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AB-1613 Theft: jurisdiction. (2021-2022)

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Assembly Bill No. 1613

CHAPTER 949

An act to add Section 786.5 to the Penal Code, relating to theft.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1613, Irwin. Theft: jurisdiction.

Under existing law, when a public offense is committed in part in one jurisdictional territory and in part in another jurisdictional territory, or the acts constituting or requisite to the consummation of the offense occur in 2 or more jurisdictional territories, the jurisdiction for the offense is in any competent court within either jurisdictional territory.

This bill would establish the jurisdiction of a criminal action brought by the Attorney General for theft, organized retail theft, or receipt of stolen property as including the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense. The bill would also, if multiple offenses of theft or other specified crimes all involving the same defendant or defendants and the same merchandise, or the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, establish that any of those jurisdictions is a proper jurisdiction for all of the offenses. The bill would extend jurisdiction to all associated offenses connected together in their commission to the underlying theft offenses.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 786.5 is added to the Penal Code, to read:

786.5. The jurisdiction of a criminal action brought by the Attorney General for theft, as defined in subdivision (a) of Section 484, or a violation of Section 490.4 or 496, shall also include the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of a theft offense or a violation of Section 490.4 or 496 or in abetting the parties concerned therein. If multiple offenses of theft or violations of Section 490.4 or 496, either all involving the same defendant or defendants and the same merchandise, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses. Jurisdiction also extends to all associated offenses connected together in their commission to the underlying theft offenses or violations of Section 490.4 or 496.