

Introduced by Senator Oropeza

December 1, 2008

An act to amend Section 487h of the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 24, as introduced, Oropeza. Grand theft: cargo.

Existing law, until January 1, 2010, provides, subject to exceptions, that every person who steals, takes, or carries away cargo of another, as defined, when the cargo taken is of a value exceeding \$400, is guilty of grand theft.

This bill would instead make these provisions operative indefinitely.

By extending the operation of an existing crime, 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 487h of the Penal Code is amended to
- 2 read:
- 3 487h. (a) Every person who steals, takes, or carries away cargo
- 4 of another, when the cargo taken is of a value exceeding four
- 5 hundred dollars (\$400), except as provided in Sections 487, 487a,
- 6 and 487d, is guilty of grand theft.

1 (b) For the purposes of this section, “cargo” means any goods,
2 wares, products, or manufactured merchandise that has been loaded
3 into a trailer, railcar, or cargo container, awaiting or in transit.

4 ~~(e) This section shall remain in effect only until January 1, 2010,~~
5 ~~and as of that date is repealed, unless a later enacted statute, that~~
6 ~~is enacted before January 1, 2010, deletes or extends that date.~~

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.