

Introduced by Senator Fuller

(Principal coauthor: Assembly Member Waldron)

(Coauthors: Senators Anderson, Huff, and Vidak)

(Coauthors: Assembly Members Jones, Lackey, Maienschein, and Mathis)

January 9, 2015

An act to add Section 626.3 to the Penal Code, relating to threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as introduced, Fuller. Threats: schools.

Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety.

This bill would also provide that a person who, by means of an electronic act, threatens unlawful violence to occur upon the grounds of a school and that threat creates a disruption at the school, shall be punished by imprisonment in the county jail for a term not exceeding one year. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.3 is added to the Penal Code, to read:
2 626.3. (a) Each person who, by means of an electronic act,
3 threatens unlawful violence to occur upon the grounds of a school
4 and that threat creates a disruption at the school, shall be punished
5 by imprisonment in the county jail for a term not exceeding one
6 year.
7 (b) For purposes of this section, the following terms have the
8 following meanings:
9 (1) "Electronic act" has the same meaning as in paragraph (2)
10 of subdivision (r) of Section 48900 of the Education Code.
11 (2) "Disruption" means an act likely to interfere with peaceful
12 activities of the campus or facility.
13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.