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TO: CITY OF CUPERTINO
LEGISLATIVE REVIEW COMMITTEE

FROM: ANTHONY, JASON, AND PAUL GONSALVES

SUBJECT: CONSIDER ADOPTING A POSITION ON AB 1603 (SALAS)
RELATING TO THEFT

DATE: MARCH 24, 2022

Bill Information:

The official text of AB 1603 can be found [here](#)¹:

Summary:

The Safe Neighborhoods and Schools Act, was enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election. This law makes the theft of money, labor, or property petty theft punishable as a misdemeanor, whenever the value of the property taken does not exceed \$950. Under existing law, if the value of the property taken exceeds \$950, the theft is grand theft, punishable as a misdemeanor or a felony. Under this existing law, entering a commercial establishment with the intent to take property exceeding \$950 is burglary, punishable as a misdemeanor or a felony.

This bill would amend Proposition 47 by reducing the threshold amount for petty theft and shoplifting from \$950 to \$400. The bill would provide that it shall become effective only when submitted to, and approved by, the voters of California.

Support:

According to the California District Attorneys Association, "California is suffering from an unprecedented increase in all types of thefts, including organized retail theft, smash and grabs, and vehicle theft, which negatively affects all Californians, including crime victims, consumers, and business owners. Lowering the threshold amount so that felony grand theft may be charged for thefts that exceed \$400, instead of misdemeanor petty

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1603

theft, will permit convicted thieves, especially repeat offenders, to be held properly accountable by authorizing judges to impose appropriate punishment.”

Registered Supporters Include: Arcadia Police Officers Association, Association for Los Angeles Deputy Sheriffs, Burbank Police Officers' Association, California District Attorneys Association, California Retailers Association, California State Sheriffs' Association, City of Camarillo, City of Santa Clarita, Claremont Police Officers Association, Corona Police Officers Association, Culver City Police Officers' Association, Fullerton Police Officers' Association, Inglewood Police Officers Association, Los Angeles School Police Officers Association, Newport Beach Police Association, Palos Verdes Police Officers Association, Peace Officers Research Association of California (PORAC), Placer County Deputy Sheriffs' Association, Pomona Police Officer Association, Riverside County Sheriff's Office, Riverside Police Officers Association

Opposition:

According to the Californians for Safety and Justice, “Prop. 47 does not prevent prosecutors from charging those who participate in organized retail theft with felonies. Political rhetoric notwithstanding, California’s current theft laws are in fact harsher than those in many other states. In at least 25 states, the threshold for charging a felony shoplifting is \$1000 or higher. In South Carolina and Texas, states not known for being “soft on crime”, theft cannot be charged as a felony unless the amount of loss is at least \$2,000 or \$2,500 respectively. It is also important to note that less than 10% of all thefts are cleared by the arrest and conviction of the suspect.

“Significantly, rolling California’s felony theft threshold back to \$400 would once again dramatically increase incarceration rates, leaving the state vulnerable to falling out of compliance with the prison system’s population cap mandated by the federal judiciary. Increasing incarceration rates would also eliminate the more than \$1 billion Prop. 47 is expected to save each decade in perpetuity, savings that are required to be reallocated back to local, community-based programs proven to more effectively prevent crime and harm, like drug treatment, mental health services, re-entry services and programs that help crime victims heal.

“AB 1603 nonetheless proposes to impose long prison sentences by reducing the amount needed to charge a felony to \$400. Such an attempt is not justified by actual crime data, flies in the face of sensible criminal justice reform, and would force counties to shoulder the cost of imprisoning more people for years, at great human and fiscal expense.”

Registered Opponents Include: A New Way of Life Re-entry Project, ACLU California Action (UNREG), All of Us or None Los Angeles, Alliance San Diego, Anti Recidivism Coalition, Aouon Orange County, Bend the Arc: Jewish Action, Blameless and Forever Free Ministries, California Attorneys for Criminal Justice, California Calls, California Coalition for Women Prisoners, California Public Defenders Association, Californians for Safety and Justice, Californians United for A Responsible Budget, Center for Living and Learning, Central Coast Alliance United for A Sustainable Economy, Chrysalis

Center, the Communities United for Restorative Youth Justice (CURYJ), Congregations Organized for Prophetic Engagement (COPE), Courage California, Dolores Huerta Foundation, Ella Baker Center for Human Rights, Faith in The Valley, Friends Committee on Legislation of California, Initiate Justice, Legal Services for Prisoners With Children, Milpa (motivating Individual Leadership for Public Advancement), National Institute for Criminal Justice Reform, Oakland Rising, Pico California, Root & Rebound, Rubicon Programs, San Francisco Public Defender, Starting Over, INC., Strategic Concepts in Organizing and Policy Education, Underground Scholars Initiative (USI) At UC San Diego, Underground Scholars Initiative At UC Riverside, Underground Scholars Initiative UC Santa Barbara, Underground Scholars Initiative, University of California Davis, Underground Scholars Initiative, University of California Los Angeles, Urban Peace Movement, Wlcac Re-entry

Status:

AB 1603 has been referred to the Assembly Committee on Public Safety.

Legislative Platform:

This bill falls under Cupertino's 2022 Legislative Platform in the Health & Public Safety Section, page 6, item #8, "Monitor legislation related to organized retail theft, as well as modifications to the definition of petty theft and petty theft value limits." It also falls under page 2, Guiding Principle #5, "In addition, the City supports federal and state assistance for local law enforcement, as well as any measures that would help contribute to local public safety and mental well-being, such as support for parks and open spaces."

Recommended Action:

Adopt a watch position on AB 1603