to a person. The gap in existing law that resulted in the dismissal of charges instilled fear, trauma, and disruption in the lives of the families and children of the community.

AB 237 explicitly addresses threats of school shootings and does not require proof of a specifically targeted individual or evidence of sustained fear from any one person. This legislation fills a gap left by existing laws regarding bombs and criminal threats. It empowers law enforcement to respond decisively to terrorism-related incidents, ensuring thorough investigations and holding offenders accountable for their actions. It's a critical step toward enhancing public safety and delivering justice.

ARGUMENTS IN OPPOSITION:

According to the American Civil Liberties Union California Action:

While ensuring that our schools, workplaces, houses of worship, hospitals, and public venues are safe spaces is of the utmost importance, we do not believe this bill is necessary to accomplish that goal. Current law, Penal Code § 422, makes it a felony to willfully threaten to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of carrying the threat out. Current law already punishes criminal threats in all settings.

Moreover, we caution against expanding §422 because the existing law's enforcement is often problematic. Penal Code Section §422 is often misused to penalize conduct that does not truly belong in the criminal justice system. Penal Code section §422, like AB 237, does not require that the person making the threat have either the intent or the ability to carry it out, or that the person take any action to carry

out the threat. Defendants – often young people, or individuals with mental health issues – face criminal punishment for mere words even when they have no intent to take any action. This is particularly true for those with mental health conditions, who often suffer from crippling paranoia and delusions. The fear they experience can lead them to say things that are easily misinterpreted threats as a y a product of their illness. Thus, expanding this statute is not the avenue that the Legislature should use to address this issue.

ASSEMBLY FLOOR: 75-0, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Kalra, McKinnor, Celeste Rodriguez

Prepared by: Sandy Uribe / PUB. S. /
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**** END ****