

ASSEMBLY BILL

No. 2444

Introduced by Assembly Member Portantino

February 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2444, as introduced, Portantino. Grand theft: taking in concert.

Existing law generally provides that grand theft is theft committed when the money, labor, or real or personal property taken is of a value exceeding \$950 and is punishable as either a misdemeanor or a felony. Existing law further provides that if 2 or more persons conspire to commit a crime, that conspiracy is punishable as either a misdemeanor or felony, as specified.

This bill would additionally provide that grand theft occurs where money, labor, or real or personal property in an aggregate amount of \$950 is taken as a result of an agreement or prior arrangement to take and the taking is made in concert with one or more other individuals. By creating a new 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 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) Where the money, labor, or real or personal property is taken
 28 by a servant, agent, or employee from his or her principal or
 29 employer and aggregates nine hundred fifty dollars (\$950) or more
 30 in any 12 consecutive month period.
 31 (4) *Where money, labor, or real or personal property is taken*
 32 *as the result of an agreement, or by a prior arrangement to take,*
 33 *and the taking is made in concert with one or more other*
 34 *individuals, and where the aggregate amount taken by all*
 35 *participating individuals exceeds nine hundred fifty dollars (\$950).*
 36 (c) When the property is taken from the person of another.
 37 (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.