

Introduced by Senator BlockFebruary 25, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as introduced, Block. Criminal threats: discharge of a firearm.

Existing law requires a person who willfully threatens 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, even if there is no intent of actually carrying it out, and thereby causes that other person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, to be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

This bill would provide that a person who maliciously threatens to discharge a firearm on the campus of a public or private university, community college, school, or location where a school-sponsored event is taking place, and who maliciously causes the report of that threat to be made, orally, in writing, or by means of an electronic communication device, to law enforcement, is guilty of a misdemeanor punishable by a fine not exceeding \$1,000, by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment. The bill would also make a person convicted of committing this conduct, based on a report that resulted in an emergency response, liable to the public agency for the reasonable costs of the emergency response by that public agency.

By creating a 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 422.2 is added to the Penal Code, to read:
2 422.2. (a) A person who maliciously threatens to discharge a
3 firearm on the campus of a public or private university, community
4 college, school, or location where a school-sponsored event is
5 taking place in the state, and who maliciously causes the report of
6 that threat to be made to law enforcement, is guilty of a
7 misdemeanor punishable by a fine not exceeding one thousand
8 dollars (\$1,000), by imprisonment in a county jail for a period not
9 exceeding one year, or by both that fine and imprisonment.
10 (b) A threat to discharge a firearm described in subdivision (a)
11 includes a threat that is communicated orally, in writing, by means
12 of an electronic communication device, including, but not limited
13 to, a telephone, cellular telephone, computer, video recorder, fax
14 machine, text message, on social media, or by any other means.
15 (c) "School" as used in this section means a preschool,
16 elementary school, middle school, junior high school, high school,
17 or charter school.
18 (d) This section does not preclude punishing a person for
19 conduct described in subdivision (a) under any other law providing
20 for greater punishment.
21 (e) A person convicted of violating this section, based upon a
22 report that resulted in an emergency response, is liable to the public
23 agency for the reasonable costs of the emergency response by that
24 public agency.
25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

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