

Introduced by Senator Block

February 22, 2013

An act to amend Section 666 of the Penal Code, relating to petty theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 543, as introduced, Block. Petty theft: enhancements for prior convictions.

Existing law provides that petty theft is a misdemeanor, except that every person who, having been convicted 3 or more times of a qualifying offense is subsequently convicted of petty theft is subject to imprisonment in the county jail for up to one year for a misdemeanor, or in the county jail for a felony for 16 months, or 2 or 3 years. Existing law also provides that persons required to register as sex offenders, or with a prior serious or violent felony conviction, who have been convicted and imprisoned for the commission of a qualified offense and who are subsequently convicted of petty theft are subject to imprisonment in the county jail for one year for a misdemeanor or in the state prison for 16 months, or 2 or 3 years for a felony with one prior qualifying offense.

This bill would make a conviction for theft from an elder or dependent adult a qualifying offense for each of the sentencing regimens described above.

By expanding the punishment for 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 666 of the Penal Code is amended to
2 read:

3 666. (a) Notwithstanding Section 490, every person who,
4 having been convicted three or more times of petty theft, grand
5 theft, *theft from an elder or dependent adult under Section 368*,
6 auto theft under Section 10851 of the Vehicle Code, burglary,
7 carjacking, robbery, or a felony violation of Section 496 and having
8 served a term therefor in any penal institution or having been
9 imprisoned therein as a condition of probation for that offense,
10 *and who* is subsequently convicted of petty theft, ~~then the person~~
11 ~~convicted of that subsequent offense~~ is punishable by imprisonment
12 in the county jail not exceeding one year, or imprisonment pursuant
13 to subdivision (h) of Section 1170.

14 (b) Notwithstanding Section 490, any person described in
15 paragraph (1) who, having been convicted of petty theft, grand
16 theft, *theft from an elder or dependent adult under Section 368*,
17 auto theft under Section 10851 of the Vehicle Code, burglary,
18 carjacking, robbery, or a felony violation of Section 496, and
19 having served a term of imprisonment therefor in any penal
20 institution or having been imprisoned therein as a condition of
21 probation for that offense, *and who* is subsequently convicted of
22 petty theft, is punishable by imprisonment in the county jail not
23 exceeding one year, or in the state prison.

24 (1) This subdivision shall apply to any person who is required
25 to register pursuant to the Sex Offender Registration Act, or who
26 has a prior violent or serious felony conviction, as specified in
27 subdivision (c) of Section 667.5 or subdivision (c) of Section
28 1192.7.

29 (2) This subdivision shall not be construed to preclude
30 prosecution or punishment pursuant to subdivisions (b) to (i),
31 inclusive, of Section 667, or Section 1170.12.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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