

Senate Bill No. 110

Passed the Senate August 27, 2015

Secretary of the Senate

Passed the Assembly August 20, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 422.2 to the Penal Code, relating to threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, 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. Under existing law, this crime is punishable by imprisonment in a county jail for no more than one year for a misdemeanor, or by imprisonment in state prison for a felony.

This bill would make a person who, by any means, including, but not limited to, by means of an electronic act, willfully threatens unlawful violence to another person to occur upon the grounds of a school, as defined, with specific intent and under certain circumstances, and that threat creates a disruption at the school, guilty of a misdemeanor or felony punishable by imprisonment in a county jail for a specified term. 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.

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

SECTION 1. Section 422.2 is added to the Penal Code, to read:

422.2. (a) A person who, by any means, including, but not limited to, by means of an electronic act, willfully threatens

unlawful violence to another person that will result in death or great bodily injury to occur upon the grounds of a school, with the specific intent that the statement is to be taken as a threat, even if there is no intent of carrying it out, and where the threat, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey a gravity of purpose and an immediate prospect of execution of the threat, and that threat creates a disruption at the school, shall be punished by imprisonment in a county jail for a term not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) This section does not preclude or prohibit prosecution under any other law, except that a person shall not be convicted for the same threat under both this section and Section 422.

(c) For purposes of this section, the following terms have the following meanings:

(1) “Disruption” means interference with peaceful activities of the campus or facility.

(2) “Electronic act” has the same meaning as in paragraph (2) of subdivision (r) of Section 48900 of the Education Code.

(3) “School” means a state preschool, a private or public elementary, middle, vocational, junior high, or high school, a community college, a public or private university, or a location where a school-sponsored event is or will be taking place and the threat is related to both the school-sponsored event and to the time period during which the school-sponsored event will occur.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2015

Governor