
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 327 (Ta) - Crimes: false reporting

Version: July 16, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: AB 327 increases the penalty for a second or subsequent offense of swatting from a misdemeanor to an alternative felony-misdemeanor.

Fiscal Impact:

- 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 and to litigate potential civil liability for property damage. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes 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. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).
- Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has

paid over \$200 million in fines to date, and is still accruing fines. The Governor's budget estimates that Proposition 36 (2024), which increased punishment for various theft and drug crimes, will increase the average daily prison population, creating additional costs pressures for the state. Further, given the prevalence of mental health needs among incarcerated people, legislation that sends more people to state prison adds significant costs to CDCR for the delivery of mental health care. About one-third of the prison population has a diagnosed mental health need. Thus, if even if just one person is sentenced to state prison for one year under this bill, it will add significant costs pressures to CDCR.

- 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. DSH's proposed budget for fiscal year 2025-26 totals \$3.4 billion – an increase of \$3.4 million from the 2024 Budget Act. An increase the DSH population would result in the need for additional funding.

Background: 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. 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 would carry possible imprisonment in county jail for up to six months.

Similarly, existing law makes it a misdemeanor to knowingly file a false police report. Existing law makes it a felony, punishable for up to three years incarceration 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. This bill would allow for felony punishment for swatting even when there was no injury. As a result, a person convicted of swatting when no injury results could receive the same sentence as another person whose conduct resulted in great bodily injury or death.

Proposed Law: This bill increases, from a misdemeanor to a wobbler, the penalty for a second or subsequent conviction for swatting. A misdemeanor conviction is punishable by up to one year in county jail, and a felony conviction is punishable by 16 months, two years, or three years in county jail. If a defendant has certain prior convictions, a felony conviction is punishable by a term in state prison. Additionally, this bill makes a defendant convicted of a swatting offense liable for property damage incurred by any party as a result of the emergency response elicited by the defendants.

Related Legislation: AB 2609 (Ta), of the 2023-24 Legislative Session, was substantially similar to this bill but did not alter a swatting defendant's liability for damage. AB 2609 was held on the Assembly Appropriations Committee's suspense file.

Staff Comments: Research shows that lengthy criminal sentences, which are costly to state and local governments, do not effectively deter crime. In general, the certainty

that someone will be punished for an offense plays a larger role in deterring their criminal activity, rather than the length of their potential punishment.

Mass incarceration in California did not occur in a vacuum; it was the result of decades of cumulative policy decisions, that while well-intentioned, collectively expanded the scope and severity of the criminal justice system. Although individual pieces of legislation like this bill, and many others introduced this legislative session, may appear narrow or incremental, their combined effect will significantly increase incarceration rates. California has a well-documented history of prison overcrowding, which culminated in federal court intervention and a U.S. Supreme Court ruling in *Brown v. Plata* (2011) that found the state's prison conditions unconstitutional due to severe overcrowding. Returning to such conditions would undermine fiscal sustainability, public safety, and rehabilitation goals. The state strives to have a balanced system that preserves public safety while remaining fiscally responsible. Given the state's fiscal situation, the May Revision to the Governor's 2025-26 Budget proposes to close one additional prison by October 2026. Upon full closure, the state will achieve an estimated savings of about \$150 million General Fund annually. Measures that increase the incarcerated population threaten the state's ability to continue making progress in right-sizing California's prison system.

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