

**Introduced by Senator Berryhill**

February 21, 2012

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An act to amend Section 496 of the Penal Code, relating to stolen property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1129, as introduced, Berryhill. Stolen property.

Existing law generally provides that every person who knowingly buys or receives stolen property, or conceals, sells, or withholds property from the owner, knowing that the property is stolen, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment in county jail for 16 months, or 2 or 3 years, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 496 of the Penal Code is amended to  
2 read:  
3 496. (a) (1) Every person who buys or receives any property  
4 that has been stolen, or that has been obtained in any manner  
5 constituting theft or extortion, knowing the property to be so stolen  
6 or obtained, or who conceals, sells, withholds, or aids in  
7 concealing, selling, or withholding any property from the owner,  
8 knowing the property to be so stolen or obtained, shall be punished  
9 by imprisonment in a county jail for not more than one year, or  
10 imprisonment pursuant to subdivision (h) of Section 1170.

1 However, if the district attorney or the grand jury determines that  
2 this action would be in the interests of justice, the district attorney  
3 or the grand jury, as the case may be, may, if the value of the  
4 property does not exceed nine hundred fifty dollars (\$950), specify  
5 in the accusatory pleading that the offense shall be a misdemeanor,  
6 punishable only by imprisonment in a county jail not exceeding  
7 one year.

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9 (2) A principal in the actual theft of the property may be  
10 convicted pursuant to this section. However, no person may be  
11 convicted both pursuant to this section and of the theft of the same  
12 property.

13 (b) (1) Every swap meet vendor, as defined in Section 21661  
14 of the Business and Professions Code, and every person whose  
15 principal business is dealing in, or collecting, merchandise or  
16 personal property, and every agent, employee, or representative  
17 of that person, who buys or receives any property of a value in  
18 excess of nine hundred fifty dollars (\$950) that has been stolen or  
19 obtained in any manner constituting theft or extortion, under  
20 circumstances that should cause the person, agent, employee, or  
21 representative to make reasonable inquiry to ascertain that the  
22 person from whom the property was bought or received had the  
23 legal right to sell or deliver it, without making a reasonable inquiry,  
24 shall be punished by imprisonment in a county jail for not more  
25 than one year, or imprisonment pursuant to subdivision (h) of  
26 Section 1170.

27 **Every**

28 (2) *Every* swap meet vendor, as defined in Section 21661 of the  
29 Business and Professions Code, and every person whose principal  
30 business is dealing in, or collecting, merchandise or personal  
31 property, and every agent, employee, or representative of that  
32 person, who buys or receives any property of a value of nine  
33 hundred fifty dollars (\$950) or less that has been stolen or obtained  
34 in any manner constituting theft or extortion, under circumstances  
35 that should cause the person, agent, employee, or representative  
36 to make reasonable inquiry to ascertain that the person from whom  
37 the property was bought or received had the legal right to sell or  
38 deliver it, without making a reasonable inquiry, shall be guilty of  
39 a misdemeanor.

1 (c) Any person who has been injured by a violation of  
2 subdivision (a) or (b) may bring an action for three times the  
3 amount of actual damages, if any, sustained by the plaintiff, costs  
4 of suit, and reasonable attorney's fees.

5 (d) Notwithstanding Section 664, any attempt to commit any  
6 act prohibited by this section, except an offense specified in the  
7 accusatory pleading as a misdemeanor, is punishable by  
8 imprisonment in a county jail for not more than one year, or by  
9 imprisonment pursuant to subdivision (h) of Section 1170.

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