
THIRD READING

Bill No: SB 1330
Author: Arreguín (D)
Amended: 5/14/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/7/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Assault and battery: utility workers

SOURCE: San Diego Gas & Electric Company
Southern California Gas Company

DIGEST: This bill increases the penalty for assault and battery committed against a utility worker, as defined, while engaged in the performance of their duties.

ANALYSIS:

Existing law:

- 1) Defines “assault” as an unlawful attempt, coupled with a present ability, to inflict a violent injury upon another person, and makes the offense punishable by up to six months in the county jail, by a fine not exceeding \$1,000, or by both. (Penal (Pen.) Code, §§ 240 & 241, subd. (a).)
- 2) Defines “battery” as the willful and unlawful use of force or violence upon another person, and makes the offense punishable by up to six months in the county jail, by a fine not to exceed \$2,000, or by both. (Pen. Code, §§ 242 & 243, subd. (a).)
- 3) Provides that any person who commits an assault upon another by any means of force likely to produce great bodily injury shall be punished by imprisonment in

a county jail for up to one year, or in the state prison for two, three, or four years, or by a fine not exceeding \$10,000, or by both the fine and imprisonment. (Pen. Code, § 245, subd. (a)(4).)

- 4) Provides that when an assault is committed against a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the perpetrator knows or reasonably should know that the victim is a member of one of the specified professions engaged in the performance of their duties, or rendering emergency medical care (whichever is applicable to the profession), the assault is punishable by a fine of up to \$2,000, or by imprisonment in a county jail not exceeding one year, or by both. (Pen. Code, § 241, subd. (c).)
- 5) Provides that when an assault is committed against a “highway worker,” as defined, engaged in the performance of their duties, the offense is punishable by a fine not exceeding \$2,000, or by imprisonment in a county jail not exceeding one year, or by both. (Pen. Code, § 241.5.)
- 6) Provides that when a battery is committed upon any person and serious bodily injury is inflicted upon that person, the offense is punishable as a “wobbler” with a possible sentence of up to one year in the county jail, or for two, three, or four years in the county jail. (Pen. Code, § 243, subd. (d).)
- 7) Provides that when a battery is committed against a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of them as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the person committing the offense knows, or reasonably should know, that the victim is a member of one of the specified

professions engaged in the performance of their duties, or rendering emergency medical care (whichever is applicable to the profession), the offense is punishable by a fine of up to \$2,000, or by imprisonment in a county jail for up to one year, or by both. (Pen. Code, § 243, subd. (b).)

- 8) Provides that any person who personally inflicts great bodily injury on any person other than an accomplice in the commission, or attempted commission, of a felony shall be punished by an additional and consecutive term of imprisonment for three years. (Pen. Code, § 12022.7, subd. (a).)
- 9) Defines “great bodily injury” as “a significant or substantial physical injury.” (Pen. Code, § 12022.7, subd. (g).)
- 10) Defines “public utility” as “every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof.” (Public Utility Code, § 216, subd. (a)(1).)

This bill:

- 1) Makes an assault or battery against a utility worker punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,000, or by both.
- 2) Defines “utility worker” as “a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, electric cooperative, local publicly owned electric utility, as defined, or a public water system, as defined, that performs services for or delivers a commodity to the public or any portion thereof and the service performed by the person is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure.”

Background

An assault is “an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.” (Pen. Code, § 240.) A battery is “any willful and unlawful use of force or violence upon the person of another.” (Pen. Code, § 242.) Put simply, assault is attempted battery. “Simple” assault is included in the offense of battery, and a conviction of the latter would subsume the assault. By definition, one cannot commit battery without also committing a “simple” assault, which is nothing more than an attempted battery. (*People v. Fuller* (1975))

53 Cal. App. 3d 417.) An example of an assault would be if a person swung at another person without hitting them, whereas if the person did strike the other person, the conduct would become a battery.

This bill addresses assaults and batteries that do not involve infliction of serious injury or the likelihood of great bodily injury. Such an assault would typically be referred to as a "simple" assault and a similar battery would typically be termed a "simple" battery. Simple assaults and batteries on most individuals are misdemeanors punishable by up to six months in jail, a fine of up to \$1,000, or both.

Existing law imposes higher penalties for simple assaults and batteries against workers who are engaged in public safety activities or performing other public functions. (Pen. Code, § 241, subd. (c); Pen. Code, § 243, subd. (b).) These penalties are intended to deter people from interfering with public safety services, emergency medical care, or other similar public services. The defendant must know, or should know, that the victim belonged to one of these protected classes of workers to be guilty of this elevated offense. (*Ibid.*) The punishment for an assault or battery committed against these protected workers is up to one year in jail, a fine of up to \$2,000, or both. (*Ibid.*)

Utility workers sometimes face threats, harassment, and assault, often because the public is frustrated by the inconveniences they associate with these utilities. This bill increases the penalty for assault and battery against a utility worker to one year, a fine of up to \$2,000, or both.

"Utility worker" is defined to mean a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, electric cooperative, local publicly owned electric utility, or a public water system, that performs services for or delivers a commodity to the public or any portion thereof and the service performed by the person is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure. Notably, this bill defines utility workers more broadly than other professions who are already protected by this higher penalty; it includes within the definition not only actual utility employees but also contract workers. The bill does not include wastewater and solid waste utility workers, which some stakeholders, such as the City of Roseville, would like to see included in the definition.

