Date of Hearing: July 1, 2025
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 431 (Arreguín) – As Amended May 23, 2025

As Proposed to be Amended in Committee

SUMMARY: Expands the list of professions for which an assault or battery of a person in that profession carries elevated misdemeanor penalties to include utility workers. Specifically, **this bill**:

1) Includes utility workers engaged in the performance of their duties in the list of professions against whom an assault or battery conviction carries elevated criminal penalties.

2) Makes an assault of, or battery against, a utility worker engaged in the performance of their duties, where the perpetrator knows or reasonably should know the victim is such a utility worker engaged in the performance of their duties, punishable by up to one year in county jail, up to a $2,000 fine, or by both.

3) Defines "utility worker" to mean a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, or electric cooperative that performs services for or delivers a commodity to the public or any portion thereof, and the service performed is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure.

EXISTING LAW:

1) Defines "assault" as an unlawful attempt, coupled with a present ability, to inflict a violent injury upon another person, and makes the offense punishable by up to six months in county jail, up to a $1,000 fine, or by both. (Pen. Code, §§ 240 & 241, subd. (a).)

2) Makes an assault upon another by any means of force likely to produce great bodily injury an alternate felony-misdemeanor punishable by up to one year in county jail, by two, three, or four years in state prison, or by up to a $10,000 fine, or by both the fine and imprisonment. (Pen. Code, § 245, subd. (a)(4).)

3) Provides that when an assault is committed against a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the person committing the offense knows or reasonably should know of the victim's above status, the assault is punishable by up to one year in county jail, up to a $2,000 fine, or by both. (Pen. Code, § 241, subd. (c).)

4) Defines "battery" as any willful and unlawful use of force or violence upon another person, and makes the offense punishable by up to six months in the county jail, up to a $2,000 fine, or by both. (Pen. Code, §§ 242 & 243, subd. (a).)

5) Provides that when a battery is committed against a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of their duties, whether on or off duty, a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, or a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department, and the person committing the offense knows, or reasonably should know, of the victim's above status, the offense is punishable by up to one year in county jail, up to a $2,000 fine, or by both. (Pen. Code, § 243, subd. (b).)

6) Provides that when a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, animal control officer, or a nonsworn employee of a probation department engaged in the performance of their duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know of the victim's above status, and an injury is inflicted on that victim, the offense is punishable by up to one year in county jail, by a fine of up to a $2,000, or by both, or by imprisonment in county jail for 16 months, two, or three years. (Pen. Code, § 243, subd. (c).)

7) Makes an assault or battery committed against a "highway worker," as defined, that is engaged in the performance of their duties and the perpetrator knows or reasonably should know the victim is a highway worker engaged in the performance of their duties, punishable by up to one year in county jail, up to a $2,000 fine, or by both. (Pen. Code, §§ 241.5, 243.65.)

8) Makes a battery where serious bodily injury is inflicted upon the victim an alternate-misdemeanor felony punishable by up to one year in the county jail, or by two, three, or four years in the county jail. (Pen. Code, § 243, subd. (d).)

9) Punishes any person who personally inflicts great bodily injury on any person other than an accomplice in the commission, or attempted commission, of a felony by an additional and consecutive term three years. (Pen. Code, § 12022.7, subd. (a).)

10) Defines "public utility" as "every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof." (Pub. Util. Code, § 216, subd. (a)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "Similar to other classes of workers that support public health and safety, public utility workers face unique vulnerabilities while performing their job duties. Recognizing the critical nature of their work, enhanced protections already afforded to other classes of workers and professionals (e.g., firefighters, traffic officers, lifeguards) that support public safety should be extended to utility employees and contractors.

   "Incidents of harassment and assault against utility workers create a stressful and unsafe work environment that can complicate the ability of workers to perform their duties, which are essential to public safety. Including utility workers among employee groups afforded enhanced protections will act as a deterrent against future incidents."

