

Date of Hearing: June 18, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 394 (Allen) – As Amended June 9, 2025

SENATE VOTE: 39-0

SUBJECT: Water theft: fire hydrants.

SUMMARY: Authorizes utilities to bring a civil action and local agencies to establish ordinances with enhanced administrative fines for water theft from a fire hydrant. Specifically, **this bill:**

- 1) Authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts to tamper with a fire hydrant, fire hydrant meter, or fire detector check, or connects to, diverts water from, or causes water to be diverted from, a fire hydrant without authorization from the utility that owns the fire hydrant.
- 2) Provides that a person who tampers with or uses a fire hydrant, fire hydrant meter, or fire detector check without authorization to obtain water and without paying the full lawful charge of the water is presumed to be in violation of 1), above.
- 3) Revises the existing civil penalty for a third and each additional violation of a local ordinance against water theft committed via meter tampering to apply any time after a second violation, not just if the violation occurred within one year of the first violation.
- 4) Revises the existing civil penalty for a third and each additional violation of a local ordinance against all other forms of water theft to apply any time after a second violation, not just if the violation occurred within one year of the first violation.
- 5) Authorizes the legislative body of a local agency that provides retail water services to adopt an ordinance that prohibits unauthorized connection to a fire hydrant, and makes a violation of an ordinance enacted by the local agency regarding water theft committed via the unauthorized connection to a fire hydrant subject to an administrative fine or penalty, as provided.
- 6) Requires the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review by the local agency of the fines or penalties for water theft committed via the unauthorized connection to a fire hydrant.
- 7) Provides that water theft committed via the unauthorized connection to a fire hydrant in violation of an ordinance adopted under 5) and 6), above, is punishable as follows:
 - a) A fine not exceeding \$2,500 for a first violation;
 - b) A fine not exceeding \$5,000 for a second violation; and,

- c) A fine not exceeding \$10,000 for a third violation and each additional violation of the same ordinance.
- 8) Provides that an “unauthorized connection to a fire hydrant” includes the unauthorized use of a fire hydrant, fire hydrant meter, or fire detector check.
- 9) Prohibits a local agency from imposing fines for the same offense under both 7), above, and existing law that establishes fines for water theft, as specified.
- 10) Makes related findings and declarations.

EXISTING LAW:

- 1) Authorizes the legislative body of a local agency to make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty, and set forth by ordinance the administrative procedures that govern the imposition, enforcement, collection, and administrative review by the local agencies of those fines or penalties. The administrative procedures must provide a reasonable period of time for a person to correct or remedy a violation prior to the imposition of fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety. (Government Code § 53069.4(a).)
- 2) Provides that any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge thereof, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, or abets any of the following is guilty of a misdemeanor:
 - a) Diverts or causes to be diverted utility services, by any means;
 - b) Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means;
 - c) Tampers with any property owned by or used by the utility to provide utility services;
 - d) Makes or causes to be made any connection with or reconnection with property owned or used by the utility to provide utility services without the authorization or consent of the utility; and,
 - e) Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of the utility. (Penal Code § 498 (b).)

- 3) Authorizes a local agency that provides water services to adopt an ordinance that prohibits water theft and makes a violation of an ordinance enacted by the local agency regarding water theft subject to an administrative fine or penalty.
 - a) Violation of an ordinance prohibiting water theft via meter tampering is punishable by a fine not to exceed: \$130 for a first violation; \$700 for a second violation within one year of the first violation; and \$1,300 for a third violation and each additional violation within one year of the first violation;
 - b) Violation of any other ordinance prohibiting water theft is punishable by a fine not to exceed: \$1,000 for a first violation; \$2,000 for a second violation within one year of the first violation; and \$3,000 for a third violation and each additional violation within one year of the first violation. (Government Code § 53069.45)
- 4) Defines a “local agency” as a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency. (Government Code, § 54951.)
- 5) Authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following acts:
 - a) Diverts, or causes to be diverted, utility services by any means whatsoever;
 - b) Makes, or causes to be made, any connection or reconnection with property owned or used by the utility to provide utility service without the authorization or consent of the utility;
 - c) Prevents any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function by tampering or by any other means;
 - d) Tamperers with any property owned or used by the utility to provide utility services; and,
 - e) Uses or receives the direct benefit of all, or a portion of, the utility service with knowledge of, or reason to believe that, the diversion, tampering, or unauthorized connection existed at the time of the use, or that the use or receipt, was without the authorization or consent of the utility. (Civil Code § 1882.1.)
- 6) Provides there is a rebuttable presumption that there is a violation of 5), above, if on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, there is either, or both, of the following:
 - a) Any instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge therefor; and
 - b) Any meter that has been altered, tampered with, or bypassed so as to cause no measurement or inaccurate measurement of utility services. (Civil Code § 1882.3.)

