

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 362

Introduced by Assembly Member Miller

February 23, 2009

An act to ~~amend Section 490a of~~ *add Section 490.2 to* the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 362, as amended, Miller. ~~Theft.~~ *Political signs: theft and damage.*

Existing law generally establishes various offenses constituting theft.

This bill would ~~make a technical, nonsubstantive change to those provisions~~ *it a crime, except as specified, for a person to knowingly take, possess, damage, reuse, or move any political sign or signs having an aggregate value of \$400 or more without authorization from the owner of the sign or signs. The bill would make a violation of this provision punishable by imprisonment in a county jail not exceeding one year or in the state prison and by a fine not exceeding \$10,000 per incident. By creating a new crime, the bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 490.2 is added to the Penal Code, to read:
 2 490.2. (a) A person who takes, possesses, damages, reuses,
 3 or moves any political sign or signs having an aggregate value of
 4 four hundred dollars (\$400) or more without authorization from
 5 the owner of the sign or signs is guilty of a crime, punishable by
 6 imprisonment in a county jail not exceeding one year or in the
 7 state prison and by a fine not exceeding ten thousand dollars
 8 (\$10,000) per incident.

9 (b) For purposes of this section, “political sign” means any
 10 sign advocating the election of a specific candidate for official
 11 office or advocating a position regarding a ballot issue or issues.

12 (c) The prohibition in subdivision (a) does not apply to a law
 13 enforcement officer, local government official, or authorized
 14 campaign representative acting within his or her official capacity
 15 or to a private property owner who has not given consent to the
 16 posting of a political sign on his or her property.

17 SEC. 2. No reimbursement is required by this act pursuant to
 18 Section 6 of Article XIII B of the California Constitution because
 19 the only costs that may be incurred by a local agency or school
 20 district will be incurred because this act creates a new crime or
 21 infraction, eliminates a crime or infraction, or changes the penalty
 22 for a crime or infraction, within the meaning of Section 17556 of
 23 the Government Code, or changes the definition of a crime within
 24 the meaning of Section 6 of Article XIII B of the California
 25 Constitution.

26 ~~SECTION 1. Section 490a of the Penal Code is amended to~~
 27 ~~read:~~

28 ~~490a. Wherever any law or statute of this state refers to or~~
 29 ~~mentions larceny, embezzlement, or stealing, that law or statute~~
 30 ~~shall hereafter be read and interpreted as if the word “theft” were~~
 31 ~~substituted therefor.~~

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