

AMENDED IN SENATE MARCH 16, 2015

SENATE BILL

No. 205

Introduced by Senator Beall

February 11, 2015

An act to ~~amend Section 459.5 of the Penal Code~~ *add and repeal Section 7599.3 of the Government Code*, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 205, as amended, Beall. ~~Shoplifting~~ *Proposition 47: evaluation study.*

Existing law, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, ~~defines shoplifting and makes violation of that provision a misdemeanor, except that persons with specified prior convictions may be charged with a felony to be served in county jail~~ *requires misdemeanors instead of felony sentences for certain nonserious, nonviolent crimes, like petty theft and drug possession. Proposition 47 also creates the Safe Neighborhoods and Schools Fund, a continuously appropriated fund, that is funded by savings that accrue to the state from the implementation of the proposition. Existing law requires, in part, 65% of the moneys deposited in the fund to be disbursed to the Board of State and Community Corrections to administer a grant program to fund public agencies that support mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system and 25% of the moneys deposited in the fund be disbursed to the State Department of Education to administer a grant program to public agencies aimed at improving outcomes for public school pupils, as specified.* Proposition 47 provides that its provisions may be amended by a statute that is consistent with and furthers its intent and that is passed by a $\frac{2}{3}$ vote of

each house of the Legislature and is signed by the Governor. Proposition 47 also provides that the Legislature may, by majority vote, amend, add, or repeal provisions to further reduce the penalties for offenses it addresses.

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

This bill would require the Department of Finance to select a public or private university through a competitive process to conduct a 4 year evaluation assessing the process, outcomes, and costs of Proposition 47, including the number and characteristics of participants served by programs funded with grant moneys from the Safe Neighborhoods and Schools Fund. The bill would require the selected university to report to the Legislature, no later than January 1, 2017, and annually by that date for the following 3 years. The bill would repeal these provisions as of January 1, 2021.

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. Section 7599.3 is added to the Government Code,*
- 2 *to read:*
- 3 7599.3. (a) *The Department of Finance shall select a public*
- 4 *or private university through a competitive process to conduct a*
- 5 *four year evaluation assessing the process, outcomes, and costs*
- 6 *of Proposition 47, the Safe Neighborhood and Schools Act. The*
- 7 *selected university shall submit a report to the Legislature, no*
- 8 *later than January 1, 2017, and annually by that date for the*
- 9 *following three years. The report shall include, but not be limited*
- 10 *to, all of the following:*
- 11 (1) *A study of the implementation of the proposition and its*
- 12 *impact on incarceration costs, recidivism and overall crime, prison*
- 13 *and jail construction, and welfare costs.*
- 14 (2) *The adequacy of funds appropriated for these purposes.*
- 15 (3) *The number and characteristics of participants served by*
- 16 *programs funded with grant moneys pursuant to paragraphs (1)*
- 17 *and (3) of subdivision (a) of Section 7599.2. Because it may not*
- 18 *be feasible to collect this data from all 58 counties, this component*
- 19 *of the report may be limited to a small number of representative*

1 *counties, to be selected with input from relevant stakeholders*
2 *servicing as a research oversight board.*

3 *(b) The report to be submitted pursuant to this section shall be*
4 *submitted in compliance with Section 9795.*

5 *(c) This section shall remain in effect only until January 1, 2021,*
6 *and as of that date is repealed, unless a later enacted statute, that*
7 *is enacted before January 1, 2021, deletes or extends that date.*

8 SECTION 1. ~~Section 459.5 of the Penal Code is amended to~~
9 ~~read:~~

10 ~~459.5. (a) Notwithstanding Section 459, shoplifting is defined~~
11 ~~as entering a commercial establishment with intent to commit~~
12 ~~larceny while that establishment is open during regular business~~
13 ~~hours, where the value of the property that is taken or intended to~~
14 ~~be taken does not exceed nine hundred fifty dollars (\$950). Any~~
15 ~~other entry into a commercial establishment with intent to commit~~
16 ~~larceny is burglary. Shoplifting shall be punished as a~~
17 ~~misdemeanor, except that a person with one or more prior~~
18 ~~convictions for an offense specified in clause (iv) of subparagraph~~
19 ~~(C) of paragraph (2) of subdivision (e) of Section 667 or for an~~
20 ~~offense requiring registration pursuant to subdivision (e) of Section~~
21 ~~290 may be punished pursuant to subdivision (h) of Section 1170.~~

22 ~~(b) An act of shoplifting, as defined in subdivision (a), shall be~~
23 ~~charged as shoplifting. A person who is charged with shoplifting~~
24 ~~shall not also be charged with burglary or theft of the same~~
25 ~~property.~~