

SENATE THIRD READING
SB 19 (Rubio)
As Amended May 23, 2025
Majority vote

SUMMARY

Creates a new crime for a person who willfully threatens to commit a crime which will result in death or great bodily injury to any person who may be on the grounds of a school or place of worship, as specified.

Major Provisions

- 1) States that a person who, by any means, including, but not limited to, an electronic act, willfully threatens to commit a crime which will result in death or great bodily injury to any person who may be on the grounds of a school or place of worship, with the specific intent that the statement is to be taken as a threat, even if there is no intent of 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 a gravity of purpose and an immediate prospect of execution of the threat, and if the threat causes a person or persons reasonably to be in sustained fear for their own safety or the safety of another person, shall be punished by an alternate felony/misdemeanor ("wobbler").
- 2) Specifies that the penalty for violation of the new crime is either a misdemeanor punishable by imprisonment in county jail not to exceed one year, or as a felony punishable by imprisonment in county jail for 16 months, or two or three years.
- 3) States that notwithstanding the penalty provided for the new crime, a person under 18 years of age who violates these provisions is guilty of an infraction and shall be referred to services through probation, if eligible.
- 4) Provides that the provisions of this bill do not preclude or prohibit prosecution under any other law, except that a person shall not be convicted for the same threat under both the provisions of this bill and existing Penal Code section 422 related to criminal threats.
- 5) Provides the following definitions:
 - a) "Electronic act" has the same meaning as in Education Code section 49800, specifically "the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication," as provided.
 - b) "Place of worship" means "any church, synagogue, temple, mosque, or other building where religious services are regularly conducted."
 - c) "School" means "a state preschool, a private or public elementary, middle, vocational, junior high, or high school, a community college, a public or private university, or a location where a school-sponsored event is or will be taking place and the threat is related to both the school-sponsored event and to the time period during which the school-sponsored event will occur."

- 6) States that this act shall be known, and may be cited, as the "Safe Schools and Places of Worship Act."
- 7) Contains Legislative findings and declarations regarding the impact on the community of criminal threats.

COMMENTS

According to the Author

"SB 19 strengthens the law to ensure that credible threats against schools and places of worship can be prosecuted, even when a specific person isn't named. The bill ensures that action can be taken before it's too late, preventing violence, rather than just responding to it.

"Protecting our communities means more than just punishments; it means ensuring families feel safe sending their kids to school, worshipers feel secure in their faith, and those responsible for public safety have what they need to intervene when credible threats arise. By strengthening the law, we reaffirm a basic truth: safety in schools and places of worship is not negotiable."

Arguments in Support

According to Association of *California School Administrators*, "Schools across the United States and in California have seen an increase in the number of threats of violence. These threats of mass shootings, bombs, and other attacks disrupt student learning, create community-wide anxiety about school safety, and cause school attendance rates to decrease because worried parents keep their children home. Places of worship have also been targeted by criminal threats. According to the 2023 Hate Crime in California Report by the California Department of Justice, religious-based hate crimes have increased in California.

"Section 422 of the California Penal Code makes it a crime to threaten to commit death or great bodily injury to another person if the threat is so unequivocal and specific as to cause the threatened person to reasonably fear for their safety. However, unless a specific person is identified in the threat, prosecutors are unable to meet the elements of Section 422. This bill clarifies that a threat to commit death or great bodily injury to any person on the grounds of a school or place of worship, even if a specific person is not identified in the threat, is considered criminal activity so long as the other elements of Section 422 are met.

"SB 19 would protect students, teachers, and visitors to places of worship from the fear and trauma of criminal threats by making it unlawful to threaten to commit a crime that will result in death or great bodily injury at a school or place of worship."

Arguments in Opposition

According to *Disability Rights California*, "California law already criminalizes threats of violence against schools and places of worship, even when no specific individual is named. In fact, the Senate's own Public Safety, Appropriations, and Floor Analyses have consistently confirmed that current statutes, including Penal Code Section 422, are sufficient. The Senate Appropriations Committee rightly noted that courts have upheld convictions for general threats that don't name specific individuals—undermining claims that this bill addresses a gap in the law.

"SB 19 is not 'closing a loophole'—it is expanding California's already bloated criminal code. Former Governor Jerry Brown vetoed a virtually identical bill, SB 110 (2015), cautioning that "the offensive conduct covered by this bill is already illegal," and pointing to the state's over 5,000 criminal statutes as cause for pause. Continuing to pile on new crimes does nothing to improve public safety—and everything to expand mass incarceration.

"Recent court decisions illustrate the dangers of overreach. In one case, a high school student was convicted for posting a photo of a fake gun to Snapchat with the caption, "Everybody goes to school tomorrow. I'm taking gum [sic]." Though clearly a pun and not directed at anyone, the courts still found the post a criminal threat. Cases like these highlight how existing laws already stretch the bounds of fairness—SB 19 would make matters worse.

"Instead of criminalizing youth, we should invest in support. According to the ACLU's 2019 report *Cops and No Counselors*, millions of students attend schools with police officers but no counselors, nurses, psychologists, or social workers. This over-policing disproportionately harms Black students, students with disabilities, and Black and Native American girls. SB 19 would deepen these disparities and reinforce California's reputation as a leader in incarceration, not education or equity."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Hurtado, Reyes

ASM PUBLIC SAFETY: 8-0-1

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

ABS, ABST OR NV: Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache, Ta, Tangipa

UPDATED

VERSION: May 23, 2025

CONSULTANT: Stella Choe / PUB. S. / (916) 319-3744

FN: 0001322