

SENATE THIRD READING  
SB 221 (Ochoa Bogh)  
As Amended July 17, 2025  
Majority vote

## SUMMARY

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.

## Major Provisions

## COMMENTS

### According to the Author

"Senate Bill 221 would amend Penal Code section 646.9 to conform to the federal stalking statute by including threats to a victim's pet as a component of threatening behavior. According to the Bureau of Justice Statistics Special Report, Stalking Victimization in the US, about four in 10 stalkers threaten a "victim or the victim's family, friends, co-workers, or family pet," with 87,020 threats to harm a pet being reported. Women are stalked at a higher rate than men.

"Victims of stalking have an increased risk of experiencing depression and anxiety, with some studies indicating nearly 75% report mental health effects. This can be further exacerbated by the injury to or death of a pet. Not updating state statute to conform to federal anti-stalking law leaves victims and their pets vulnerable to threats and attacks by a stalker. Because humans and animals form strong bonds that induce strong feelings of affection and connection, this can make a pet an easy target for threats and physical harm. California's law ignores how powerful a threat or injury to a beloved pet can be. It is critical that California's anti-stalking law is updated in order to better protect victims and their pets."

### Arguments in Support

According to the *Berkeley Animal Rights Center*: Stalking is a pattern of repeated behavior that includes unwanted attention, contact, harassment, or other conduct towards a specific person. An estimated one in three women (31.2%) and one in six men (16.1%) in the United States report enduring stalking at some point in their lives while one in 15 women (8.6 million) and one in 24 men (4.8 million) in the United States report being stalked in last 12 months. Stalking behaviors may be committed in person, by following the victim, or by monitoring and harassing the victim electronically. It is a crime of power and control that causes victims to fear for their safety, or the safety of their loved ones.

Perpetrators of stalking tend to damage their victim's property, even going as far as to target their loved ones, including pets. One National Crime Victimization Survey estimated that four in 10 stalkers threaten a "victim or the victim's family, friends, co-workers, or family pet," with 87,020 threats to harm a pet being reported. Unfortunately, stalking victims are unprotected by state law when it comes to their pets. Under existing state anti-stalking law, a stalker can threaten harm to a victim's pet without consequences.

Current California statute ignores animal abuse as a means to terrorize stalking victims. The relationship between animal cruelty and violent behavior, often referred to as "The Link," has been widely studied. The abuse of animals is often an indicator of an escalation of violence towards a human. Cruelty towards animals is a means to "perpetuate terror" towards a targeted individual.

In one such California case, a victim ended a short-term romantic relationship with the defendant. The defendant became upset and began to insult the victim. One evening, the victim left her residence and shortly thereafter received a message from the defendant that stated her dog was "gone." Upon the victim's return, she determined that her dog was in fact gone and contacted the authorities. The victim advised law enforcement she was fearful of what the defendant would do to her pet in retaliation of her not continuing the romantic relationship. Under existing California statutory language, prosecutors were unable to formally charge the defendant with stalking despite the implied threat to the victim's pet.

SB 221 would amend Penal Code 646.9 to conform with the federal stalking statute to make a person guilty of stalking if the person with the intent to kill, injure, harass, or intimidate another person, or with the intent to place another person under surveillance for the purpose of killing, injuring, harassing, or intimidating that person, engages in conduct that either places that person in reasonable fear of death or serious bodily injury to themselves, a close family member, or a pet, service animal, emotional support animal, or horse that belongs to that person, or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to one of the above.

The emotional bond between humans and their companion animals is a source of vulnerability for victims of stalking. A pet is an easy target for threats and physical harm. Both threats and injuries to pets send a strong message to stalking victims about their own helplessness. This bill will send an equally strong message that California recognizes the bond between pets and their guardians as sacred and shall not be threatened as a way to harass a person.

### **Arguments in Opposition**

According to *ACLU California Action*: Criminalizing behavior that is insensitive is not only impractical, but dangerous. Over-criminalization exacerbates existing racial and economic disparities in the justice system, while also disproportionately affecting individuals who are low-income and unable to afford legal representation or pay fines. This expansion of criminal activity can ensnare individuals in the criminal justice system for relatively minor infractions, leading to long-term consequences such as loss of employment, housing and civil liberties. We must be mindful of these impacts when considering legislation that seeks to expand crimes.

Moreover, existing law already provides protections to animals under animal cruelty laws at the State and Federal level. In 2016, AB 494 amended Code of Civil Procedure 527.6 (civil harassment), Welfare and Institutions Code sections 213.5 (juvenile) and 15657.03 (elder and dependent adult abuse) to permit a court to issue a protective order for animals to keep a person away from them, and restrain from conduct including making threats. California also allows domestic violence protective orders to include pets. In addition, Federal law includes the crime of stalking and actions that make the victim fear that the stalker will hurt the victim's pet, service or emotional support animal, or horse (18 U.S.C. Section 2261A (2019)).

## FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

## VOTES

### SENATE FLOOR: 36-0-4

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

**ABS, ABST OR NV:** Hurtado, Menjivar, Reyes, Smallwood-Cuevas

### ASM PUBLIC SAFETY: 8-0-1

**YES:** Schultz, Alanis, Mark González, Haney, Lackey, Nguyen, Ramos, Sharp-Collins

**ABS, ABST OR NV:** Harabedian

### ASM APPROPRIATIONS: 15-0-0

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

**UPDATED**

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