



## CITY MANAGER'S OFFICE

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### LEGISLATIVE REVIEW COMMITTEE STAFF REPORT

Meeting: June 25, 2019

#### Subject

Consider adopting a position on SB 23 (Weiner) – Unlawful entry of a vehicle

#### Recommended Action

Adopt a position supporting Senate Bill 23 and authorize the Mayor to send a letter of support to the State Legislature

#### Summary

SB 23 would create a new crime for forcibly entering a vehicle with the intent to commit a crime. The bill specifies that the punishment for forcibly entering a vehicle with the intent to commit a crime is either a misdemeanor (confinement in county jail not exceeding one year) or a felony (confinement in county jail for 16 months, two years, or three years).

#### Status

Passed the Senate 34-1. Has been referred to the Assembly Public Safety Committee. The bill is scheduled to be heard June 25<sup>th</sup>.

#### Support

SB 23 closes a loophole that can make it difficult for district attorneys to take car break-in cases to trial. This bill simply creates a new code section that clarifies that “forcible, unlawful entry” of a vehicle is also auto burglary. This means that prosecutors can prove an auto burglary occurred by either showing that the car was locked or, alternatively, that a window was broken.

According to the author, “The explosion in auto break-ins we’re experiencing...is unacceptable, and we need to ensure our police and district attorneys have all the tools they need to address it. When residents or visitors park their cars on the streets, they should have confidence that the car and its contents will be there when they return. SB 23 closes a loophole in the Penal Code that can lead to cases being dropped or charges reduced even when the evidence of auto burglary is clear.”

Supporters of the measure include: San Francisco District Attorney (Sponsor), California Downtown Assn, California Hotel and Lodging Assn, California Police Chiefs Assn, California State Sheriffs' Assn, League of California Cities, Los Angeles County Sheriff's Department, Peace Officers; Research Assn of California, San Francisco Board of Supervisors, and San Francisco Travel Assn.

#### Opposition

The opponents of the measure contend that changing the operative language to "forcibly" entering the vehicle without requiring proof that the vehicle was locked at the time of entry would drastically expand the definition of vehicle burglary, as well as expand the punishment for this behavior.

Opponents of the measure include: California Public Defenders Assn, San Francisco Public Defender.

#### Potential Impact

SB 23 would provide law enforcement and district attorneys with an additional tool to combat issues related to vehicle break-ins.

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Prepared by: Townsend Public Affairs

#### Attachments:

A- Draft SB 23 Support Letter