

AMENDED IN ASSEMBLY APRIL 15, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 362**

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**Introduced by Assembly Member Miller**

February 23, 2009

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An act to add Section 490.2 to the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law generally establishes various offenses constituting theft.

This bill would make 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~~ \$15,000 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: yes.  
State-mandated local program: 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, or  
 3 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)~~ *fifteen thousand dollars (\$15,000)* per incident.

9 (b) *A person who takes, possesses, damages, reuses, or moves*  
 10 *any political sign or signs having an aggregate value of less than*  
 11 *four hundred dollars (\$400) without authorization from the owner*  
 12 *of the sign or signs is punishable pursuant to provisions governing*  
 13 *petty theft.*

14 ~~(b)~~

15 (c) For purposes of this section, “political sign” means any sign  
 16 advocating the election of a specific candidate for official office  
 17 or advocating a position regarding a ballot issue or issues.

18 ~~(e)~~

19 (d) The prohibition in subdivision (a) does not apply to a law  
 20 enforcement officer, local government official, or authorized  
 21 campaign representative acting within his or her official capacity  
 22 or to a private property owner who has not given consent to the  
 23 posting of a political sign on his or her property.

24 SEC. 2. No reimbursement is required by this act pursuant to  
 25 Section 6 of Article XIII B of the California Constitution because  
 26 the only costs that may be incurred by a local agency or school  
 27 district will be incurred because this act creates a new crime or  
 28 infraction, eliminates a crime or infraction, or changes the penalty  
 29 for a crime or infraction, within the meaning of Section 17556 of  
 30 the Government Code, or changes the definition of a crime within  
 31 the meaning of Section 6 of Article XIII B of the California  
 32 Constitution.