
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 327 **Hearing Date:** July 15, 2025
Author: Ta
Version: March 5, 2025
Urgency: No **Fiscal:** Yes
Consultant: CA

Subject: *Crimes: false reporting*

HISTORY

Source: California Civil Liberties Advocacy

Prior Legislation: AB 2609 (Ta), failed in Assembly Appropriations, 2024

Support: California Civil Liberties Advocacy (Sponsor); Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Chapter National Emergency Number Association; California Coalition of School Safety Professionals; California District Attorneys Association; California Narcotic Officers' Association; California Reserve Peace Officers Association; California State Sheriffs' Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Newport-Mesa Unified School District; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association

Opposition: ACLU California Action; California Public Defenders Association; Californians United for a Responsible Budget; Debt Free Justice California; Ella Baker Center for Human Rights; Initiate Justice; Justice2jobs Coalition; LA Defensa; Local 148 LA County Public Defenders Union; Universidad Popular

Assembly Floor Vote: 71 - 0

PURPOSE

The purpose of this bill is to bill increase the penalty for an adult's second or subsequent offense of swatting from a misdemeanor to an alternative felony-misdemeanor ("wobbler").

Existing law makes knowingly allowing the use of or using the 911 emergency system for any reason other than an emergency an infraction, as specified. (Pen. Code, § 653y, subd. (a).)

Existing law makes knowingly allowing the use of or using the 911 emergency system for the purpose of harassing another punishable as an infraction by a fine of \$250 or as a misdemeanor

punishable by up to six months in county jail, by a fine of up to \$1,000, or both; a second or subsequent offense is a misdemeanor punishable by up to six months in county jail, by a fine of up to \$1,000, or both. (Pen. Code, § 653y, subd. (b).)

Existing law makes knowingly allowing the use of or using the 911 emergency system for the purpose of harassing another person, and that act is a hate crime or violation of a condition of probation, a misdemeanor punishable by up to one year in county jail, by a fine of between \$500 and \$2,000, or both. (Pen. Code, § 653y, subd. (c).)

Existing law makes it a misdemeanor to file a report with law enforcement that a felony or misdemeanor has been committed, knowing the report to be false. (Pen. Code, § 148.5, subd. (a).)

Existing law makes reporting to a government agency that an emergency exists, knowing that the report is false, a misdemeanor punishable by imprisonment in county jail for up to one year, a fine of up to \$1,000, or both. This is commonly known as “swatting.” (Pen. Code, § 148.3, subd. (a).)

Existing law defines “emergency” as any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, aircraft, or vessel, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any individual may enter, or any situation that results in or could result in activation of the Emergency Alert System, as specified. (Pen. Code, § 148.3, subd. (c).)

This bill provides that a second or subsequent offense of reporting an emergency to a government entity, knowing that the report is false, is punishable by up to one year in county jail, by a fine of up to \$1,000, by both imprisonment and a fine, or by a felony punishable by 16 months, two years, or three years in county jail. This increased punishment for a second or subsequent offense does not apply to a person who was under 18 years of age at the time they committed the prior offense or offenses.

Existing law makes knowingly making a false report of an emergency to a government agency, knowing that the response to the report is likely to cause death or great bodily injury, and great bodily injury or death results, a felony punishable by imprisonment in county jail for 16 months, two years, or three years, a fine of up to \$10,000, or both. (Pen. Code, § 148.3, subd. (b).)

Existing law provides that a person who telephones or uses an electronic communication device to initiate communication with the 911 emergency system with the intent to annoy or harass another person is guilty of a misdemeanor punishable by a fine of up to \$1,000, by imprisonment in a county jail for up to six months, or both. (Pen. Code, § 653x, subd. (a).)

Existing law provides that an intent to annoy or harass is established by proof of repeated calls or communications over a period of time, however short, which are unreasonable under the circumstances. (Pen. Code, § 653x, subd. (b).)

