

Introduced by Senator McGuire
(Coauthor: Assembly Member Wood)

February 23, 2015

An act to add Section 490.8 to the Penal Code, relating to larceny.

LEGISLATIVE COUNSEL'S DIGEST

SB 288, as introduced, McGuire. Theft of redwood burls.

Existing law provides that grand theft is theft 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.

This bill would make it a felony, punishable by imprisonment in county jail, a fine of up to \$10,000, or both the fine and imprisonment to steal, take or carry away without the consent of the owner the burl of a redwood tree from the property of another. 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 490.8 is added to the Penal Code, to read:
- 2 490.8. A person who steals, takes or carries away without
- 3 consent of the owner the burl of a redwood tree from the property
- 4 of another is guilty of a felony, punishable by imprisonment

1 pursuant to subdivision (h) of Section 1170, or a fine of up to ten
2 thousand dollars (\$10,000), or both that fine and imprisonment.
3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.