

AMENDED IN SENATE AUGUST 4, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2805

Introduced by Assembly Member Olsen

(~~Coauthor: Assembly Member Gray~~)

(~~Coauthor: Senator Cannella~~)

(~~Coauthors: Assembly Members Gray, Grove, Lackey, and Mathis~~)

(~~Coauthors: Senators Berryhill and Cannella~~)

February 19, 2016

An act to add Title 11.8 (commencing with Section 14190) to Part 4 of the Penal Code, relating to cargo theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 2805, as amended, Olsen. Cargo theft: ~~prevention program~~. *working group*.

Existing law establishes the Motor Carriers Safety Improvement Fund and provides that the fund is available for appropriation by the Legislature to cover the costs for the Department of the California Highway Patrol to deter commercial motor vehicle cargo thefts and provide security of highway carriers and cargoes throughout the state.

~~This bill would permit specified counties to enter into an agreement to form the California Agriculture Cargo Theft Crime Prevention Program, which the bill would require to be jointly administered by the county sheriff's department of each participating county under a joint powers agreement.~~

~~The bill would require the parties to the agreement to form a task force known as the California Agriculture Cargo Theft Crime Prevention~~

~~Task Force. The bill would require the task force to be an interactive team working together to develop crime prevention, problem solving, and crime control techniques, to encourage timely reporting of crimes, and to evaluate the results of these activities. The bill would permit the task force to operate from a joint facility in order to facilitate investigative coordination. The bill would allow the task force to develop a uniform procedure for all participating counties to collect data on agricultural cargo theft crimes.~~

This bill would create the California Agriculture Cargo Theft Prevention Working Group, to be coordinated by the Department of the California Highway Patrol, and to consist of volunteer members from the county offices of the agricultural commissioner, the interested district attorney, the interested sheriff, and the agricultural industry stakeholders of each participating county. The bill would require the working group to address issues, including, but not limited to, agriculture cargo theft, problem solving, and theft control techniques. The bill would allow the working group to develop cargo theft prevention programs, including a system for reporting agriculture cargo theft in a timely manner and a uniform procedure for all participating counties to collect data on agriculture cargo theft.

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

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

1 SECTION 1. Title 11.8 (commencing with Section 14190) is
2 added to Part 4 of the Penal Code, to read:

3

4 TITLE 11.8. CALIFORNIA AGRICULTURE CARGO THEFT
5 PREVENTION WORKING GROUP

6

7 14190. (a) It is the intent of the Legislature in enacting this
8 title to enhance crime prevention efforts by establishing a working
9 group to strengthen the ability of law enforcement agencies in
10 California to detect and monitor agriculture cargo theft crimes.

11 (b) The Legislature finds and declares all of the following:

12 (1) California has experienced an escalation in cargo theft
13 crimes.

1 (2) *In 2015, agriculture cargo theft of nut products totaled more*
2 *than four billion dollars (\$4,000,000,000), which is an increase*
3 *of more than 85 percent over 2014.*

4 (3) *The California Highway Patrol is the statewide coordinator*
5 *for combating cargo-related theft.*

6 (4) *Local law enforcement agencies do not possess the*
7 *jurisdictional authority, investigative facilities, or data systems to*
8 *coordinate a comprehensive approach to the state's cargo theft*
9 *problem.*

10 (5) *The proliferation of agriculture cargo theft in the state is a*
11 *threat to the vitality of our economy. Agriculture cargo theft, if*
12 *left unchecked, endangers an industry that is vital to America's*
13 *continued economic role in the world, and therefore requires a*
14 *proactive response from the Legislature.*

15 (c) *It is further the intent of the Legislature to authorize an*
16 *Agriculture Cargo Theft Prevention Working Group in this title*
17 *to provide for coordination and communication between state and*
18 *local law enforcement agencies and agricultural industry*
19 *stakeholders.*

20 14191. (a) *The California Agriculture Cargo Theft Prevention*
21 *Working Group shall be coordinated by the Department of the*
22 *California Highway Patrol and may consist of volunteer members*
23 *from the county offices of the agricultural commissioner, the*
24 *interested district attorney, the interested sheriff, and the*
25 *agricultural industry stakeholders of each participating county.*
26 *The working group shall address issues, including, but not limited*
27 *to, agriculture cargo theft prevention, problem solving, and theft*
28 *control techniques.*

29 (b) *The California Agriculture Cargo Theft Prevention Working*
30 *Group may consult with experts, including, but not limited to, the*
31 *Armed Forces of the United States, the Military Department, the*
32 *Department of Justice, other law enforcement entities, and other*
33 *state and private organizations in order to maximize the*
34 *effectiveness of the working group.*

35 (c) *The California Agriculture Cargo Theft Prevention Working*
36 *Group may develop cargo theft prevention programs, including a*
37 *system for reporting agriculture cargo theft in a timely manner*
38 *that enables the swift recovery of stolen goods and the*
39 *apprehension of those responsible for the thefts.*

