



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-352 Crimes: criminal threats.** (2025-2026)

SHARE THIS:  

Date Published: 10/13/2025 09:00 PM

**Assembly Bill No. 352**

**CHAPTER 554**

An act to amend Section 422 of the Penal Code, relating to crimes.

[ Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 352, Pacheco. Crimes: criminal threats.

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 that, 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 reasonably causes the threatened person to be in sustained fear for their own safety or the safety of their immediate family, as defined. Under existing law, this crime is punishable as a misdemeanor or in state prison as a felony.

This bill would, for the purposes of sentencing for a felony violation of these provisions, authorize the court to consider, as a factor in aggravation, that the defendant willfully threatened to commit a crime that would result in the death or great bodily injury of a person the defendant knew was a state constitutional officer, a Member of the Legislature, or a judge or court commissioner, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 422 of the Penal Code is amended to read:

**422.** (a) Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, 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 their own safety or for their immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

(b) In sentencing a person convicted of a felony violation of subdivision (a), the court may consider, as a factor in aggravation, that the defendant willfully threatened to commit a crime that would result in the death or great bodily injury of a person the defendant knew was a state constitutional officer, a Member of the Legislature, or a judge or court commissioner, as defined in subdivisions (a), (b), (c), (n), and (q) of Section 7920.500 of the Government Code.

(c) (1) For purposes of this section, "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(2) For purposes of this section, "electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term is defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.