



March 31, 2022

Assemblymember Al Muratsuchi
 State Capitol
 Sacramento, CA 95814

Re: Assembly Bill 2390 – Retail Theft – SUPPORT COALITION

Dear Assemblymember Muratsuchi:

The undersigned coalition members are proud to **SUPPORT** your **AB 2390**, which allows individuals to be charged with a felony for repeated incidences of theft or shoplifting where the total amount of goods, money, or property stolen exceeds the grand theft threshold of \$950. The bill also establishes a diversion program for individuals charged with felony theft and directs them to appropriate mental health, addiction, or other treatment, or job training and education opportunities.

The rising tide of retail theft and organized retail crime (ORC) is affecting not only our businesses large and small but our employees, customers, neighboring businesses, and the neighborhoods we serve. Stemming this tide requires that we address all of the contributing factors to this problem in a comprehensive way, including: 1) dismantling criminal networks driving the ORC problem, through enhanced investigative and prosecutorial resources; 2) disrupting online “fencing” operations used by ORC networks and others via improved transparency measures; 3) deterring professional thieves through improved enforcement of theft offenses at our stores; 4) offering meaningful diversion opportunities for individuals charged with theft to avoid jail sentences and make positive changes in their lives.

Combating theft requires a team effort between the community, businesses, law enforcement, and prosecutors. One of the unintended consequences of Proposition 47 has been an erosion of confidence between each of these entities resulting in decreased enforcement virtually any type of theft. Where law enforcement does intervene with suspects and the amount stolen is less than \$950, their primary tool is oftentimes a misdemeanor citation in which the suspect is likely to be released immediately and ultimately face few consequences. Over time this discourages many businesses and citizens from reporting shoplifting incidences, further reducing the likelihood that thefts will be addressed. For the professional thief or the organized criminal network, this situation creates an impression that theft is a low-risk/high-reward crime.

We need to reverse this perception. AB 2390 proposes a narrow revision to Proposition 47 that targets repeat or serial theft where the sum of goods, money, or property stolen exceeds the grand theft threshold of \$950. It is balanced by the establishment of a felony theft diversion program that will allow any felony charges to be dropped if the defendant agrees to and completes an appropriate diversion program for mental health, addiction, job training, or other specific needs as determined by the court.

We do NOT desire to see more individuals serving long-term jail sentences. Rather, our goal with AB 2390 is to deter serial theft at the outset through improved enforcement and where those efforts are unsuccessful, to provide individuals an offramp from the criminal justice system through effective diversion programs. We believe that a balanced approach such as AB 2390 can be a path forward to improving the safety of our stores as well as the lives of individuals in need of intervention.

AB 2390 is a critical part of a multi-pronged effort to reverse trends in retail theft. We thank you for your introduction of this measure and for your leadership. If you have any questions, please feel free to contact Steve McCarthy at steve@calretailers.com.

Sincerely,



Steve McCarthy, Vice President of Public Policy
California Retailers Association

On behalf of:

California Retailers Association (co-sponsor)
California Hotel and Lodging Association (co-sponsor)
California Asian Pacific Chamber of Commerce
California Building Industry Association
California Business Roundtable
National Federation of Independent Business Westfield
United Chamber Advocacy Network
El Dorado County Chamber of Commerce
El Dorado Hills Chamber of Commerce
Elk Grove Chamber of Commerce
Folsom Chamber of Commerce
Silicon Valley Chamber Coalition

Campbell Chamber of Commerce
Cupertino Chamber of Commerce
Gilroy Chamber of Commerce
Fremont Chamber of Commerce
Los Altos Chamber of Commerce
Los Gatos Chamber of Commerce
Morgan Hill Chamber of Commerce
Mountain View Chamber of Commerce
Rainbow Chamber of Commerce Silicon Valley
San Jose Chamber of Commerce
Saratoga Chamber of Commerce
Silicon Valley Central Chamber of Commerce
Sunnyvale Chamber of Commerce
Scotts Valley Chamber of Commerce