



AB 1550 (Bonta) – Discriminatory 911 Calls (As Amended June 26, 2020)

SUMMARY

AB 1550 will help curtail discriminatory 911 calls motivated by an individual's race, religion, sex, or any other protected class by designating such false reports as a hate crime and establishing civil liability.

BACKGROUND

Existing law provides a framework that details the consequences for knowingly making a false emergency report when, in reality, there is no such "emergency." Currently, such false 911 calls are designated as a misdemeanor. If the 911 call was knowingly false and is likely to result in death or great bodily injury, then the false report is a felony. However, under both crimes, the only "victim" allowed to recover damages and costs is the government entity that responded to the false report.

Additionally, current California law safeguards against discrimination based on perceived characteristics of a victim relating to disability, gender, nationality, race or ethnicity, religion, or sexual orientation, which are commonly known as "hate crimes." While the existing hate crime statutes can be potentially applied to cover false emergency reporting, the current laws position the government entity as the sole "victim" and not the individual who was discriminated against by the false emergency call. This framework neglects a rather notable and significant party of the incident, the discriminated individual, and prevents them from recovering damages.

THE NEED FOR THE BILL

The function of the 911 system is to summon emergency responders to serve and protect the public. However, recently people across the country have used 911 to make the police complicit in their racial bias. In 2018, a white Oakland woman, later dubbed "BBQ Becky," called the police on a Black family who was barbecuing in a park, which resulted in the family being detained and questioned for an hour. In March 2020, Amy Cooper, a white

woman, called the police with a false report against Christian Cooper, a bird watcher, in New York. She explicitly said that "There's an African-American man, I'm in Central Park, he is recording me and threatening myself and my dog... Please send the cops immediately!" These examples—along with the many more that go unreported—illustrate how individuals intentionally summon law enforcement against minorities, most notably Black individuals, by discriminatorily raising false claims against folks who are simply living their lives.

Racist or discriminatory 911 calls are dangerous, demeaning, and demoralizing to the person falsely accused. They further deteriorate community-police relations and contribute to the inaccurate and harmful criminalization of Black and Brown communities. We must take concrete action to deter people from weaponizing the police against our marginalized communities, not empower discriminatory practices. In response to such events, many states, such as New York and Oregon, have recently enacted laws to prevent such discriminatory 911 calls. We, in California, must also act and address this urgent issue.

SOLUTION

AB 1550 will address this gap in California law by explicitly making discriminatory and baseless 911 calls a felony hate crime and establish civil liability. The intent of AB 1550 is not to discourage individuals who are facing real danger or who seek to report a crime from calling 911. Instead, this bill would protect millions of Californians from becoming targets of hate and prevent the weaponization of law enforcement against communities of color. This bill will reaffirm California's commitment to diversity, inclusion, and equity by empowering individuals and providing them a pathway to recover damages.

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