1 (d) *The California Agriculture Cargo Theft Prevention Working*
 2 *Group may develop a uniform procedure for all participating*
 3 *counties to collect, and each participating county may collect,*
 4 *data on agriculture cargo theft in order to evaluate the results of*
 5 *the working group’s activities pursuant to this title.*

6 SECTION 1. ~~Title 11.8 (commencing with Section 14190) is~~
 7 ~~added to Part 4 of the Penal Code, to read:~~

8
 9 TITLE 11.8. CALIFORNIA AGRICULTURE CARGO THEFT
 10 CRIME PREVENTION PROGRAM

11
 12 14190. ~~(a) It is the intent of the Legislature in enacting this~~
 13 ~~title to enhance crime prevention efforts by establishing a pilot~~
 14 ~~program to strengthen the ability of law enforcement agencies in~~
 15 ~~California to detect and monitor cargo theft crimes.~~

16 ~~(b) The Legislature finds and declares all of the following:~~

17 ~~(1) California has experienced an escalation in cargo theft crimes~~
 18 ~~and there has been no concentrated effort applied to the prevention~~
 19 ~~of cargo theft crimes.~~

20 ~~(2) According to media reports, the state loses five million~~
 21 ~~dollars (\$5,000,000) to six million dollars (\$6,000,000) per day in~~
 22 ~~cargo theft. These crimes impact all sectors of California’s~~
 23 ~~economy, including agriculture, retail, and technology.~~

24 ~~(3) Local law enforcement agencies do not possess the~~
 25 ~~jurisdictional authority, investigative facilities, or data systems to~~
 26 ~~coordinate a comprehensive approach to the state’s cargo theft~~
 27 ~~crime problem.~~

28 ~~(4) The proliferation of cargo theft crimes in the state is a threat~~
 29 ~~to the vitality of our economy. Cargo theft crime, if left unchecked,~~
 30 ~~endangers multiple industries that are vital to America’s continued~~
 31 ~~economic role in the world, and therefore requires a proactive~~
 32 ~~response from the Legislature.~~

33 ~~(e) It is further the intent of the Legislature to authorize a cargo~~
 34 ~~theft crime prevention program in this title that provides for the~~
 35 ~~protection and safety of California businesses and citizens by~~
 36 ~~creating statewide standards and methods of detecting and tracking~~
 37 ~~cargo theft crime.~~

38 14191. ~~(a) All or any of the counties of Butte, Colusa, Fresno,~~
 39 ~~Glenn, Kern, Kings, Los Angeles, Madera, Merced, Sacramento,~~
 40 ~~San Benito, San Joaquin, Stanislaus, Sutter, Tehama, Tulare, Yolo,~~

1 and Yuba, may enter into an agreement to form the California
2 Agriculture Cargo Theft Crime Prevention Program, which shall
3 be jointly administered by the county sheriff's department of each
4 participating county under a joint powers agreement entered into
5 pursuant to Chapter 5 (commencing with Section 6500) of Division
6 7 of Title 1 of the Government Code.

7 (b) The parties to the agreement shall form a task force, known
8 as the California Agriculture Cargo Theft Crime Prevention Task
9 Force, that may include the respective county offices of the
10 agricultural commissioner, the district attorney, and the sheriff of
11 each respective member county, and interested property owner
12 groups or associations. The task force shall be an interactive team
13 working together to develop crime prevention, problem solving,
14 and crime control techniques, to encourage timely reporting of
15 crimes, and to evaluate the results of these activities. The task force
16 may operate from a joint facility in order to facilitate investigative
17 coordination. The task force may also consult with experts from
18 the United States military, the Military Department, the Department
19 of Justice, other law enforcement entities, and various other state
20 and private organizations as deemed necessary to maximize the
21 effectiveness of the program. Media and community support may
22 be solicited to promote the program. Each of the participating
23 counties shall adopt rules and regulations for the implementation
24 and administration of the program.

25 (c) The California Agriculture Cargo Theft Crime Prevention
26 Program may develop cargo theft crime prevention programs
27 containing a system for reporting cargo theft crimes that enable
28 the swift recovery of stolen goods and the apprehension of criminal
29 suspects for prosecution. The task force may develop computer
30 software and use communication technology to implement the
31 reporting system, although the task force is not limited to the use
32 of these means to achieve the stated goals.

33 (d) The California Agriculture Cargo Theft Crime Prevention
34 Task Force may develop a uniform procedure for all participating
35 counties to collect, and each participating county may collect, data
36 on agricultural cargo theft crimes. The task force may also establish
37 a central database for the collection and maintenance of data on

- 1 ~~agricultural cargo theft crimes and designate one participating~~
- 2 ~~county to maintain the database.~~

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