2) **Need for this Bill**: Proponents of this bill point to a handful of incidences in recent years in which utility workers experienced violence and harassment while performing their duties. In 2019, a Pacific Gas & Electric (PG&E) employee was allegedly shot at by a pellet gun during a period in which surrounding customers were experiencing planned power outages.[1] In 2021, an individual allegedly yelled racial slurs and physically assaulted a San Diego Gas & Electric (SDG&E) worker who informed drivers that a road was closed due to a SDG&E roadblock.[2] This individual was apprehended and subject to hate crime and battery charges.[3] In 2022, an individual stabbed a PG&E worker that was marking gas lines.[4] That individual was arrested for attempted homicide.[5] Most recently, following the Palisades fire, the Los Angeles Department of Water and Power (LADWP) reported that an individual drove up to an LADWP employee that was working on a downed electrical pole and threatened them with bodily harm.[6]

3) **Effect of this Bill**: An assault is "an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another." (Pen. Code, § 240.) A battery is "any willful and unlawful use of force or violence upon the person of another." (Pen. Code, § 242.) "'[S]imple assault' is included in the offense of battery", and "[a] conviction of the latter would subsume the assault. By definition one cannot commit battery without also committing a 'simple' assault, which is nothing more than an attempted battery. (*People v. Fuller* (1975) 53 Cal.App.3d 417, 421, citations omitted.) An example of an assault is swinging at another person without hitting them, whereas striking the other person is a battery. Simple assault and battery are both misdemeanors punishable by up to six months in the county jail, a fine, or both (Pen. Code, §§ 241, subd. (a), 243, subd. (a).) Battery carries a fine of up to $2,000 whereas simple assault carries a fine of up to $1,000. (*Ibid.*)

   If an individual commits simple assault or battery against members of certain professions engaged in public safety activities or performing certain public functions, the punishment

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[1] ABC News, *They're your neighbors': CEO of PG&E defends crew allegedly attached with pellet gun in Glenn County* (Oct. 23, 2019), available at: https://abc7news.com/power-outage-shut-off-pge-map-website-down/5642269/
[2] Matt Meyer, *Man charged with hate crime, accused of racist tirade at SDG&E worker* (March 4, 2022), available at: https://fox5sandiego.com/news/local-news/man-charged-with-hate-crime-accused-of-racist-tirade-at-sdge-worker/
[3] *Ibid.*
[4] Daily Journal, *Utility worker stabbed, suspect arrested for attempted murder in South San Francisco* (June 14, 2022), available at: https://www.smdailyjournal.com/news/local/utility-worker-stabbed-suspect-arrested-for-attempted-murder-in-south-san-francisco/article_6dd1b602-eb97-11ec-8c34-6fcfb6d4b323.html
[5] *Ibid.*
[6] Winton and Smith, *DWP says workers have been threatened with bodily harm, and possibly, a rifle* (Jan. 15, 2025), available at: https://www.latimes.com/california/story/2025-01-15/threats-to-los-angeles-dwp-workers

may result in elevated penalties. Most relevant here are Penal Code sections 241 and 243 which make simple assault or battery of a peace officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, code enforcement officer, animal control officer, or a search and rescue member, or a custodial officer, security officer, custody assistant, or specified probation employees (only for a battery) engaged in the performance of their duties, or specified medical personnel providing services in a emergency department, where the perpetrator knows or reasonably should know of the victim's above status, punishable by an *additional* six months in jail, for a maximum sentence of up to one year in county jail, or a fine of up to $2,000, or by both. (Pen. Code, § 241, subd. (c), § 243, subd. (c).)

This bill adds utility workers to the list of professions against whom an assault or battery carries an elevated misdemeanor penalty. In an effort to limit the scope of this bill to those utility workers that are physically engaged in the construction and repair of critical utility infrastructure in public settings and are thereby most vulnerable to public hostility, this bill defines "utility worker" as a person employed by, or who is a contractor to, an investor-owned or publicly owned water corporation, electrical corporation, gas corporation, or electric cooperative that performs services for or delivers a commodity to the public or any portion thereof, and the service performed is the construction, alteration, demolition, installation, maintenance, or repair of water, electrical, or gas infrastructure. This bill increases the maximum punishment for assaulting a utility worker from a six month jail sentence or a $1,000 fine, to a one year jail sentence or a $2,000 fine. Because battery is already punishable with up to a $2,000 fine (Pen. Code, §§ 242 & 243, subd. (a)), this bill would not change the maximum fine that may be imposed for committing battery against a utility worker. Instead it just increases the maximum jail term for such a battery from six months to one year.

Consistent with the treatment of individuals from other professions listed in Penal Code sections 241 and 243, these higher assault and battery misdemeanor penalties only apply if: 1) the utility worker is engaged in the performance of their duties; and 2) the perpetrator knows or reasonably should know that the victim is a utility worker engaged in the performance of their duties.

