
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 1872 **Hearing Date:** June 23, 2026
Author: Ta
Version: February 12, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *False reporting*

HISTORY

Source: California Civil Liberties Advocacy

Prior Legislation: AB 327 (Ta), held at Senate Appropriation, 2025
AB 2609 (Ta), held at Assembly Appropriations, 2024
AB 1775 (Jones-Sawyer), Ch. 327, Stats. of 2020
AB 1769 (Rodriguez), Ch. 96, Stats. of 2016
AB 1976 (Benoit), Ch. 89, Stats. of 2008
AB 2225 (Mountjoy), Ch. 227, Stats. of 2006
AB 911 (Longville), Ch. 295, Stats. of 2004
SB 2057 (O'Connell), Ch. 521, Stats. of 2002
AB 2741 (Cannella), Ch. 262, Stats. of 1994

Support: California State Sheriffs' Association; Peace Officers Research
Association of California; San Diego County Office of Education

Opposition: ACLU California Action; California Attorneys for Criminal Justice;
California Public Defenders Association; Ella Baker Center for Human
Rights; Local 148 Los Angeles County Public Defender's Union; San
Francisco Public Defender; Smart Justice California

Assembly Floor Vote: 65 - 0

PURPOSE

The purpose of this bill is to make a second or subsequent violation of making a false report, known as "swatting," a wobbler.

Existing law makes reporting to a government agency that an emergency exists while 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. (Pen. Code, § 148.3, subd. (a).)

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, 2 years, or 3 years. (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, that are unreasonable under the circumstances. (Pen. Code, § 653x, subd. (b).)

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), 653x, subd. (c).)

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, and escalates the monetary penalty for the infraction for subsequent violations. (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 by a fine of \$250 or 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 knowingly file a false report with law enforcement that a felony or misdemeanor has been committed. (Pen. Code, § 148.5, 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 imprisonment for 16 months, 2 years, or 3 years.

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 one year in county jail, by a fine of up to \$1,000, by both imprisonment and a fine, or of a felony punishable by imprisonment for 16 months, 2 years, or 3 years.

This bill provides that the increased penalties for a second or subsequent offense for swatting does not apply to a person who was under 18 years of age at the time they committed the prior offense or offenses.

This bill clarifies that the reasonable costs for which an individual convicted of the above crimes could be liable include property damage incurred by any 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. Put simply, 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's an affront to democracy. By granting judicial discretion to address the crime of swatting as a wobbler, AB 1872 will help crack down on such a dangerous crime to keep our schools and communities safe.

2. Incidences of False Reporting

“Swatting” refers to calling 911 or otherwise falsely reporting an emergency at a location in an attempt to draw a law enforcement response, often a SWAT team, to that location. It can be done to a private individual or, commonly, to a school.¹ There have been numerous high-profile swatting instances in recent years.² According to Politico, “A broad range of politicians and other public figures have been targeted by swatting calls for a variety of reasons...” The pranks are designed to fool unsuspecting police into responding with force, sometimes with their arms drawn.³

The FBI recently launched a “Virtual Command Center” in partnership with state and local law enforcement to help track and prevent swatting incidents.⁴ “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”

¹ Educator's School Safety Network. (2025) *Violent threats and incidents in schools: an analysis of the 2024-2025 school year*
<https://static1.squarespace.com/static/55674542e4b074aad07152ba/t/68dabb08443fb32120878c8e/1759165192457/2024-2025SSY+Report.Violent+threat+and+incidents+in+schools-www.eschoolsafety.org.pdf>

² Politico. (Jan. 2024) *California lieutenant governor 'swatted' after push to boot Trump from ballot*
<https://www.politico.com/news/2024/01/04/california-lieutenant-governor-swatted-after-push-to-boot-trump-from-ballot-00133952>

³ *Ibid.*

⁴ NBCNews.com (June 2023) *The FBI has formed a national database to track and prevent 'swatting'*
<https://www.nbcnews.com/news/us-news/fbi-formed-national-database-track-prevent-swatting-rcna91722>

regarding the nature of the threat, and can assist in identifying whether the same perpetrator is responsible for multiple incidents.”⁵

3. Existing Penalties for False Reporting

There are several criminal offenses that may be charged if a person engages in swatting. 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 for a first offense, and a straight misdemeanor for a second or subsequent offense. In these circumstances, a misdemeanor for a first offense would carry possible imprisonment in county jail for up to six months, whereas a second or subsequent offense carries a punishment of up to one year in county jail. (Pen. Code, § 653y, subd. (b)(1) & (2).)

Similarly, existing law makes it a misdemeanor to knowingly file a false police report; 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; and, to willfully and maliciously sound a false alarm of fire. (Pen. Code, §§ 148.5, subd. (a), 18200, 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].)