This bill provides that a second or subsequent offense of telephoning or using an electronic communication device to contact 911 with the intent to annoy or harass another person is a misdemeanor punishable by up to six months in county jail, by a fine of up to \$1,000, by both imprisonment and a fine, or of a felony punishable by 16 months, two years, or three years in

county jail. This increased punishment for a second or subsequent offense does not apply to a person who was under 18 years of age at the time they committed the prior offense or offenses.

Existing law provides that an individual is liable to a public agency for the reasonable costs of the emergency response by that public agency when convicted of knowingly making a false report or calling 911 with the intent to annoy or harass another person. (Pen. Code, § 148.3, subd. (e); Pen. Code, § 653x, subd. (c).)

This bill provides that the individual is also liable to another party for property damage incurred by the other party as a result of the emergency response.

COMMENTS

1. Need for This Bill

According to the author:

According to the [Educator's School Safety Network](#), 63.8% of all violent incidents at schools in the past year were the result of false active shooter reports—a shocking 546% increase from 2018 to 2023. Swatting puts children, teachers, and other innocent members of our community in immediate jeopardy.

Any person, including school faculty, students, and public servants, can easily be a target of swatting regardless of position or politics. This serious crime wastes public resources, leads to property damage, causes undue stress for the victims, and risks serious injury or death. Swatting is more than just a threat to the safety of individuals, including our school faculty, students, public officials, and their families – it puts innocent people in harm's way. By granting judicial discretion to address the crime of swatting as a wobbler, AB 327 will help crack down on such a dangerous crime to keep our schools and communities safe.

2. “Swatting”

According to one security expert, “Swatting involves people making fraudulent 911 calls reporting serious-level criminal threats or violent situations like bomb threats, hostages, killing, etc. to fool the police into raiding the house or business of somebody who is not actually committing a crime.” (<https://www.nbcnews.com/news/us-news/fbi-formed-national-database-track-prevent-swatting-rcna91722> [as of July 2, 2025].)

There have been numerous high-profile swatting instances in recent years. (<https://www.politico.com/news/2024/01/04/california-lieutenant-governor-swatted-after-push-to-boot-trump-from-ballot-00133952> [as of July 2, 2025].) According to Politico, “A broad range of politicians and other public figures have been targeted by swatting calls for a variety of reasons that aren’t always tied to Trump. The pranks are designed to fool unsuspecting police into responding with force, sometimes with their arms drawn. Callers have reported fake incidents at the homes of Boston Mayor Michelle Wu, a Democrat, and Republican Rep. Marjorie Taylor Greene of Georgia has claimed multiple incidents, criticizing the FBI while lauding local police for their response.” (*Ibid.*)

The FBI recently launched a “Virtual Command Center” in partnership with state and local law enforcement to help track and prevent swatting incidents.

(<https://le.fbi.gov/informational-tools/leep> [as of July 2, 2025].) “The initiative allows police and intelligence fusion centers to share details of swatting incidents taking place within their jurisdictions, providing authorities nationwide with a ‘common operating picture’ regarding the nature of the threat, and can assist in identifying whether the same perpetrator is responsible for multiple incidents.”

(<https://www.cnn.com/2024/01/14/us/swatting-incidents-trend-explained/index.html> [as of July 2, 2025].)

3. Current False Reporting Law and Penalties

AB 1775 (Jones-Sawyer), Chapter 327, Statutes of 2020, made a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass people. That bill was an explicit response to a number of media reports on people calling 911 and making false claims to harass others, in part because the target individuals were members of a protected class.

(<https://www.vox.com/2020/5/26/21270699/amy-cooper-franklin-templeton-christian-central-park> [as of July 2, 2025].) The threat posed by such reports is likely greater to communities of color, and particularly to Black men.

(<https://www.ppica.org/publication/police-use-of-force-and-misconduct-in-california/> [as of July 2, 2025].)

Under existing law, it is a misdemeanor punishable by up to one year in county jail to use the 911 emergency system to harass another person if the conduct qualifies as a hate crime, as specified. (Pen. Code, § 653y, subd. (c).) Where no evidence of hate crime exists, knowingly using the 911 emergency system for the purpose of harassing another is an alternate infraction-misdemeanor (wobblette) for a first offense, and a straight misdemeanor for a second or subsequent offense. In these circumstances, a misdemeanor would carry possible imprisonment in county jail for up to six months. (Pen. Code, § 653y, subd. (b)(1) & (2).)

