

Retail Theft Bills

2022 Session

AB 2390 (Muratsuchi D) Petty theft.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT.

Summary: Current law authorizes petty theft, as defined, to be charged as a misdemeanor or, in the prosecutor's discretion, as an infraction, provided that the person charged has no other theft or theft-related conviction. Current law limits the fine for an infraction not to exceed \$250. This bill would make technical, non-substantive changes to these provisions.

Notes: To be amended to include provisions allowing 1) for aggregation of theft-related crimes to reach \$950 threshold for grand theft; 2) establishing a felony theft diversion program

AB 1597 (Waldron R) Shoplifting: increased penalties for prior crimes.

Status: 1/14/2022-Referred to Com. on PUB. S.

Location: 1/14/2022-A. PUB. S.

Summary: Current law, as amended by Proposition 47, provides that a registered sex offender or a person with a prior conviction for certain serious or violent felonies, such as a sexually violent offense, who commits petty theft, is subject to imprisonment in the county jail for up to one year or in the state prison for 16 months, or 2 or 3 years. This bill would reinstate a provision of law that was repealed by Proposition 47 that provides that a person who has been convicted 3 or more times of petty theft, grand theft, or other specified crimes and who is subsequently convicted of petty theft is subject to imprisonment in a county jail not exceeding one year or in a county jail for 18 months or 2 or 3 years.

Notes: Amends Proposition 47 and requires voter approval. Allows for a felony charge after a fourth conviction for petty theft, grand theft, elder financial abuse, auto theft, burglary, carjacking, robbery or felony receiving stolen property. Restores former PC 666 prior to Proposition 47.

AB 1599 (Kiley R) Proposition 47: repeal.

Status: 1/14/2022-Referred to Com. on PUB. S.

Location: 1/14/2022-A. PUB. S.

Summary: The Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, made various changes relating to theft and the possession of controlled substances, including by, among other things, generally reducing the penalty for those crimes, including reducing the penalty for possession of concentrated cannabis, establishing a procedure by which individuals convicted of those crimes prior to the passage of the act may petition for resentencing under the act, and creating the crime of shoplifting. This bill would repeal the changes and additions made by Proposition 47,

except those related to reducing the penalty for possession of concentrated cannabis.

Notes: Full repeal of Proposition 47, excluding cannabis-related provisions.

AB 1603 (Salas D) Theft: shoplifting: amount.

Status: 1/14/2022-Referred to Com. on PUB. S. Page 1/5

Location: 1/14/2022-A. PUB. S.

Summary: Proposition 47 requires shoplifting, defined as entering a commercial establishment with the intent to commit larceny if the value of the property taken does not exceed \$950, to be punished as a misdemeanor. Under current law, entering a commercial establishment with the intent to take property exceeding \$950 is burglary, punishable as a misdemeanor or a felony. This bill would amend Proposition 47 by reducing the threshold amount for petty theft and shoplifting from \$950 to \$400. The bill would provide that it shall become effective only when submitted to, and approved by, the voters of California.

Notes: Reduces felony threshold for grand theft from \$950 to \$400.

AB 1613 (Irwin D) Theft: jurisdiction.

Status: 1/14/2022-Referred to Com. on PUB. S.

Location: 1/14/2022-A. PUB. S.

Summary: Under current law, when a public offense is committed in part in one jurisdictional territory and in part in another jurisdictional territory, or the acts constituting or requisite to the consummation of the offense occur in 2 or more jurisdictional territories, the jurisdiction for the offense is in any competent court within either jurisdictional territory. This bill would additionally establish the jurisdiction of a criminal action for theft, organized retail theft, or receipt of stolen property as including the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense.

Notes: Reinstates law allowing individuals charged with organized retail theft committed in multiple jurisdictions within a single jurisdiction. Originally enacted via CRA-sponsored AB 1065 (2018). Expired in 2021.

AB 1698 (Maienschein D) Organized Package Theft Act.

Status: 2/3/2022-Referred to Com. on PUB. S.

Location: 2/3/2022-A. PUB. S.

Summary: Would, until January 1, 2026, make a person guilty of organized package theft, punishable as a misdemeanor or a felony, as specified, if the person acted in concert with one or more persons to steal one or more packages that have been left for delivery at the exterior of a residence, or any other place commonly used to deliver packages, with the intent to sell or return the contents of the package for value, acted in concert with 2 or more persons to receive, purchase, or possess a package or the contents of a package

knowing or believing it to have been stolen, acted as an agent of another to steal one or more packages that have been left for delivery at the exterior of a residence, or any other place commonly used to deliver packages, as part of an organized plan to commit theft, or recruited, coordinated, organized, supervised, directed, managed, or financed another to undertake acts of package theft.

Notes: Modeled after organized retail theft statute. Subjects package thieves to felony charges if 1) acting in concert with other thieves, or 2) boosting for a package theft ring and the items stolen have an aggregated value of \$950 or more. Also allows felony charges for organizing or recruiting for a package theft ring. CRA supported AB 1210 (Low/2019) which allowed any individual, acting alone or in concert, who enters curtilage of a home with intent to steal on two or more occasions, and steals an aggregated value of \$950 or more, would be subject to felony charge.

AB 1699 (Maienschein D) Vehicles used in commission of crimes.

Status: 2/3/2022- Referred to Coms. on TRANS. and PUB. S.

Location: 2/3/2022-A. TRANS.

Summary: Would count as a point against a driver's record a conviction of organized retail theft that involved the use or acquisition of a vehicle in the commission of the crime. The bill would also count as Page 2/5 a point against a driver's record a conviction of theft of a package from residences, as specified, that involved the use or acquisition of a vehicle in the commission of the crime.

