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**AB-1262 Stolen or embezzled property: description.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 1262**

Introduced by Assembly Member Essayli

February 21, 2025

An act to amend Section 1413 of the Penal Code, relating to property crimes.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1262, as introduced, Essayli. Stolen or embezzled property: description.

Existing law requires a peace officer to hold property alleged to have been stolen or embezzled when the property comes into the custody of the officer. Existing law requires the clerk or person in charge of the property section for the police or sheriff's department to enter in a suitable book a description of every article of property alleged to be stolen or embezzled that has been brought into the office or taken from the person of a prisoner.

This bill would state that the clerk or person in charge of the property section may enter that description in a computer database. The bill would also make technical, nonsubstantive changes.

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

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

**SECTION 1.** Section 1413 of the Penal Code is amended to read:

**1413.** (a) The clerk or person ~~having~~ *in* charge of the property section for ~~any~~ *a* police department in ~~any~~ *an* incorporated city or town, or for ~~any~~ *a* sheriff's department in ~~any~~ *a* county, shall enter in a suitable book *or computer database* a description of every article of property alleged to be stolen or ~~embezzled, and~~ *embezzled that has been* brought into the office or taken from the person of a ~~prisoner, prisoner~~ and shall attach a number to each ~~article, article~~ and make a corresponding entry ~~thereof. He for~~ *each article. The clerk or person in charge of the property section* may engrave or ~~imbed~~ *embed* an identification number in property described in Section 537e for the purposes ~~thereof. of that section.~~

(b) *(1)* The clerk or person in charge of the property section may, upon satisfactory proof of the ownership of property held pursuant to Section 1407, and upon presentation of proper personal identification, deliver it to the owner. ~~Such~~ *That* delivery shall

be without prejudice to the state or to the person from whom custody of the property was taken or to any other person who may have a claim against the property. Prior to ~~such delivery~~ *such that delivery, the* clerk or person in charge of the property section shall make and retain a complete photographic record of ~~such the~~ property. The person to whom property is delivered shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the clerk or person in charge of the property section. This subdivision ~~shall~~ *does* not apply to any property subject to forfeiture under any ~~provision of~~ law. This subdivision ~~shall~~ *does* not apply unless the clerk or person in charge of the property section has served upon the person from whom custody of the property was taken a notice of a claim of ownership and a copy of the satisfactory proof of ownership tendered and has allowed ~~such that~~ person reasonable opportunity to be heard as to why the property should not be delivered to the person claiming ownership.

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(2) *If* the person upon whom a notice of claim and proof of ownership has been served does not respond asserting a claim to the property within 15 days from the date of receipt of the service, the property may be disposed of in a manner not inconsistent with the provisions of this section.

(c) The magistrate before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling the property, or the court before which a trial is had for stealing or embezzling it, shall upon application by the person from whom custody of the property was taken, review the determination of the clerk or person in charge of the property section, and may order the property taken into the custody of the court upon a finding that the person to whom the property was delivered is not entitled ~~thereto. Such~~ *to the property. The* court shall make its determination in the same manner as a determination is made when the matter is before the court pursuant to Sections 1408 to 1410, inclusive.

(d) The clerk or person in charge of the property section is not liable ~~in for~~ damages for any official action performed ~~hereunder~~ in good ~~faith.~~ *faith pursuant to this section.*