



## CITY MANAGER'S OFFICE

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### LEGISLATIVE REVIEW COMMITTEE STAFF REPORT

Meeting: July 23, 2019

#### Subject

Consider adopting a position on AB 1210 (Low) – Crimes: package theft

#### Recommended Action

Adopt a position supporting Assembly Bill 1210 and authorize the Mayor to send a letter of support to the State Legislature

#### Summary

AB 1210 would make it a crime to enter the property adjacent to a dwelling with the intent to steal a package that has been shipped to the dwelling. The violation would be punishable as a felony, by imprisonment in county jail for up to three years, or as a misdemeanor, by imprisonment in county jail for up to one year.

#### Status

In Assembly Public Safety. The measure is a two-year bill and eligible for consideration in January 2020.

#### Support

According to the author, "The scourge that is package theft has hit every neighborhood and community in this state. Current law only encourages these so-called porch pirates, as our district attorneys struggle to justify spending precious resources on prosecuting crimes that carry negligible penalties. It's time we send a clear message to porch pirates in California: under AB 1210 you will be prosecuted for these serious and invasive crimes."

Supporters indicate that package theft can be prosecuted as a felony under federal law if the package has been delivered by the US Postal Service; however, the theft of a privately-delivered package may only be prosecuted as a misdemeanor under state law unless the items contained in the package are valued at more than \$950. The law should be able to let the punishment fit the crime and dissuade individuals from engaging in this behavior by creating the potential for punishment as a felony regardless of the value of the items in the packages.

Supporters of the measure include: California District Attorneys Assn (sponsor), California Police Chiefs Assn, California Retailers Assn, California State Sheriffs' Assn, Peace Officers Research Assn of California, and San Jose Police Department.

#### Opposition

Opponents to AB 1210 feel that the bill is unnecessary and bad public policy. They state that entering on to someone's property with the intent to steal a package is already a crime under several different state and federal statutes and can be punished as an attempted theft, petty theft, or grand theft. They feel that the measure is poor policy as voters approved Proposition 47 in 2014, which reduced many non-violent felony crimes to misdemeanors and this measure would create a new felony for a non-violent crime.

Opponents of the measure include: American Civil Liberties Union of California, and the California Public Defenders Assn.

#### Potential Impact

This measure may deter people from engaging in package theft thereby reducing crime, and the number of victims of package theft, in the City.

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Prepared by: Townsend Public Affairs