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Legislative Update

April 9, 2024

Proposition 47 Reform

Governor Newsom

- Intention to retain Proposition 47
- Opposed measure in 2020 to roll back Proposition 47
- Proposed targeting professional offenders for organized retail theft
- Advocated for expanded penalties and new crimes

Legislature

- Initially, bills aimed at reforming Proposition 47 via the ballot
- Speaker Rivas and Pro-Tem McGuire sponsored similar packages aimed at targeting organized retail theft
- Packages do not touch Proposition 47

Organized Retail Theft Bill Packages

AB 1794 (McCarty)

Clarifies that theft crimes by the same perpetrator can be aggregated between different places and victims. In addition, the bill will streamline the process of reporting shoplifting incidents directly to prosecutors through a statewide program called "CAL Fast Pass."

AB 1990 (Carrillo)

Authorize a peace officer to make a warrantless arrest for a misdemeanor shoplifting offense not committed in the officer's presence.

Exempts a person arrested for shoplifting from the release on citation requirement.

SB 923 (Archuleta)

This bill would require a person convicted of petty theft or shoplifting, if the person has 2 or more prior convictions for specified theft-related offenses, to be punished by imprisonment in the county jail for up to 3 years. **Would have to be passed by voters in California.**

Organized Retail Theft Bill Packages

AB 2406 (Davies)

AB 2406 would make it a crime to cause, promote, employ, use, persuade, induce, or coerce a minor under 18 years of age to engage in specified theft-related offenses.

AB 2943 (Zbur)

Expands definitions of shoplifting penal codes to include aggregated property values to exceed \$950, as well as expands the definitions of intent to sell, exchange, or return. It also expands tools for police to arrest for shoplifting based on a witness's sworn statement or video footage of the crime.

SB 905 (Wiener)

Creates a new and separate crime of forcibly entering a vehicle with the intent to commit a theft inside, punishable by either a misdemeanor or a felony. Removes requirement that vehicle owner prove the vehicle was locked to establish crime.

The Homelessness, Drug Addiction, and Theft Reduction Act

Create a new court process for certain drug possession crimes

- Classifies certain drugs charges as treatment mandated felonies

Require a warning of future criminal liability for people convicted of drug distribution

Increase penalties for certain drug crimes

- Adds fentanyl as a qualifier for certain felonies
- Some sentences must be served entirely in State prison

Increase penalties for certain theft crimes

- Two or more prior convictions then theft of \$950 or less is a felony
- Sentence enhancements for property theft over \$50,000

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