

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 316

Introduced by Assembly Member Carter

February 9, 2011

~~An act to amend Sections 2805 and 2810 of the Vehicle Code, relating to vehicles. An act to amend Section 487 of the Penal Code, relating to theft.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as amended, Carter. ~~Vehicles: theft inspection. Grand theft: copper materials.~~

Existing law generally provides that grand theft is theft when the money, labor, or real or personal property taken is of a value exceeding \$950. Existing law makes the amount threshold of the theft of certain items \$250, including theft of farm crops and specified agricultural products.

This bill would provide that grand theft also includes the theft of copper materials exceeding a value of \$250. Because the bill would change the definition of a crime, it 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.

~~(1) Existing law authorizes, for the purpose of locating stolen vehicles, any member of the California Highway Patrol, or a member~~

of a city police department, a county sheriff's office, or a district attorney investigator whose primary responsibility is to conduct vehicle theft investigations, to inspect any vehicle of a type required to be registered under the Vehicle Code, or any identifiable vehicle component thereof, and implements of husbandry, special construction equipment, forklifts, and special mobile equipment on a highway or in any public garage, or at any agricultural or construction work location where work is being actively performed, and other specified locations, as specified.

This bill would additionally authorize the above-designated law enforcement officers to conduct agricultural or construction vehicle theft investigations.

(2) Existing law authorizes the Department of the California Highway Patrol to stop a vehicle transporting timber products, livestock, poultry, farm produce, crude oil, petroleum products, or inedible kitchen grease and inspect certain documents to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load, as prescribed, and imposes duties on the sheriff with respect to the care and safekeeping of those products.

This bill would make those provisions applicable with regard to a vehicle that is transporting metal products or metal alloy products. By imposing additional duties on a sheriff regarding the care and safekeeping of metal products and metal alloy products, this bill would impose a state-mandated local program.

The bill additionally would authorize a member of a city police department and a member of a county sheriff's office, whose primary responsibility is to conduct theft investigations, to stop and inspect vehicles transporting any of those loads.

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:

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 487 of the Penal Code is amended to
2 read:

3 487. Grand theft is theft committed in any of the following
4 cases:

5 (a) When the money, labor, or real or personal property taken
6 is of a value exceeding nine hundred fifty dollars (\$950), except
7 as provided in subdivision (b).

8 (b) Notwithstanding subdivision (a), grand theft is committed
9 in any of the following cases:

10 (1) (A) When domestic fowls, avocados, olives, citrus or
11 deciduous fruits, other fruits, vegetables, nuts, artichokes, or other
12 farm crops are taken of a value exceeding two hundred fifty dollars
13 (\$250).

14 (B) For the purposes of establishing that the value of domestic
15 fowls, avocados, olives, citrus or deciduous fruits, other fruits,
16 vegetables, nuts, artichokes, or other farm crops under this
17 paragraph exceeds two hundred fifty dollars (\$250), that value
18 may be shown by the presentation of credible evidence which
19 establishes that on the day of the theft domestic fowls, avocados,
20 olives, citrus or deciduous fruits, other fruits, vegetables, nuts,
21 artichokes, or other farm crops of the same variety and weight
22 exceeded two hundred fifty dollars (\$250) in wholesale value.

23 (2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or
24 other aquacultural products are taken from a commercial or
25 research operation which is producing that product, of a value
26 exceeding two hundred fifty dollars (\$250).

27 (3) *When copper materials are taken, including, but not limited*
28 *to, copper wire, copper cable, copper tubing, and copper piping,*
29 *of a value exceeding two hundred fifty dollars (\$250).*

30 ~~(3)~~

31 (4) Where the money, labor, or real or personal property is taken
32 by a servant, agent, or employee from his or her principal or
33 employer and aggregates nine hundred fifty dollars (\$950) or more
34 in any 12 consecutive month period.

35 (c) When the property is taken from the person of another.

36 (d) When the property taken is any of the following:

1 (1) An automobile, horse, mare, gelding, any bovine animal,
 2 any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar,
 3 gilt, barrow, or pig.

4 (2) A firearm.

