

Date of Hearing: July 9, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 19 (Rubio) – As Amended May 23, 2025

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill creates a new crime for willfully threatening to commit a crime that will result in death or great bodily injury to any person who may be on the grounds of a school or place of worship.

FISCAL EFFECT:

- 1) Costs (Trial Court Trust Fund, General Fund) to the courts of an unknown but potentially significant amount to adjudicate cases of the new offense created by this bill. A defendant charged with a misdemeanor or felony is entitled to a jury trial and, if the defendant is indigent, legal representation provided by the government. Actual court costs will depend on the number of cases filed and the amount of court time and resources needed to adjudicate each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.
- 2) Costs (local funds, General Fund) of an unknown but potentially significant amount to the counties and the California Department of Corrections and Rehabilitation to incarcerate people convicted of the offense created by this bill. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail is approximately \$29,000. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$133,000. 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.

COMMENTS:

- 1) **Background.** Under the existing offense of criminal threats, it is unlawful for a person to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the person's statement is to be taken as a threat, even if the person had no intent of actually carrying the threat out. To obtain a conviction, such a threat must be 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, and the threat must cause the person threatened to be in sustained, reasonable fear for their

own safety or for their immediate family's safety. Criminal threats is a wobbler, meaning the offense may be charged as a felony or a misdemeanor at the discretion of a prosecutor. Misdemeanor criminal threats is punishable by up to one year in county jail. Felony criminal threats is punishable by up to three years in state prison.

- 2) **Purpose.** This bill is sponsored by the California Police Chiefs Association, which writes:

Under existing law, it is not always clear that threats made against a school or place of worship fit into the definition of "criminal threats" (Penal Code 422), which requires the threat to be made against a person. As such, because the threat against a school or place of worship is not directed against one or many specifically named individuals, pursuing a criminal threat prosecution is impractical and largely unsuccessful resulting in a lack of consequences for those purposefully causing fear in communities.

This bill creates a new wobbler for willfully threatening to commit a crime that will result in death or great bodily injury to any person who may be on the grounds of a school or place of worship. This offense is punishable as a misdemeanor by up to one year in county jail. As a felony, the offense is punishable by 16 months, two years, or three years in county jail, or by a term in state prison if the defendant has certain prior convictions. If the offense is committed by a minor, the offense is punishable only as an infraction, and, if eligible, the minor must be referred to services by the probation department.

- 3) **Related Legislation.** AB 237 (Patel) creates a wobbler for threatening 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. AB 237 specifies a minor who commits the new offense is punishable only by a misdemeanor. AB 237 is pending in the Senate Appropriations Committee.
- 4) **Prior Legislation.** SB 796 (Alvarado-Gil), of the 2023-24 Legislative Session, was similar to SB 19 but would have imposed misdemeanor liability on a minor who committed the offense. SB 796 was held on this committee's suspense file.

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