4) **Felony Penalties Available for Assaults and Battery Involving Injury**: In addition to the assault and battery statutes described above, an assault or battery that causes, or is likely to cause injury (in the case of assault), can be subject to a prison sentence irrespective of whether the victim is employed in any of the above professions. An assault by means of force likely to produce great bodily injury, or a battery that results in serious bodily injury to another, are both alternate-misdemeanor felonies punishable by up to one year in county jail, or in state prison for two, three, or four years. (Pen. Code, §§ 245, subd. (a)(4), 243, subd. (d).) Moreover, a person that personally inflicts great bodily injury on a person other than an accomplice in the commission, or attempted commission, of a felony is subject to a three-year, additional and consecutive, sentence enhancement. (Pen. Code, § 12022.7, subd. (a).) Many of the incidents cited by proponents involve actual physical violence that cause injury (e.g. stabbing of a PG&E worker in 2022);[7] conduct that can be prosecuted as a felony.

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[7] Daily Journal, *Utility worker stabbed, suspect arrested for attempted murder in South San Francisco* (June 14, 2022), available at: https://www.smdailyjournal.com/news/local/utility-worker-stabbed-suspect-arrested-for-attempted-murder-in-south-san-francisco/article_6dd1b602-eb97-11ec-8c34-6fcfb6d4b323.html

5) **Governor Vetoes of Particularization of Crimes**: Bills that establish victim-specific elevated assault and battery penalties have been vetoed on several occasions in recent years on the basis that the conduct can already be prosecuted, additional jail time for batteries and assaults is unlikely to improve public safety, and creating more distinct assault and battery crimes unnecessarily adds to the length and complexity of the Penal Code.

In 2015, AB 172 (Rodriguez), of the 2015-2016 Legislative Session, would have increased the penalties for assault and battery committed against a physician, nurse, or other health care worker engaged in performing services within the emergency department. Governor Brown vetoed this bill, stating:

> Emergency rooms are overcrowded and often chaotic. I have great respect for the work done by emergency room staff and I recognize the daunting challenges they face every day. If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either.

In 2017, AB 513 (Bradford), of the 2017-2018 Legislative Session, was substantially similar to this bill, although largely limited to increasing the criminal fines for an assault or battery of a utility worker. Governor Brown vetoed this bill, stating:

> This bill adds $1,000 to the current penalty for assault or battery if committed against a public utility worker.
>
> I don't believe the additional $1,000 called for in this bill would do much to deter this type of conduct, which is already punishable by either six months or a year in jail, and up to a $2,000 fine depending on the charge.
>
> I would note that the bill further slices and dices our criminal law, dividing the crimes of assault and battery into even more discreet categories, which grow more numerous by the decade. As a general rule I don't think this a good idea.
>
> Our criminal code already has more than 5,000 separate criminal provisions, making it more particularized than it needs to be for an understandable and fair system of justice.

Most recently, Governor Newsom vetoed SB 596 (Portantino), of the 2023-2024 Legislative Session, which would have created a new crime with increased penalties for abusive conduct targeting school officials. In his veto message the Governor said:

> Credible threats of violence and acts of harassment - whether directed against school officials, elected officials, or members of the general public - can already be prosecuted as crimes. As such, creating a new crime is unnecessary….
>
> No school official should be subject to threats or harassment for doing their job, period. I encourage school officials to work closely with local law enforcement to use the laws already on the books to ensure the safety and security of our community's educators and governing board members, both while carrying out their school duties on school premises

and while away from school sites.

The same rationale applies to this bill.

6) **Argument in Support**: According to the *Coalition of California Utility Employees* and the *California State Association of Electrical Workers* "As Public Safety Power Shutoff (PSPS) events become more frequent due to heightened wildfire risks, frontline utility workers have faced growing hostility and threats from members of the public frustrated by power outages.

"SB 431 will ensure that assaults or batteries committed against public utility employees are met with appropriate legal consequences. Under current law, similar protections are afforded to peace officers, firefighters, emergency medical personnel, and other public servants. This bill rightfully extends those safeguards to utility workers who perform critical infrastructure services under increasingly dangerous conditions.