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

14 ~~SECTION 1. Section 2805 of the Vehicle Code is amended to~~
 15 ~~read:~~

16 ~~2805. (a) (1) For the purpose of locating stolen vehicles, (A)~~
 17 ~~any member of the Department of the California Highway Patrol,~~
 18 ~~or (B) a member of a city police department, a member of a county~~
 19 ~~sheriff's office, or a district attorney investigator whose primary~~
 20 ~~responsibility is to conduct vehicle theft investigations or conduct~~
 21 ~~agricultural or construction vehicle theft investigations, may inspect~~
 22 ~~a vehicle of a type required to be registered under this code, or any~~
 23 ~~identifiable vehicle component thereof, on a highway or in a public~~
 24 ~~garage, repair shop, terminal, parking lot, new or used car lot,~~
 25 ~~automobile dismantler's lot, vehicle shredding facility, vehicle~~
 26 ~~leasing or rental lot, vehicle equipment rental yard, vehicle salvage~~
 27 ~~pool, or other similar establishment, or at an agricultural or~~
 28 ~~construction work location where work is being actively performed,~~
 29 ~~and may inspect the title or registration of vehicles, in order to~~
 30 ~~establish the rightful ownership or possession of the vehicle or~~
 31 ~~identifiable vehicle component.~~

32 ~~(2) As used in this subdivision, "identifiable vehicle component"~~
 33 ~~means a component that can be distinguished from other similar~~
 34 ~~components by a serial number or other unique distinguishing~~
 35 ~~number, sign, or symbol.~~

36 ~~(b) A member of the Department of the California Highway~~
 37 ~~Patrol, or a member of a city police department or county sheriff's~~
 38 ~~office, or a district attorney investigator whose primary~~
 39 ~~responsibility is to conduct vehicle theft investigations or conduct~~
 40 ~~agricultural or construction vehicle theft investigations, may also~~

1 inspect, for the purposes specified in subdivision (a), implements
2 of husbandry, special construction equipment, forklifts, and special
3 mobile equipment in the places described in subdivision (a) or
4 when that vehicle is incidentally operated or transported upon a
5 highway.

6 ~~(e) Whenever possible, inspections conducted pursuant to~~
7 ~~subdivision (a) or (b) shall be conducted at a time and in a manner~~
8 ~~so as to minimize any interference with, or delay of, business~~
9 ~~operations.~~

10 SEC. 2. Section 2810 of the Vehicle Code is amended to read:

11 2810. ~~(a) A member of the Department of the California~~
12 ~~Highway Patrol, or a member of a city police department or a~~
13 ~~county sheriff's office whose primary responsibility is to conduct~~
14 ~~theft investigations, may stop any vehicle transporting any timber~~
15 ~~products, livestock, poultry, farm produce, crude oil, petroleum~~
16 ~~products, metal products, metal alloy products, or inedible kitchen~~
17 ~~grease, and inspect the bills of lading, shipping or delivery papers,~~
18 ~~or other evidence to determine whether the driver is in legal~~
19 ~~possession of the load, and, upon reasonable belief that the driver~~
20 ~~of the vehicle is not in legal possession, shall take custody of the~~
21 ~~vehicle and load and turn them over to the custody of the sheriff~~
22 ~~of the county in which the timber products, livestock, poultry, farm~~
23 ~~produce, crude oil, petroleum products, metal products, metal alloy~~
24 ~~products, or inedible kitchen grease, or any part thereof, is~~
25 ~~apprehended.~~

26 ~~(b) The sheriff shall receive and provide for the care and~~
27 ~~safekeeping of the apprehended timber products, livestock, poultry,~~
28 ~~farm produce, crude oil, petroleum products, metal products, metal~~
29 ~~alloy products, or inedible kitchen grease, or any part thereof, and~~
30 ~~immediately, in cooperation with the department, proceed with an~~
31 ~~investigation and its legal disposition.~~

32 ~~(c) Any expense incurred by the sheriff in the performance of~~
33 ~~his or her duties under this section shall be a legal charge against~~
34 ~~the county.~~

35 SEC. 3. ~~If the Commission on State Mandates determines that~~
36 ~~this act contains costs mandated by the state, reimbursement to~~
37 ~~local agencies and school districts for those costs shall be made~~

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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