

Introduced by Senator Harman
(Coauthor: Assembly Member Conway)

February 19, 2010

An act to add Section 502.10 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1325, as introduced, Harman. Crimes: theft: agricultural commodities and equipment.

Existing law provides that grand theft is committed when domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding \$100. Existing law provides that grand theft is punishable in these cases by imprisonment in a county jail not exceeding one year or in the state prison. Existing law specifies how fines and forfeitures imposed and collected for crimes are to be distributed.

This bill would require certain fines for a 2nd and 3rd felony conviction for theft of agricultural commodities or equipment, as defined, in addition to the punishment for grand theft. The bill would authorize a county, as provided, to allocate up to 50% of those fines to the chief law enforcement officer of that county for allocation to the investigation and prosecution of agricultural crimes.

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 502.10 is added to the Penal Code, to
2 read:

1 502.10. (a) For purposes of this section, the following terms
2 have the following meanings:

3 (1) “Agricultural commodity” means any fruit, nut, citrus, field,
4 forage, nursery crop, or other farm crop, or apiary, livestock, or
5 poultry.

6 (2) “Agricultural equipment” means any equipment used in
7 agricultural production, including, but not limited to, an implement
8 of husbandry, as defined in Sections 36000, 36005, and 36015 of
9 the Vehicle Code, a farm trailer, as defined in Section 36010 of
10 the Vehicle Code, an automatic bale wagon, as defined in Section
11 36011 of the Vehicle Code, a cotton module mover, as defined in
12 Section 36012 of the Vehicle Code, and a trap wagon, as defined
13 in Section 36016 of the Vehicle Code, and any part of that
14 equipment used in agricultural production.

15 (3) “Person” means any individual, or any partnership, firm,
16 association, corporation, limited liability company, or other legal
17 entity.

18 (b) Upon the second felony conviction for theft of agricultural
19 commodities or equipment, a person shall be punished by a
20 mandatory fine of five thousand dollars (\$5,000) in addition to the
21 punishment provided for in Section 489.

22 (c) Upon the third felony conviction for theft of agricultural
23 commodities or equipment, a person shall be punished by a
24 mandatory fine of ten thousand dollars (\$10,000) in addition to
25 the punishment provided for in Section 489.

26 (d) All fines collected under this section shall be collected and
27 distributed in accordance with Sections 1463 and 1463.001.
28 However, a county may, by a majority vote of the members of its
29 board of supervisors, allocate any amount up to, but not exceeding,
30 50 percent of those fines to the chief law enforcement officer of
31 that county for allocation to the investigation and prosecution of
32 agricultural crimes.