- 7) Defines “utility” for purposes of 5) and 6), above, as any electrical, gas, or water corporation as those terms are defined in the Public Utilities Code and includes any electrical, gas, or water system operated by any public agency. (Civil Code § 1882.)

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary.** This bill provides enhanced civil penalties for water theft committed via the unauthorized connection to a fire hydrant in violation of an ordinance adopted by a local agency that provides retail water services. This bill authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts to tamper with a fire hydrant, fire hydrant meter, or fire detector check, or connects to, diverts water from, or causes water to be diverted from, a fire hydrant without authorization from the utility that owns the fire hydrant. The bill provides that a person who tampers with or uses a fire hydrant, fire hydrant meter, or fire detector check without authorization to obtain water and without paying the full lawful charge of the water is presumed to be in violation of existing law.

This bill is sponsored by the Association of California Water Agencies and the Las Virgenes Municipal Water District.

- 2) **Author’s Statement.** According to the author, “Water is one of California’s most precious resources, especially as the state continues to face the challenges of drought and climate change. Unfortunately, the theft of water from fire hydrants has become a growing problem, costing local agencies millions of gallons of water and hundreds of thousands of dollars annually. Illegal actors use specialized tools to steal water from hydrants for commercial purposes, such as construction, landscaping, and farming. These costs are ultimately passed on to ratepayers, raising costs for paying customers. This activity not only undermines affordability but also jeopardizes public safety, conservation efforts, and the integrity of our water systems. Current penalties are insufficient deterrents to water theft and are a ‘cost of doing business’ for the commercial entities responsible. SB 394 addresses this critical issue by enhancing penalties for water theft from fire hydrants and providing water agencies with the tools they need to hold perpetrators accountable.”
- 3) **Local Ordinances.** Existing law provides local agencies the authority to establish ordinances and to impose fines and penalties for violation of those ordinances. A violation of a local ordinance is a misdemeanor unless, by ordinance, it is made an infraction. Existing law outlines the following fine structure for ordinance violations that are determined to be infractions, including those for building and safety code violations, which are higher:

Number of violations within specified time periods	Amount of fine for ordinance violations that are infractions	Amount of fine for building and safety code violations that are infractions
First violation	Fine does not exceed \$100	Fine does not exceed \$130

Second violation within one year of first violation	Fine does not exceed \$200	Fine does not exceed \$700
Third violation within one year of first violation	Fine does not exceed \$500	Fine does not exceed \$1,300

For building and safety code violations that are infractions, the fine can be increased to \$2,500 for each additional violation of the same ordinance within two years of the first violation, if the property is a commercial property that has an existing building at the time of the violation and the violation is due to failure by the owner to remove visible refuse or failure to prohibit unauthorized use of the property.

- 4) **Administrative Alternative.** As an alternative to the court process, a local agency can make any violation of any of its ordinances subject to an administrative fine or penalty. This provision was enacted in 1995 [SB 814 (Alquist), Chapter 898, Statutes of 1995], to relieve the courts of some of these cases and offer local governments a faster, easier, and less costly means of pursuing remedies for ordinance violations.

In order to make an ordinance violation subject to an administrative fine or penalty, the local agency must adopt an ordinance specifying the administrative procedures that govern the imposition, enforcement, collection, and administrative review of the fines or penalties. A person may appeal such fines or penalties in superior court within 20 days after service of a final administrative order or decision. Local agencies must pursue a civil court proceeding to collect fines and penalties that are not secured via the administrative process.

Current law requires these administrative procedures to grant a person responsible for a continuing violation a reasonable time to remedy the violation before the local agency may impose fines or penalties when the violation pertains to building, plumbing, electrical, or other similar structural and zoning issues that do not create an immediate danger to health or safety.

- 5) **Water Theft.** SB 2053 (Killea), Chapter 1010, Statutes of 1994, established “water theft” as a misdemeanor. A person can be found guilty of water theft if they commit any of the following actions without paying for utility services:

- a) Divert utility services, by any means;
- b) Prevent any utility meter, or other device used in determining the charge for utility services, from accurately performing its measuring function;
- c) Tamper with any property owned by or used by the utility to provide utility services;
- d) Connect with property owned or used by the utility to provide utility services without authorization; and
- e) Use or receive the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of the utility.

If the total value of all utility services stolen is more than \$950, or if the defendant has previously been convicted of an offense under this section or other similarly defined sections, then the violation is punishable with up to one year of imprisonment.

A utility can bring a civil action for damages against any person who commits or attempts water theft. Existing law creates a rebuttable presumption that there is violation of these provisions if certain actions occur, including that there is, on premises owned by the customer, a device primarily designed to be used to obtain utility service without paying the full lawful charge for the utility.

