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SB-224 Grand theft: agricultural equipment. (2019-2020)

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Senate Bill No. 224

CHAPTER 119

An act to amend Section 489 of, and to add Section 487k to, the Penal Code, relating to grand theft.

[Approved by Governor July 12, 2019. Filed with Secretary of State July 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 224, Grove. Grand theft: agricultural equipment.

Under existing law, obtaining property by theft with a value under \$950 is petty theft, punishable as a misdemeanor, and obtaining property by theft with a value over \$950 is grand theft, punishable as a misdemeanor or a felony. Existing law authorizes a fine of \$1,000 for a misdemeanor or \$10,000 for a felony, upon conviction for a crime punishable by imprisonment for which a fine is not prescribed.

This bill would, in a county participating in a Rural Crime Prevention Program, require the proceeds of a fine imposed for a grand theft involving agricultural property, as specified, to be allocated by the Controller, upon appropriation by the Legislature, to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program. By requiring a prosecutor to prove additional elements of a 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 487k is added to the Penal Code, to read:

487k. A person who steals, takes, or carries away tractors, all-terrain vehicles, or other agricultural equipment, or any portion thereof, used in the acquisition or production of food for public consumption, which are of a value exceeding nine hundred fifty dollars (\$950), is guilty of grand theft.

SEC. 2. Section 489 of the Penal Code is amended to read:

489. Grand theft is punishable as follows:

(a) If the grand theft involves the theft of a firearm, by imprisonment in the state prison for 16 months, or two or three years.

(b) If the grand theft involves a violation of Section 487a, by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170, or by a fine not exceeding five thousand dollars (\$5,000), or by both that fine and imprisonment. The proceeds of this fine shall be allocated to the Bureau of Livestock Identification to be used, upon appropriation by the Legislature, for purposes relating to the investigation of cases involving grand theft of any animal or animals, or of the carcass or carcasses of, or any portion of the carcass or carcasses of, any animal specified in Section 487a.

(c) (1) In all other cases, by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170.

(2) In a county participating in a rural crime prevention program pursuant to Title 11.5 (commencing with Section 14170) or Title 11.7 (commencing with Section 14180) of Part 4, the proceeds of a fine imposed pursuant to a conviction for a violation of Section 487k shall be allocated by the Controller, upon appropriation by the Legislature, to the Central Valley Rural Crime Prevention Program pursuant to Section 14173 or to the Central Coast Rural Crime Prevention Program, respectively.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.