Office of Senate Floor Analyses
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UNFINISHED BUSINESS

Bill No: SB 221
Author: Ochoa Bogh (R), et al.
Amended: 7/17/25
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/1/25
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: 36-0, 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, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Hurtado, Menjivar, Reyes, Smallwood-Cuevas

ASSEMBLY FLOOR: 73-0, 9/3/25 – See last page for vote.

SUBJECT: Crimes: stalking

SOURCE: Social Compassion in Legislation

DIGEST: 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.

Assembly Amendments of 7/17/25 include threats to a "pet, service animal, emotional support animal, or horse" as part of the pattern of conduct or combination of statements and conduct that may form the basis of a credible threat.

ANALYSIS:

Existing Law:

1) States that any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of their immediate family is guilty of stalking. (Penal (Pen.) Code, § 646.9, subd. (a).)

2) Punishes stalking by imprisonment in county jail for not more than one year, or by imprisonment in the state prison. (Pen. Code, § 646.9, subd. (a.).)

3) Provides that a person who commits stalking while there is a temporary restraining order, injunction, or any other court order in effect prohibiting stalking behavior against the same party shall be punished by imprisonment in the state prison for 2, 3, or 4 years. (Pen. Code, § 646.9, subd. (b).)

4) Provides that a person who commits stalking after having been convicted of domestic violence, violation of a protective order, or of criminal threats shall be punished by imprisonment in the state prison for 2, 3 or 5 years. (Pen. Code, § 646.9, subd. (c)(1).)

5) Provides that a person who commits stalking after previously having been convicted of felony stalking shall be punished by imprisonment in the state prison for 2, 3, or 5 years. (Pen. Code, § 646.9, subd. (c)(2).)

6) Authorizes the sentencing court to order a person convicted of felony stalking to register as a sex offender. (Pen. Code, § 646.9, subd. (d).)

7) Requires the sentencing court to consider issuing a restraining order valid for up to 10 years when a defendant is convicted of stalking, regardless of whether the defendant is placed on probation or sentenced to state prison or county jail. (Pen. Code, § 646.9, subd. (k).)

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.

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.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

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.

SUPPORT: (Verified 9/2/25)

Social Compassion in Legislation (source)
American Kennel Club, INC.
American Society for The Prevention of Cruelty to Animals
Animal Legal Defense Fund
Animal Wellness Action
Arcadia Police Officers' Association
Berkeley Animal Rights Center
Better Together Forever
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California District Attorneys Association
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Compassionate Bay
Corona Police Officers Association
Culver City Police Officers' Association
Feline Lucky Adventures
Fullerton Police Officers' Association
Giantmecha Syndicate
Greater Los Angeles Animal Spay Neuter Collaborative
Latino Alliance for Animal Care Coalition
Leaders for Ethics, Animals, and The Planet
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Multiple Individuals (488)
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association

Pomona Police Officers' Association
Project Minnie
Riverside County District Attorney
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Seniors Citizens for Humane Education and Legislation
Start Rescue
Students Against Animal Cruelty Club - Hueneme High School
Women United for Animal Welfare

OPPOSITION: (Verified 9/2/25)

ACLU California Action
Californians United for A Responsible Budget
Ella Baker Center for Human Rights
Initiate Justice
Legal Services for Prisoners With Children
Local 148 LA County Public Defenders Union
San Francisco Public Defender

ARGUMENTS IN SUPPORT:

According to Social Compassion in Legislation, the sponsor of this bill:

> "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….
>
> "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….

"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:

The ACLU is concerned that broadening this language could lead to the overcriminalization of actions that, while insensitive or unwelcome, do not rise to the level of true stalking and warrant imprisonment. This bill will result in unnecessary costs by overburdening our carceral system.

Criminalizing behavior that is insensitive is not only impractical, but dangerous. Overcriminalization 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. § 2261A (2019)).

ASSEMBLY FLOOR: 73-0, 9/3/25
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Harabedian, Hart, Lee, McKinnor, Quirk-Silva, Celeste Rodriguez

Prepared by: Sandy Uribe / PUB. S./ (916) 651-4118
9/14/26 10:53:17

****** END ******