SENATE BILL SB-30

Introduced by Senator Tony Strickland (R-36)

An act relating to The Discourage Petty Shoplifting Act.

LEGISLATIVE COUNSEL'S DIGEST

SB-30, Tony Strickland (R-36). The Discourage Petty Shoplifting Act.

Existing law has set the precedent that stealing $950 or more of goods, either at once or over the course of distinct but related acts, is grounds for a charge of grand theft and could be labeled as a misdemeanor or felony.

Existing law has also set the precedent that stealing $250 of various farm or sea goods is also grounds for a charge of grand theft.

This bill will amend the pre-existing Penal Code, sections 487 and 496.6 to have harsher restrictions on what to consider grounds for grand theft, lowering the value of stolen goods required to consider a charge of grand theft.

Vote: Majority. **Appropriations/fiscal:** no. **Local program:** no.

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

SECTION 1. Section 487 will be amended as follows:

Grand theft is theft committed in any of the following cases:

(a) When the money, labor, real property, or personal property taken is of a value exceeding ~~nine~~ *three* hundred fifty dollars ($~~9~~*3*50), except as provided in subdivision (b).

(b) Notwithstanding subdivision (a), grand theft is committed in any of the following cases:

(1) (A) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding ~~two~~ *one* hundred fifty dollars ($~~2~~*1*50).

(B) For the purposes of establishing that the value of domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops under this paragraph exceeds ~~two~~ *one* hundred fifty dollars ($~~2~~*1*50), that value may be shown by the presentation of credible evidence which establishes that on the day of the theft domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops of the same variety and weight exceeded ~~two~~ *one* hundred fifty dollars ($~~2~~*1*50) in wholesale value.

(2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation which is producing that product, of a value exceeding ~~two~~ *one* hundred fifty dollars ($~~2~~*1*50).

(3) Where the money, labor, real property, or personal property is taken by a servant, agent, or employee from their principal or employer and aggregates ~~nine~~ *six* hundred fifty dollars ($~~9~~*6*50) or more in any 12 consecutive month period.

(c) When the property is taken from the person of another.

(d) When the property taken is any of the following:

(1) An automobile.

(2) A firearm.

(e) If the value of the money, labor, real property, or personal property taken exceeds ~~nine~~ *six* hundred fifty dollars ($~~9~~*6*50) over the course of distinct but related acts, including acts committed against multiple victims or in counties other than the county of the current offense, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. Evidence that distinct acts are motivated by one intention, one general impulse, and one plan may include, but is not limited to, evidence that the acts involve the same defendant or defendants, are substantially similar in nature, or occur within a ~~90-day~~ *180-day* period.

SECTION 2. Section 496.6 will be amended as follows:

(a) Any person who possesses property unlawfully that was acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed the act of shoplifting, theft, or burglary, is guilty of the unlawful deprivation of a retail business opportunity when both of the following apply:

(1) The property is not possessed for personal use and the person has the intent to sell, exchange, or return the merchandise for value, or the intent to act in concert with one or more persons to sell, exchange, or return the merchandise for value.

(2) The value of the possessed property exceeds ~~nine~~ *six* hundred fifty dollars ($~~9~~*6*50). For purposes of determining the value of the property, the property described in paragraph (1) can be considered in the aggregate with either of the following:

(A) Any other such property possessed by the person with such intent within the prior two years.

(B) Any property possessed by another person acting in concert with the first person to sell, exchange, or return the merchandise for value, when such property was acquired through one or more acts of shoplifting, theft, or burglary from a retail business, regardless of the identity of the person committing the act of shoplifting, theft, or burglary.

(b) For the purpose of determining in any proceeding whether the defendant has the intent to sell, exchange, or return the merchandise for value, the trier of fact may consider any competent evidence, including, but not limited to, the following:

(1) Whether the defendant has in the prior two years sold, exchanged, or returned for value merchandise acquired through shoplifting, theft, or burglary from a retail business, or through any related offense, including any conduct that occurred in other jurisdictions, if relevant to demonstrate a fact other than the defendant's disposition to commit the act, as provided by subdivision (b) of Section 1101 of the Evidence Code.

(2) The property involved in the offense is of a type or quantity that would not normally be purchased for personal use or consumption, including use or consumption by one's immediate family.

(c) The criminal deprivation of a retail business opportunity is punishable by imprisonment in the county jail for up to one year or pursuant to subdivision (h) of Section 1170.