4. Enhanced Sentencing and Deterrence

Research shows that increasing the severity of the punishment does little to deter crime. According to the National Institute of Justice, an agency of the U.S. Department 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.”⁶

5. Effect of This Bill

This bill modernizes false reporting laws, by covering not just false police reports or 911 calls, but also false reports that could be made to a government entity online or on their social media. This bill allows for felony punishment of up to three years for swatting even when there was no injury. As a result, a person convicted of swatting when no injury results could receive the same,

⁵ CNN.com (Jan. 2024) *High-profile political figures are the targets in latest wave of ‘swatting’ incidents. Why the trend is so alarming* <https://www.cnn.com/2024/01/14/us/swatting-incidents-trend-explained/index.html>

⁶ National Institute of Justice (May 2016). *Five Things about Deterrence* <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

or an even longer, sentence as another person whose conduct resulted in great bodily injury or death.

This bill is arguably inconsistent with penalties for similar conduct under existing law. Filing a false police report, filing a fraudulent gun violence restraining order petition, sounding a false fire alarm, and knowingly using the 911 system to harass another person — even as a hate crime — are all straight misdemeanors. This bill would largely duplicate criminal punishments that already exist in criminal law.

6. Argument in Support

According to the San Diego County Office of Education:

According to our law enforcement partners, there were 12 documented school-related swatting incidents which resulted in some sort of law enforcement response in calendar year 2025 in San Diego County. So far in calendar year 2026, there have been 24 documented school-related swatting incidents in the county. That is a 100% increase just in the first half of the year.

Each false report of an active shooter triggers a full law enforcement response, sends hundreds of students into lockdown, and leaves teachers and children shaken long after the all-clear is given. The disruption to learning is real, but the psychological toll is worse. Students who have experienced a swatting event carry that fear back into the classroom with them.

AB 1872 addresses a clear gap in current law. This bill establishes a “wobbler” framework, which gives prosecutors the flexibility to match the severity of the charge to the severity of the offense, a proportionality that current law does not provide. Under this bill, a second or subsequent offense could be punishable as a felony with fines and imprisonment for 16 months, two years, or three years. We also appreciate that the bill exempts minors and first-time offenders from felony exposure, striking a reasonable balance between accountability and proportionality for younger offenders.

Swatting is cheap to execute and, under existing law, carries consequences that do not match the harm caused. AB 1872 changes that calculus in a way that is long overdue. Anything the state can do to assist schools in dealing with these incidences is a step in the right direction. We feel increased deterrence is the best place to start.

7. Argument in Opposition

According to the California Public Defenders Association:

AB 1872 would increase the penalty from a misdemeanor to a wobbler (misdemeanor or felony), for 1) a second or subsequent violation of falsely reporting an emergency to specified government entities or 2) initiating communication with the 911 emergency operating system intending to annoy or harass another individual.

While well intentioned, AB 1872 is misguided because it is ineffective, wastes resources and causes harm. It will not make California communities safer. The reason is simple, AB 1872 would increase penalties, but many decades of experience have proven that increasing the severity of punishment does little to deter 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 actually exacerbate recidivism.

AB 1872 wastes resources because long jail sentences not only fail to deter crime but are expensive. The Bureau of Justice Statistics estimates that the United States spends more than \$80 billion each year to keep roughly 2.3 million people behind bars. Many experts say that figure is a gross underestimate, though, because it leaves out myriad hidden costs that are often borne by prisoners and their families, with women overwhelmingly shouldering the financial burden. The practical effect is that increased punishments have a ripple effect on the incarcerated person’s loved ones. In fact, many families spend hundreds of dollars each month to feed, clothe, and stay connected to someone behind bars, paying for health care, personal hygiene items, and phone calls and other forms of communication.

Incarceration due to AB 1872 may actually create or worsen symptoms of mental illness. Research shows that, while it varies from person to person, incarceration is linked to mood disorders including major depressive disorder and bipolar disorder. The carceral environment can be inherently damaging to mental health by removing people from society and eliminating meaning and purpose from their lives. This is exacerbated by the appalling conditions common in prisons and jails such as overcrowding, solitary confinement, and routine exposure to violence which can have further negative effects. Researchers have even theorized that incarceration can lead to “Post-Incarceration Syndrome,” a syndrome similar to Post-Traumatic Stress Disorder (“PTSD”), meaning that even after serving their official sentences, many people continue to suffer the mental effects.

When laws and policies are changed to reduce reliance on law enforcement and incarcerating people for longer periods of time, resources can instead be invested in supportive services that prevent crime more effectively and far more cheaply rather than endlessly cycling people through courts, jails, and back onto the streets. Moreover, it increases public safety when limited law enforcement resources and courts are used to address violent crime.

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