

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 571 (Archuleta) – As Amended July 17, 2025

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill creates a new crime for impersonating a first responder during an evacuation order and allows a court to issue a longer sentence if a person convicted of looting committed the crime while impersonating a first responder.

Specifically, among other provisions, this bill:

- 1) Creates a new alternate felony-misdemeanor for willfully wearing, exhibiting, or using the uniform, insignia, emblem, device, label, certificate, card, or writing of a first responder with the intent of fraudulently impersonating a first responder in an area subject to an evacuation order, or who willfully and credibly impersonates a first responder on an internet website during an evacuation order or within 30 days of its termination. This offense is punishable as follows:
 - a) As a misdemeanor by up to one year in county jail, a fine up to \$2,000, or by both imprisonment and fine.
 - b) As a felony by 16 months, two years, or three years in county jail and a fine up to \$20,000, or by a term in state prison if the defendant has certain prior convictions.
- 2) Authorizes a court, when sentencing a defendant convicted of looting, to consider as a factor in aggravation the fact that the defendant committed the crime while impersonating emergency personnel, and defines “emergency personnel” as a peace officer, an officer or member of a fire department or a deputy state fire marshal, an employee of a public utility or district, state, county, city, or special district, a city and county officer or employee, an officer or member of a governmental agency-managed or -affiliated search and rescue unit or team, specified Armed Forces and reserve members, or an emergency medical technician.

FISCAL EFFECT:

- 1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate charges of the crime created by this bill and for longer sentencing proceedings for looting convictions. 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 charges files, prosecutorial discretion, and the amount of court time needed to adjudicate

each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. 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 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.

COMMENTS:

- 1) **Background. *False Impersonation.*** There are several crimes in the Penal Code for which false impersonation of another person is an element. Additionally, offenses involving impersonation of a peace officer or other official are subject to higher penalties than impersonation of another person. For example, willfully impersonating a peace officer, member of a fire department, or other specified government personnel is a misdemeanor punishable by up to six months in county jail, a fine of \$1,000, or both jail and fine. Other crimes include higher punishments for using badges or other insignia to impersonate such government personnel. This bill creates a new crime with higher penalties for impersonating a first responder in an area subject to an evacuation order. Unlike most false impersonation offenses, the crime created by this bill may be charged as a felony.

Looting. The Penal Code defines and sets the applicable punishments for second-degree burglary, grand theft, and petty theft. If any of these offenses is committed during a declared state of emergency or local emergency or in an area subject to an evacuation order, the offense may be charged as looting and is subject to a longer sentence. Statute establishes three possible sentences for each looting offense – for example, grand theft is punishable under the looting statute by 16 months, two years, or three years in county jail. Where three possible sentences are prescribed by statute, the court must determine which sentence to impose in each case. Generally, the court must impose the lower or middle term unless there are circumstances in aggravation that justify imposing the upper term. The court may impose the upper term only if the defendant admits an aggravating circumstance or the aggravating circumstance is found true beyond a reasonable doubt at trial.

This bill allows a judge to consider the fact that a defendant impersonated emergency personnel during the commission of the crime as an aggravating factor at sentencing for a looting offense. If this fact is admitted by the defendant or found true in trial, this bill permits a judge to impose a longer sentence. For a grand theft conviction, this means the judge may impose the upper sentence of three years in jail, rather than the middle term of two years or the lower term of 16 months. Because looting comprises multiple offenses and because the bill contains a very broad definition of “emergency personnel,” this bill – when

combined with AB 468 (see below) – will likely significantly increase the amount of time defendants spend incarcerated for the affected offenses.

Research shows that lengthy criminal sentences, which are costly to state and local governments, do not effectively deter crime. In general, the certainty that someone will be punished for an offense plays a larger role in deterring their criminal activity, rather than the length of their potential punishment.

- 2) **Related Legislation.** This bill's provisions will become operative only if AB 468 (Gabriel), of this session, is also enacted. AB 468 expands the offense of looting and increases punishments for looting, subjecting more offenses committed in an evacuation zone to longer sentences and higher fines. The bill also applies these heightened penalties to a looting offense committed up to four years after an emergency at a residence undergoing construction for the emergency. AB 468 is pending in the Senate Appropriations Committee.

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