

AMENDED IN SENATE APRIL 1, 2009

SENATE BILL

No. 24

Introduced by Senator Oropeza
(Coauthor: Senator DeSaulnier)
(Coauthors: Assembly Members Bill Berryhill and Jeffries)

December 1, 2008

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

LEGISLATIVE COUNSEL'S DIGEST

SB 24, as amended, 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~~ *revise the above language to provide that every person who steals, takes, or carries away cargo of another, where the kind and value of the property taken meets specified criteria set forth in other code sections relating to theft, is guilty of grand theft. The measure would also 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. *of another, when the kind and*~~
7 ~~*value of the property taken meet the criteria specified in Section*~~
8 ~~*487, 487a, or 487d, is guilty of grand theft.*~~

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

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

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