Notes: Adds a point to the driving record of any person convicted of organized retail theft or package theft.

AB 1700 (Maienschein D) Theft: online marketplaces: reporting.

Status: 2/3/2022- Referred to Com. on PUB. S.

Location: 2/3/2022-A. PUB. S.

Summary: Would require the Attorney General to establish a reporting location on its internet website for individuals to report items found on online marketplaces, as defined, that they suspect are stolen goods, and would require the Attorney General to provide that information to the applicable local law enforcement agency and regional property crimes task force. The bill would additionally require online marketplaces to display on their electronically based or accessed platform a link to the Attorney General's online marketplace suspected stolen goods reporting location.

Notes: SB 301 (Skinner), among other provisions, requires online marketplaces to provide consumers a reporting mechanism on the marketplace website itself to report suspicious behavior.

AB 2294 (Jones-Sawyer D) Diversion for repeat retail theft crimes.

Status: 2/17/2022- From printer. May be heard in committee March 19.

Location: 2/16/2022-A. PRINT

Summary: (1) Existing law requires a peace officer to release a person who has been arrested for a misdemeanor after securing that person's promise to appear, as specified, unless certain conditions are met for non-release, including, among others, there is reason to believe that the person would not appear as required or there was a reasonable likelihood that the offense or offenses for which the person was arrested would continue or resume. This bill, until January 1, 2026, would include in the reasons for non-release that the person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous 6 months and that there is probable cause to believe that the person arrested is guilty of committing organized retail theft. By increasing the number of persons subject to detention in county jail, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes: Does not amend Proposition 47. Reinststitutes remaining code sections from AB 1065 (2018) that expired last year.

AB 2356 (Rodriguez D) Crimes: theft in concert.

Status: 2/17/2022-From printer. May be heard in committee March 19.

Location: 2/16/2022-A. PRINT

Summary: Existing law generally provides that grand theft is theft committed when the money, labor, or real or personal property taken is of a value exceeding \$950 and is punishable as either a misdemeanor or a felony. Existing law further provides that if 2 or more persons conspire to commit a crime, that conspiracy is punishable as either a misdemeanor or felony, as specified. This bill would additionally provide that grand theft occurs where money, labor, or real or personal property in an aggregate amount exceeding \$950 is taken as a result of an agreement or prior arrangement to take and the taking is made in concert with one or more other individuals. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Notes: Creates new standard for grand theft, similar to that of organized retail theft (PC 490.4) Does not amend Prop 47.

AB 2543 (Fong R) Theft and burglary.

Status: 2/18/2022-From printer. May be heard in committee March 20.

Location: 2/17/2022-A. PRINT

Summary: Would amend Proposition 47 by authorizing acts of shoplifting that occur on 2 or more separate occasions within a 12-month period, and the aggregated value of the merchandise taken exceeds \$950, to be punished either by imprisonment in a county jail for not more than one year or by 16 months or 2 or 3 years in a county jail. By increasing the penalty for a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2715 (Gray D) Organized retail theft.

Status: 2/18/2022-Introduced. To print.

Location: 2/18/2022-A. PRINT

Summary: Current law, until January 1, 2026, makes it a misdemeanor to commit organized retail theft. Current law defines organized retail theft to include, among other acts, acting as an agent of another individual or group of individuals to steal merchandise from one or more merchant's premises or online marketplaces as part of an organized plan to commit theft. Under current law, acts of organized retail theft that are committed on 2 or more separate occasions within a 12-month period and that have an aggregate value that exceeds \$950 are punishable as a misdemeanor or a felony. This bill would remove the requirement that the person acting in concert with one or more person to steal merchandise from one or more merchant's premises or online marketplace have the intent to sell, exchange, or return the merchandise for value.

Notes: Deletes requirement that person charged under organized retail theft statute have intent to sell, exchange, or return merchandise for value.

AB 2718 (Cooper D) Crimes: theft.

Status: 2/18/2022-Introduced. To print.

Location: 2/18/2022-A. PRINT

Summary: Current law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, defines and prohibits an act of shoplifting and prohibits prosecution for an act of shoplifting under any other law. This bill would refine the definition of shoplifting and would specifically exclude certain offenses from prosecution as shoplifting, including, without limitation, the theft of a firearm or vehicle, identity theft, and credit card fraud. This bill contains other related provisions and other existing laws.

Notes: Creates the offense of "serial theft". Provides that a person who 1) has been convicted twice previously of various theft-related crimes, and 2) commits a third or subsequent offense in amount greater than \$500, is guilty of serial theft.

SB 1108 (Bates R) Shoplifting: increased penalties for prior crimes.

Status: 2/17/2022-From printer.

Location: 2/16/2022-S. RLS.

Summary: The existing Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of property that does not exceed \$950 in value petty theft, and makes that crime punishable as a misdemeanor, with certain exceptions. The initiative statute defines shoplifting as entering a commercial establishment with the intent to commit larceny while that establishment is open during regular hours, where the value of the property that is taken or intended to be taken does not exceed \$950. The initiative statute requires that shoplifting be punished as a misdemeanor. This bill would reinstate a provision of law that was repealed by Proposition 47 that provides that a person who has

been convicted 3 or more times of petty theft, grand theft, or other specified crimes and who is subsequently convicted of petty theft is subject to imprisonment in a county jail not exceeding one year or in a county jail for 16 months or 2 or 3 years. The bill would also make this provision and the provision relating to a person with serious, violent, or sexual prior offenses applicable to a person whose prior or current conviction is for shoplifting. This bill contains other related provisions and other existing laws.

Notes: Amends Proposition 47 Authorizes felony penalties for shoplifting or petty theft if a defendant has three or more prior convictions for theft-related crimes.