This bill is substantially similar to SB 431 (Arreguín) from 2025. That bill would have added public utility employees and workers engaged in essential infrastructure work to the list of professions protected under this statute. The bill was held in Assembly Appropriations.

AB 977 (Rodriguez, Chapter 937, Statutes of 2024) added emergency medical personnel to the statute. SB 390 (LaMalfa), Chapter 249, Statutes of 2011 added search and rescue personnel to the statute. SB 406 (Lieu, Chapter 250, Statutes of 2011) added security officers and custodial assistants.

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

The Senate Appropriations Committee writes:

Trial Courts: Unknown, potentially significant cost to the state fund court system (Trial Court Trust Fund, General Fund) to adjudicate criminal penalties created by this bill. 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). Creating new crimes, with increased penalties, could lead 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 unknown factors, 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. 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. The Governor's 2026-27 budget proposes \$70 million from the General Fund to help pay for increased trial court operation costs.

SUPPORT: (Verified 5/14/26)

San Diego Gas & Electric Company (Co-source)

Southern California Gas Company (Co-source)

American Federation of State, County and Municipal Employees, AFL-CIO

Arcadia Police Officers' Association

Bay Area Council

Brea Police Association
Burbank Police Officers' Association
California American Water
California Civil Liberties Advocacy
California Federation of Labor Unions, AFL-CIO
California Labor Federation, AFL-CIO
California Municipal Utilities Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Association of Electrical Workers
California Water Association
California Water Service
City of Pico Rivera
City of Roseville
Claremont Police Officers Association
Coalition of California Utility Employees
Corona Police Officers Association
Culver City Police Officers' Association
East Bay Municipal Utility District
Engineers and Scientists of California, IFPTE Local 20, AFL-CIO
Fullerton Police Officers' Association
Golden State Water Company
Great Oaks Water Company
International Brotherhood of Electrical Workers, Local 1245
Liberty Utilities
Murrieta Police Officers' Association
Newport Beach Police Association
Pacific Gas and Electric Company
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento Municipal Utility District
San Diego Gas and Electric Company
San Gabriel Valley Water Company
San Jose Water Company
Southern California Edison
Southern California Gas Company
Suburban Water Systems

OPPOSITION: (Verified 5/14/26)

ACLU California Action
Courage California
Initiate Justice
Justice2Jobs Coalition
La Defensa
Los Angeles County Public Defender's Union, Local 148
Rubicon Programs
San Francisco Public Defender
The W. Haywood Burns Institute

ARGUMENTS IN SUPPORT: The Coalition of California Utility Employees writes:

Despite the essential nature of their work, utility workers increasingly face threats, harassment, and physical violence while performing their duties in the field. Under current law, enhanced penalties exist for assaults against certain professionals such as peace officers, firefighters, and emergency medical personnel—recognizing the risks they face while serving the public. SB 1330 appropriately extends these same protections to utility workers, who similarly operate on the front lines, often in unpredictable and high-risk environments.

By clarifying that assault or battery against a utility worker engaged in their duties is subject to enhanced penalties, SB 1330 sends a strong and necessary message: violence against workers who maintain California's critical infrastructure will not be tolerated. This bill helps deter harmful conduct, promotes worker safety, and ensures that those who keep essential services running can do their jobs without fear of attack.

Importantly, SB 1330 applies to a broad range of utility workers, including those involved in the construction, installation, maintenance, and repair of water, electrical, and gas infrastructure, whether employed directly by utilities or working as contractors. This comprehensive definition reflects the modern utility workforce and ensures that all individuals performing this essential work are afforded equal protection.

ARGUMENTS IN OPPOSITION: The San Francisco Public Defender's Office writes:

Existing laws already provide penalties for assault and battery against all individuals, regardless of their profession. Carving out additional categories of protected workers creates a tiered system of justice that undermines the principle of equal protection under the law. Public utility employees, like all individuals, deserve safety and security in their workplace, but enhancing penalties for crimes against one group over another leads to inequitable outcomes in our criminal justice system.

...

California's history with tough-on-crime policies demonstrates that escalating penalties do not improve public safety. Instead, they contribute to costly mass incarceration without preventing harmful behavior. SB 1330 follows this flawed path. Increasing jail time for individuals who cause harm to public utility workers will not prevent such incidents and may worsen community relations with utility providers.

When Governor Brown vetoed a similar bill, AB 172 (Rodriguez, 2015), he stated: "If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either. We need to find more creative ways to protect the safety of these critical workers. This bill isn't the answer." This reasoning holds equally true today, SB 1330 is not the answer.

Last session, the Legislature held SB 431, the near-identical predecessor to this bill, in the Assembly Appropriations Committee, citing the state's \$12 billion budget deficit. Reintroducing the same measure without addressing those fiscal concerns is not a responsible use of limited state resources, which would be far better directed toward proven worker safety solutions such as de-escalation training, workplace safety assessments, and community-based conflict resolution programs.

Prepared by: Marshal Lawler / PUB. S. /
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