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December 27, 2021

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0041 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0041. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

RECEIVED

DEC 27 2021

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

21-0041

Amdt. #1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Section 1. Statement of Findings and Declaration of Purpose

- A. Brazen retail theft, auto theft, porch piracy, and other similar crimes are out of control and are the direct result of the failure of our criminal justice system. Smash and grab thefts also result in the expensive destruction of property in addition to the items stolen.
- B. Since our politicians have allowed this crime wave to occur on their watch, the People must take action to restore law and order and increase punishment for those who repeatedly violate these laws.
- C. Anyone convicted three or more times for common theft crimes must be eligible for incarceration. Anyone stealing valuable merchandise and causing significant damage and destruction must be punished more severely. Crime victims and the public deserve to have the laws they enact enforced and the punishment they prescribe imposed. No more exceptions, no more excuses.

Section 2. Amendments to Penal Code

Section 666.1 of the Penal Code is added to read:

(a)(1) Notwithstanding any other law, every person who, having two or more convictions for any of the offenses listed in paragraph (2) and who is subsequently convicted of petty theft or shoplifting, is punishable by imprisonment in the county jail not exceeding one year, or pursuant to subdivision (h) of Section 1170.

(2) This section shall apply to every person who has two or more convictions for any of the following offenses: petty theft, grand theft, cargo theft, burglary, carjacking, robbery, a violation of subdivision (d) or (e) of Section 368, a violation of Section 10851 of the Vehicle Code, a violation of Section 496, or shoplifting in violation of Section 459.5.

(b) This section shall not be construed to preclude prosecution or punishment pursuant to any other law, including subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.

Section 786.5 of the Penal Code is added to read:

The jurisdiction of a criminal action for theft, including as defined in subdivision (a) of Section 484 and Section 490.2, or a violation of Section 211, Section 215, Section 459, Section 459.5, Section 490.4, Section 496, or Section 10851 of the Vehicle Code, shall include the county where the offense occurred, the county in which the merchandise or property was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting or aiding in the commission of an offense, or in abetting the parties concerned therein. If multiple offenses, either all involving the same defendant or defendants and the same merchandise or property, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses. Jurisdiction also extends to all associated offenses connected together in their

commission to the underlying theft offenses or violations of Section 211, Section 215, Section 459, Section 459.5, Section 490.4, Section 496, or Section 10851 of the Vehicle Code.

Section 12022.6 of the Penal Code is added to read:

(a) When any person takes, damages, or destroys any property in the commission or attempted commission of a felony, the court shall impose a term in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, as follows:

(1) If the loss exceeds fifty thousand dollars (\$50,000), the court shall impose an additional term of one year.

(2) If the loss exceeds two hundred thousand dollars (\$200,000), the court shall impose an additional term of two years.

(3) If the loss exceeds one million dollars (\$1,000,000), the court shall impose an additional term of three years.

(4) If the loss exceeds three million dollars (\$3,000,000), the court shall impose an additional term of four years.

(5) For every additional loss 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) In any accusatory pleading involving multiple charges of taking, damage, or destruction, the additional terms provided in this section may be imposed if the aggregate losses to the victims from all felonies exceed the amounts specified in this section and arise from a common scheme or plan. All pleadings under this section shall remain subject to the rules of joinder and severance stated in Section 954.

(c) The additional terms provided in this section shall not be imposed unless the facts of the taking, damage, or destruction in excess of the amounts provided in this section are charged in the accusatory pleading and admitted or found to be true by the trier of fact.