
UNFINISHED BUSINESS

Bill No: SB 19
Author: Rubio (D), et al.
Amended: 9/5/25 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 3/25/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 6/2/25
AYES: 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
NO VOTE RECORDED: Hurtado, Reyes

ASSEMBLY FLOOR: 60-0, 9/9/25 – Roll call not available

SUBJECT: Crimes: threats

SOURCE: Author

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.

Assembly Amendments delete the contents of this bill on criminal threats and replace it with the contents of AB 237 (Patel) on criminal threats.

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:

Under the existing offense of criminal threats, Penal Code section 422, 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.

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 is 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 Assembly Appropriations Committee:

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.

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.

SUPPORT: (Verified 9/09/2025)

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of Private School Organizations
California Association of School Police Chiefs
California Catholic Conference
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association

California Reserve Peace Officers Association
California School Employees Association
Chino Police Department
Church State Council
City of Arcadia
City of Los Alamitos
City of Whittier
Claremont 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
Ontario Police Department
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Rio Hondo College
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento County Sheriff Jim Cooper
San Diegans for Gun Violence Prevention
San Francisco District Attorney Brooke Jenkins
Santa Ana Police Officers Association

OPPOSITION: (Verified 9/09/2025)

ACLU California Action
Alliance for Boys and Men of Color
Black Child Development Institute Sacramento
Black Parallel School Board
California Attorneys for Criminal Justice
California Public Defenders Association
California State PTA
Californians United for a Responsible Budget
Central Valley Movement Building Organizing Institute
Children's Defense Fund - CA
Coleman Advocates for Children and Youth
Community Asset Development Re-defining Education

Community Interventions
Disability Rights California
East Bay Community Law Center
Ella Baker Center for Human Rights
Equal Justice Society
Fresh Lifelines for Youth
Initiate Justice Action
Leaders of Tomorrow Board Member
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
Oakland Privacy
San Francisco Public Defender
Southeast Village Neighborhood Association
The Collective for Liberatory Lawyering
1 Individual

ARGUMENTS IN SUPPORT:

According to the California District Attorneys Association:

Currently, prosecutors rely upon Penal Code section 422 to prosecute threats to do violence on school grounds, places of worship or other public places. However, PC 422 has limitations that prevent its effective use as a tool to hold all offenders accountable who make true threats directed at our schools and places of worship. Because PC 422 requires proof that the criminal threat causes a victim to be in sustained fear, these prosecutions are difficult to prove when the offender does not identify a specific target but instead communicates a threat to commit a violent act at a place where many potential people could be in harm's way such as a school or a place of worship.

Penal Code section 422's requirement that the threat caused sustained fear in a victim presents real world challenges. In 2023, a 38-year-old man sent hundreds of emails threatening to commit a shooting at Shoal Creek Elementary School in San Diego's Carmel Mountain Ranch community. The different emails included the same sentence that read "I'm going to commit mass shootings at 11775 Shoal Creek elementary school, San Diego, CA 92128." At the preliminary hearing, the judge dismissed the Penal Code section 422 prosecution because the threatening emails were not sent directly to the school.

The judge ruled that the law requires the threat to be specific towards a targeted person...

Far too often, threats are made to “shoot-up” a place or event, causing fear, trauma, and disruption to the community because of the grim reality that mass-shootings frequently occur in California and around the country. Currently, under Penal Code section 422, these threats are not illegal because a specific person is not named. SB 19 will eliminate this legal loophole. Under your measure, law enforcement will be able to properly act upon and investigate terror-causing events, while also holding accountable those who make these threats.

ARGUMENTS IN OPPOSITION:

According to the California Attorneys for Criminal Justice:

Twenty-four years ago in *People v. Toledo* (2001) 26 Cal.4th 221, 227-228 (Toledo), the California Supreme Court set out the elements necessary to violate PC 422, the criminal threats law in California. It made clear that not all threats are criminal and enumerated the elements necessary to prove the offense of making criminal threats under section 422. The prosecution must prove “(1) that the defendant ‘willfully threaten[ed] to commit a crime which will result in death or great bodily injury to another person,’ (2) that the defendant made the threat ‘with the specific intent that the statement ... is to be taken as a threat, even if there is no intent of actually carrying it out,’ (See also *People v. Teal* (1998) 61 CA4th 277) (3) that the threat—which may be ‘made verbally, in writing, or by means of an electronic communication device’—was ‘on its face and under the circumstances in which it [was] made, ... 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,’ (4) 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,’ (See also *In re Ricky T.* (2001) 87 CA4th 1132, 1139-1140) and (5) that the threatened person’s fear was ‘reasonabl[e]’ under the circumstances.” (citing *People v. Bolin* (1998) 18 Cal.4th 297, 337–340, & fn. 13.) We refer you also to California Criminal Jury Instructions, No. 1300 which sets forth the above five (5) elements.

SB 19 expands the target of the alleged threat to any and all persons on a school grounds or in a place of worship. Essentially, if a person

threatens to commit a crime at a school or place of worship that might result in death or great bodily injury to persons at that location, then that person is guilty of a felony offense even though no individual or individuals were the target of the threat. SB 19 turns what the law has thus far deemed illegal as criminal threats to *persons* into criminal threats to selected *places*.

The holding and reasoning in Toledo was reaffirmed in *In re George T.* (2004) 33 C.4th 620, 630 where the Supreme Court found that a juvenile who wrote that he could bring a gun to school and kids could be hurt, could not be convicted of violating PC 422. Consider the following scenarios as examples of the potential SB 19 has to bring wrongful charges against our fellow Californians. Mary's son is wrongly accused of misconduct at school and is expelled. When the principal summons her to come and pick her son up, she shouts out in frustration and anger, "You are all going to hell and I want to see you go there fast." Seeing an empty gun rack in Mary's pick-up, the principal panics and calls the police. Or the student athlete at the school who is informed that she is not making the school basketball team and in her anger and frustration tells the coach, "This isn't over. You and everybody in this school will pay a heavy price for what you have done." SB 19 could subject these individuals to the financial, emotional, and employment/education degradation that any person charged with a crime, in this case a potential felony, even if they are not convicted in the end.

CACJ would also note that the most likely candidates for prosecution under SB 19 should it pass would be students/juveniles who threaten to do harm at their school as the student did in *In re George T.*, *supra*.

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