- 6) **SB 427 (Eggman) of 2021.** Responding to concerns that some water agencies lacked sufficient authority to impose fines to deter water theft, the Legislature enacted SB 427 (Eggman), Chapter 137, Statutes of 2021. SB 427 allowed any local agency that provides water services to enact an ordinance that prohibits water theft and made violation of an ordinance enacted by the local agency regarding water theft subject to an administrative fine or penalty. SB 427 required the local agency to establish procedures for the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft, and required the local agency to establish a process for granting a hardship waiver to reduce the amount of the fine imposed for water theft upon a showing by the responsible party that payment of the full amount of the fine would impose an undue financial burden.

SB 427 established two sets of limits on the fines that a local agency can impose for water theft. Specifically, if the water theft is committed via meter tampering, the fines must not exceed:

- a) \$130 for a first violation;
- b) \$700 for a second violation of the same ordinance within one year of the first violation; and
- c) \$1,300 for the third violation and each additional violation of the same ordinance within one year of the first violation.

All other forms of water theft in violation of an ordinance adopted under SB 427 are punishable by fines of up to:

- a) \$1,000 for a first violation;
- b) \$2,000 for a second violation of the same ordinance within one year; and
- c) \$3,000 for each additional violation of the same ordinance within one year.

- 7) **Arguments in Support.** According to the Association of California Water Agencies and the Las Virgenes Municipal Water District, co-sponsors of this bill, “Water theft takes many forms, the most egregious being water theft from fire hydrants for commercial uses. Illegal actors have been documented connecting to and filling water trucks from fire hydrants without the proper use of hydrant meters to avoid paying for water. These water trucks can hold up to 6,000 gallons of water, resulting in significant loss for water agencies. The stolen water is typically used or sold for profit for commercial purposes, such as by construction

companies, landscaping companies, and water trucks selling the water to other users. Current fine amounts are not strong enough to deter this theft and may instead be seen as the cost of doing business for some bad actors...

“Water theft from fire hydrants poses serious risks to public health and safety, water affordability, and water efficiency. During water theft from hydrants, contamination can occur when non-potable sources are illegally connected to a drinking water system and anti-backflow devices are not used. This crosscontamination between the water system and non-potable source connections poses a serious health risk to everyone in the system. Further, unauthorized use of a hydrant can lead to water pressure in the system dropping which can jeopardize response to emergency situations such as fires. This potential issue is especially timely given the devastating fires in Southern California. Illegal connections also often result in costly damage to the fire hydrant and system infrastructure that can impair the hydrant’s function. The revenue lost from water theft and the cost of damage to infrastructure as a result of theft is ultimately borne by law-abiding paying customers, having a negative impact on water affordability. Water theft also works against efforts by water districts to comply with State water use efficiency goals under the State’s newly adopted Making Conservation a California Way of Life framework.

“The current penalties for water theft are an insufficient deterrent and fail to prevent this criminal activity from occurring...”

8) **Arguments in Opposition.** None on file.

9) **Double-Referral.** This bill is double-referred to the Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California Water Agencies (ACWA) (co-sponsor)

Las Virgenes Municipal Water District (co-sponsor)

Aromas Water District

Beaumont-cherry Valley Water District

Bella Vista Water District

Burbank/burbank Redevelopment Agency; City of

California Chamber of Commerce

California Contract Cities Association

California Fire Chiefs Association

California Municipal Utilities Association

California Special Districts Association

California Water Association

California-nevada Section, American Water Works Association

Calleguas Municipal Water District

City of Agoura Hills

City of Fairfield

City of Hidden Hills

City of Norwalk

City of Roseville

City of Thousand Oaks

Coachella Valley Water District
Coastside County Water District
Community Water Systems Alliance
Crescenta Valley Water District
Crestline-lake Arrowhead Water Agency
Cucamonga Valley Water District
Desert Water Agency
East Bay Municipal Utility District
East Valley Water District
Eastern Municipal Water District
El Dorado Irrigation District
Elk Grove Water District
Fire Districts Association of California
Foothill Municipal Water District
Helix Water District
Inland Empire Utilities Agency
Jurupa Community Services District
Kinneloa Irrigation District
Lakeside Water District
Las Virgenes - Triunfo Joint Powers Authority
League of California Cities
Mendocino County Russian River Flood Control & Water Conservation
Mesa Water District
Metropolitan Water District of Southern California
Mid-peninsula Water District
Mission Springs Water District
Monte Vista Water District
Monterey Peninsula Water Management District
Orchard Dale Water District
Padre Dam Municipal Water District
Paradise Irrigation District
Pinyon Pines County Water District
Placer County Water Agency
Rancho California Water District
Rio Linda Elverta Community Water District
Rosamond Community Services District
Rural County Representatives of California
San Diego County Water Authority
San Gabriel Valley Water Association
San Juan Water District
Santa Clarita Valley Water Agency
Santa Fe Irrigation District
Santa Margarita Water District
Scotts Valley Water District
Three Valleys Municipal Water District
Tuolumne Utilities District
Upper San Gabriel Valley Municipal Water District
Utica Water and Power Authority
Valley Center Municipal Water District

West Valley Water District
Western Canal Water District
Western Municipal Water District

Opposition

None on file

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