Similarly, existing law makes it a misdemeanor to knowingly file a false police report (Pen. Code, § 148.5, subd. (a)); to file a petition for a gun violence restraining order knowing that the information in the petition is false or with the intent to harass (Pen. Code, § 18200); and, to willfully and maliciously sound a false alarm of fire (Pen. Code, § 148.4, subd. (a)). Like “swatting,” these acts all require agencies to divert resources from legitimate duties to handle false reports; and, in many cases, these acts could cause potentially volatile interactions between emergency responders and those targeted by a false report.

Finally, existing law already provides for up to three years in county jail for “swatting” when the false report results in death or great bodily injury if the person knew or should have known that that result was likely. (Pen. Code, § 148.3, subd. (b); see also Pen. Code, § 148.4, subd. (b) [false fire alarm resulting in serious bodily injury or death].)

This bill would allow for felony punishment of up to three years in county jail for swatting even when there was no injury. As a result, a person convicted of swatting when no injury results could receive the same sentence as another person whose conduct resulted in great bodily injury or death.

4. Deterrence

Research shows that increasing the severity of the punishment does little to deter the crime. According to the National Institute of Justice, “Laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. More severe punishments do not ‘chasten’ individuals convicted of crimes, and prisons may exacerbate recidivism... Studies show that for most individuals convicted of a crime, short to moderate prison sentences may be a deterrent but longer prison terms produce only a limited deterrent effect. In addition, the crime prevention benefit falls far short of the social and economic costs.”

([file:///C:/Users/anderscr/Downloads/247350%20\(2\).pdf](file:///C:/Users/anderscr/Downloads/247350%20(2).pdf) [as of July 2, 2025].)

5. Argument in Support

According to the California Chapter of the National Emergency Number Association:

False emergency reporting not only endangers lives but also diverts critical resources from genuine emergencies. When 9-1-1 is inappropriately used for non-emergency purposes, it causes significant challenges in dispatching public safety resources to where they are most needed in the community. Additionally, the problems multiply throughout the first responder system, taking limited resources offline, causing increased wait times at local medical facilities, and overwhelming resources such as emergency rooms or urgent care centers. The provisions in AB 327, which increase penalties for second or subsequent violations and extend liability to include property damage caused by false reports, are essential steps in deterring such harmful behavior. These measures will help safeguard public safety and ensure that emergency responders can focus on true emergencies without unnecessary risks or distractions.

AB 327 also recognizes the significant financial and operational burdens placed on public safety agencies due to false reports. By holding offenders liable for reasonable costs incurred during emergency responses, including property damage, this bill provides a mechanism for accountability that is both fair and necessary.

CALNENA believes that AB 327 will strengthen California’s ability to protect its communities from the dangers posed by false reporting while preserving the trust and reliability of our 9-1-1 system.

6. Argument in Opposition

According to the American Civil Liberties Union California Action:

Existing law already makes it a misdemeanor to report an emergency to specified government entities if the reporting party knows that the report is false. Existing law also makes it a misdemeanor to initiate communication with the 911 Emergency System with the intent to annoy or harass another person.

By increasing the penalty for these crimes, AB 327 flies in the face of existing public safety research. Extensive research has shown that increased sentences do not deter or prevent crime. This is a sentiment reflected by the U.S Department of

Justice's National Institute of Justice guidance that "laws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective".

AB 327 will not reduce false reports, but it will exacerbate the harms of mass incarceration felt by individuals, their families, and their communities. As detailed in a 2015 report by the Ella Baker Center for Human Rights, individuals with convictions are saddled with copious fees upon their release and face extreme barriers when finding jobs or housing. Additionally, many families lose income when a family member is incarcerated, leading to nearly 65% of families with an incarcerated family member being unable to meet their family's basic needs.

[Footnotes omitted.]

– END –