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# California State Senate

SENATOR  
**ANDREAS BORGEAS**  
EIGHTH SENATE DISTRICT



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EMERGENCY RESPONSE

## FACT SHEET

### Senate Bill 1330: School & Place of Worship Threats Protection Act

#### SUMMARY

Senate Bill 1330 closes a loophole in current law that does not adequately capture threats made against schools and places of worship.

#### BACKGROUND

Schools and places of worship all across California have seen an uptick in threat activity. The Sacramento area alone saw a major increase last year<sup>1</sup>. While California has been very fortunate to avoid a major catastrophe like the tragedy that occurred at Stoneman Douglas High School in 2018, the mere threat of a shooting is still very detrimental to the lives of worshippers and school students.

In our current culture, the vast majority of these "threats" are electronic social media postings directed at the entire school and not individuals. Sometimes the perpetrator does not even attend the school or place of worship they threatened. When these threats occur, the upheaval can be enormous-especially for school districts as 1. parents will keep their children home out of fear, 2. schools go into lock down which is traumatic for many students 3. lesson plan time is lost. This disruption to the school day has an unknown social and economical impact on our schools and the mental wellbeing of our students. In addition, these threats divert law enforcement resources and patrols leaving communities vulnerable. Similarly, threats could disrupt individuals right to

worship and is a violation of our constitutional right.

#### ISSUE

There is a deficiency in the current criminal code as nothing adequately captures this type of threat at schools or places of worship. The closest current statute is Penal Code 422, however it is limited. The first limitation is having a named victim. If the perpetrator targets a school with a shooting without naming any individuals, prosecution will be difficult without an identifiable victim. Under existing law, an individual must be the target of the offense and the threatened individual must be in sustained fear. In addition, jury instructions, known as CALCRIM, are equally as restrictive<sup>2</sup>. Without proving all the required elements beyond a reasonable doubt, the prosecution fails.

#### SOLUTION

SB 1330 seeks to clarify that a threat is treated the same whether it is against a person, an entity or building. The proposed legislation addresses these current limitations in the code and, more importantly, limits the punishment of a juvenile perpetrator. This is important as most are juvenile offenders who engage in this activity and without a true finding of violation of a criminal statute, that minor will not likely receive social services or mental health assistance. These threats may be a cry for help and will continue to slip through the cracks of our current system.

#### SUPPORT

Fresno Co. District Attorney (Sponsor)

<sup>1</sup><https://www.sacbee.com/news/local/education/article256488946.html>

<sup>2</sup> [CALCRIM No. 1300. Criminal Threat \(Pen. Code, § 422\) :: California Criminal Jury Instructions \(CALCRIM\) \(2020\) :: Justia](#)

**SUPPORT (cont.)**

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Anti-Defamation League

Fresno Co. Sheriff

Fresno Police Department

CA State Sheriffs Assoc.

Los Angeles Co. Sheriff

CA District Attorney's Assoc.

San Diego District Attorney

Hindu American Foundation