

ASSEMBLY BILL

No. 1848

Introduced by Assembly Member Garrick

February 12, 2010

An act to add Section 466.65 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1848, as introduced, Garrick. Motorcycle theft.

Existing law provides that every person having upon him or her or in his or her possession specified tools or other items, with the intent to feloniously break or enter into any motor vehicle, is guilty of a misdemeanor.

This bill would provide, in addition, that it is a misdemeanor to (1) possess, give, or lend a device designed to bypass the factory-installed ignition of a motorcycle in order to start the engine of a motorcycle without a manufacturer's key, (2) possess, give, or lend a motorcycle ignition, or part thereof, knowing or having reason to believe that it is intended to facilitate the unlawful taking or driving of a motorcycle without the consent of the owner, or (3) possess, give, or lend items of hardware, including, but not limited to, bolt cutters, electrical tape, wire cutters, wire strippers, or allen wrenches, with the intent to unlawfully take or drive, or to facilitate the unlawful taking or driving of, a motorcycle without the consent of the owner.

By creating new crimes, this 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 466.65 is added to the Penal Code, to
2 read:

3 466.65. (a) Every person who possesses, gives, or lends any
4 device designed to bypass the factory-installed ignition of a
5 motorcycle in order to start the engine of a motorcycle without a
6 manufacturer’s key, or who possesses, gives, or lends any
7 motorcycle ignition, or part thereof, knowing or having reason to
8 believe that it is intended to facilitate the unlawful taking or driving
9 of a motorcycle without the consent of the owner, is guilty of a
10 misdemeanor.

11 (b) Every person who possesses, gives, or lends items of
12 hardware, including, but not limited to, bolt cutters, electrical tape,
13 wire cutters, wire strippers, or allen wrenches, with the intent to
14 unlawfully take or drive, or to facilitate the unlawful taking or
15 driving of, a motorcycle without the consent of the owner, is guilty
16 of a misdemeanor.

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.