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SB-19 Crimes: threats. (2025-2026)

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Senate Bill No. 19

CHAPTER 594

An act to add Section 422.3 to the Penal Code, relating to crimes.

[Approved by Governor October 11, 2025. Filed with Secretary of State October 11, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 19, Rubio. Crimes: 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 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 it a crime for a person to willfully threaten, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime at specified locations, including a daycare and workplace, with specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, if the threat, 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 or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if the threat causes a person or person to reasonably be in sustained fear for their own safety or the safety of others at the specified locations. This bill would make this crime, for a person 18 years of age or older, punishable as a wobbler by imprisonment in the county jail for not more than one year or by imprisonment in the county jail for 16 months or 2 or 3 years. If a person under 18 years of age commits this crime, the bill would require the person to be referred to specified services in lieu of being declared a ward of the court, if eligible. If the person is ineligible, the bill would require the offense to be punished as a misdemeanor. By creating a new crime and imposing additional duties on local governments, this bill would create 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 422.3 is added to the Penal Code, to read:

422.3. (a) Except as provided in subdivision (b), any person who willfully threatens, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime that will result in death or great bodily injury to another person or persons at a daycare, school, university, workplace, house of worship, or medical facility with specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, if the threat 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 or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or persons to reasonably be in sustained fear for their own safety or the safety of others at these locations, shall be punished by imprisonment in the county jail not to exceed one year or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) If a person who commits an act in violation of subdivision (a) is under 18 years of age, the person shall be referred to services pursuant to Section 654 of the Welfare and Institutions Code, if eligible. If ineligible, the offense shall be punished as a misdemeanor.

(c) 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.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.