

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 239 (Arreguín) – As Amended July 2, 2026

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill authorizes a court, in sentencing a person convicted of felony criminal threats, to consider as a factor in aggravation that the defendant willfully threatened to commit a crime that would result in the death or great bodily injury of an elections official of a city, county, city and county, or public district, or an elected local agency official.

FISCAL EFFECT:

- 1) Potential increase in state incarceration costs (General Fund) of an unknown, but potentially significant amount, to the extent the new aggravating factor results in imposition of the upper term rather than the middle term in felony criminal threats cases involving the specified officials. Because felony criminal threats is a serious felony, defendants sentenced to imprisonment serve those terms in state prison rather than county jail, so any marginal increase in sentence length accrues to the California Department of Corrections and Rehabilitation (CDCR). The annual incidence of felony convictions for threats against elections officials or elected local agency officials in California is unknown, but data from CDCR shows 590 new felony admissions in 2025 for which criminal threats was the primary offense. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$133,000. If even two people serve an additional one year each in prison because of this bill, the resulting incarceration costs to CDCR would exceed this committee's suspense threshold. Actual costs will depend on the number of relevant offenses, whether the factor is admitted or found true beyond a reasonable doubt, and judicial discretion in selecting the term.
- 2) Potential court cost pressures (Trial Court Trust Fund) of an unknown, but likely minor amount, to the extent pleading and proving the new aggravating factor to the trier of fact marginally lengthens some trials and sentencing proceedings.

COMMENTS:

- 1) **Purpose.** According to the author:

SB 239 recognizes that threats against election officials and local public officials are not just attacks on individuals, they are attacks on the democratic institutions and public services that Californians rely on every day. This bill promotes public safety, strengthens confidence

in our democratic process and recognizes the unique harm caused when threats are used to interfere with the functioning of government.

- 2) **Background.** Existing law punishes as an alternate felony-misdemeanor a willful threat to commit a crime that will result in death or great bodily injury to another person, made with the specific intent that the statement be taken as a threat and causing the threatened person to be in sustained reasonable fear. A felony conviction is a serious felony for purposes of the Three Strikes law. As a result, a felony criminal threats conviction counts as a strike prior that can double the sentence for any subsequent felony or trigger a 25-years-to-life term on a third strike.

Under California's determinate sentencing law, a court may impose a sentence exceeding the middle term of the applicable triad only where circumstances in aggravation justify the upper term and the facts underlying those circumstances have been stipulated to by the defendant or found true beyond a reasonable doubt by the trier of fact. In 2025, the Legislature added a specific aggravating factor to the criminal threats statute for threats against a person the defendant knew was a state constitutional officer, a member of the Legislature, or a judge or court commissioner (AB 352 (Pacheco), Chapter 554, Statutes of 2025). This bill expands that aggravating factor to threats against elections officials of a city, county, city and county, or public district, and elected local agency officials, including mayors, city council members, and county supervisors.

The criminal threats statute has been upheld against First Amendment challenge because the statute is narrowly tailored to apply only to true threats, which are not protected speech. To the extent the bill is challenged in court, any defense costs would be borne by the Department of Justice.

Analysis Prepared by: Shiran Zohar / APPR. / (916) 319-2081