

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 221 (Ochoa Bogh) – As Amended July 17, 2025

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill expands the definition of “credible threats” in the crime of stalking to include threats to the safety of a victim’s pet, service animal, emotional support animal, or horse.

FISCAL EFFECT:

- 1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate criminal charges resulting from 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 violations, prosecutorial discretion, and the amount of court time needed to adjudicate each case. 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) to the counties and the California Department of Corrections and Rehabilitation (CDCR) to incarcerate people convicted of organized retail theft. 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, though costs are higher in larger counties. 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.

The annual incidence of stalking involving threats against animals is unknown. By way of illustration, data from CDCR shows 77 new felony admissions in 2024 for which stalking was the primary offense and 55 new felony admissions for stalking in violation of a restraining or other court order.

COMMENTS:

A defendant may be convicted of stalking for willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to

place that person in reasonable fear for their safety or the safety of their immediate family. Existing law defines “credible threat” to mean, among other things, a verbal, or written threat, or a threat implied by a pattern of conduct. It is not necessary to prove that the defendant had the intent to actually carry out the threat, but rather that the defendant intended to place the person targeted by the threat in reasonable fear for their safety or the safety of their immediate family. Stalking is punishable as a misdemeanor by up to one year in county jail or as a felony by a term in state prison. Stalking in violation of a restraining or other court order is a felony punishable by two, three, or five years in prison. If a defendant has a prior conviction for domestic violence, violating a restraining order, or criminal threats, among other circumstances, stalking is a felony punishable by two, three, or five years in prison.

This bill expands the definition of “credible threat” in the stalking statute to include threats to a person’s pet, service animal, emotional support animal, or horse. In practice, this will make it easier for a prosecutor to prove that a defendant’s threat against an animal, made with the intent to place the victim in reasonable fear for their safety, supports a conviction for stalking.

Analysis Prepared by: Annika Carlson / APPR. / (916) 319-2081