"California's public utility employees serve on the front lines during emergencies, restoring power, repairing infrastructure, and ensuring the safety and reliability of the electrical grid. Unfortunately, during PSPS events and other emergency situations, utility workers have experienced verbal threats, physical attacks, and other forms of harassment from individuals upset about service disruptions. These confrontations put both workers and the public at risk, undermining efforts to maintain essential services and respond to crises efficiently.

"By recognizing public utility employees in the same legal framework as other essential workers, SB 431 will provide much-needed deterrence against violence and reinforce the state's commitment to worker safety. Protecting these employees is not only a matter of workplace security but also a vital component of ensuring that California's energy infrastructure remains operational and resilient in the face of growing climate-related challenges."

7) **Argument in Opposition**: According to *Initiate Justice,* "California's history with tough-on-crime policies demonstrates that escalating penalties do not improve public safety. Instead, they contribute to costly mass incarceration without preventing harmful behavior. SB 431 follows this flawed path. Increasing jail time for individuals who cause harm to public utility workers will not prevent such incidents and may worsen community relations with utility providers.

"When Governor Brown vetoed a similar bill, AB 172 (Rodriguez, 2015), he stated, "If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either. We need to find more creative ways to protect the safety of these critical workers. This bill isn't the answer." This reasoning holds true today — SB 431 is not the answer."

8) **Related Legislation**: AB 394 (Wilson) would expand the heightened criminal penalties that apply to persons that commit battery against certain transit workers to include employees and contractors of a public transportation provider, among other changes. AB 394 is pending a hearing in Senate Public Safety Committee.

9) **Prior Legislation**:

a) AB 977 (Rodriguez), Chapter 937, Statutes of 2024, expanded the elevated criminal penalties that apply to persons that commit assault or battery against specified members of certain professions to include physicians, nurses, or other healthcare workers of a hospital engaged in providing services within the emergency department.

b) AB 2824 (McCarty) of the 2023-2024 Legislative Session, would have expanded the elevated criminal penalties associated with committing battery against operators, drivers or passengers of specified public transportation vehicles to include employees and contractors of a public transportation provider. AB 2824 was not heard in Assembly Public Safety Committee.

c) AB 329 (Rodriguez), of the 2019-2020 Legislative Session, would have created a new crime for assault on hospital property punishable by up to one year in the county jail, a fine of up to $2,000 or by both imprisonment and the fine. AB 329 was gutted and amended in the Senate to an unrelated subject matter.

d) SB 1416 (Bradford), of the 2019-2020 Legislative Session, was substantially similar to this bill. SB 1416 was not heard in Senate Public Safety Committee.

e) SB 513 (Bradford), of the 2017-2018 Legislative Session, was substantially similar to this bill. AB 513 was vetoed by the Governor.

f) AB 172 (Rodriguez), of the 2015-2016 Legislative Session, would have increased the penalties for assault and battery committed against a physician, nurse, or other health care worker engaged in performing services within the emergency department. AB 172 was vetoed by the Governor.

g) SB 390 (La Malfa), Chapter 249, Statutes of 2011, increased the penalties for assault and battery against a search and rescue member.

h) SB 406 (Lieu), Chapter 250, Statutes of 2011, increased the penalties for assault and battery against a security officer or custodial assistant.

i) SB 409 (Lowenthal), Chapter 410, Statutes of 2009, increased the penalties for assault and battery against a highway worker.

j) AB 1686 (Leno), Chapter 243, Statutes of 2007, increased the fine from $1,000 to $2,000 when an assault is committed against a parking control officer.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Cities - Orange County (ACC-OC)
Bay Area Council
California District Attorneys Association
California Police Chiefs Association

California State Association of Electrical Workers
California Water Association
City of Roseville
City of Sacramento Department of Utilities
Coalition of California Utility Employees
League of California Cities
Pacific Gas and Electric Company
San Diego Gas and Electric Company
San Francisco District Attorney Brooke Jenkins
Sempra Energy and its Affiliates: San Diego Gas & Electric Company and Southern California Gas Company
Southern California Edison
Southern California Gas Company

Oppose

ACLU California Action
California Attorneys for Criminal Justice
Californians United for a Responsible Budget
Debt Free Justice California
East Bay Municipal Utility District
Initiate Justice
Initiate Justice Action
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Local 148 LA County Public Defenders Union
San Francisco Public Defender

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