



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-1416 Sentencing enhancements: sale, exchange, or return of stolen property. (2023-2024)

SHARE THIS:  

Date Published: 08/16/2024 09:00 PM

Senate Bill No. 1416

CHAPTER 174

An act to add and repeal Section 12022.10 of the Penal Code, relating to crimes.

[Approved by Governor August 16, 2024. Filed with Secretary of State August 16, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1416, Newman. Sentencing enhancements: sale, exchange, or return of stolen property.

Existing law defines types of theft, including petty theft, grand theft, and shoplifting. Existing law also defines the crime of burglary, which consists of entering specified buildings, places, or vehicles with the intent to commit grand or petty theft or a felony.

This bill would, until January 1, 2030, create sentencing enhancements for selling, exchanging, or returning for value, or attempting to sell, exchange, or return for value, any property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, if the property value exceeds specified amounts. The bill would additionally make these enhancements apply to any person acting in concert with another person to violate these provisions. By adding new sentencing enhancements, 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 12022.10 is added to the Penal Code, to read:

12022.10. (a) When a person sells, exchanges, or returns for value, or attempts to sell, exchange, or return for value, property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed the act of shoplifting, theft, or burglary, the court shall impose an additional term as follows:

(1) If the property value exceeds fifty thousand dollars (\$50,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of one year.

(2) If the property value exceeds two hundred thousand dollars (\$200,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of two years.

(3) If the property value exceeds one million dollars (\$1,000,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of three years.

(4) If the property value exceeds three million dollars (\$3,000,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of four years.

(5) For each property value of three million dollars (\$3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).

(b) When a person acts in concert with another to sell, exchange, or return for value, or attempts to sell, exchange, or return for value, property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed the act of shoplifting, theft, or burglary, the court shall impose the additional term specified in subdivision (a).

(c) In an accusatory pleading involving multiple charges of sales, exchanges, or returns for value, or attempts to do the same, the additional terms provided in this section may be imposed when the aggregate value of the property involved exceeds the amounts specified in this section and arises from a common scheme or plan. All pleadings under this section are subject to the rules of joinder and severance stated in Section 954.

(d) The additional terms provided in this section shall not be imposed unless the facts relating to the amounts provided in this section are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(e) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count.

(f) It is the intent of the Legislature that the provisions of this section be reviewed within five years to consider the effects of inflation on the additional terms imposed. For that reason, this section shall remain in effect only until January 1, 2030, and as of that date is repealed unless a later enacted statute, that is enacted before January 1, 2030, deletes or extends that date.

SEC. 2. 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 will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.