


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> New and Amended Organized Retail Crime Laws</p>	<p><i>No.</i> 2024-DLE-10</p>	<p><i>Contact for information:</i> Stephen Woolery, Chief Division of Law Enforcement 916-210-6300</p>
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TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

This bulletin provides a brief summary of 10 new California Organized Retail Crime (ORC) bills that were signed into law by the Governor on August 16, 2024. All of these laws will take effect on January 1, 2025, except for AB 1972 (discussed below), which took effect immediately on August 16, 2024.

This bulletin is for informational purposes only. Because it is a summary, it does not cover every aspect of the bills addressed below. The full text of the bills can be accessed at: <https://leginfo.legislature.ca.gov/>. The Department of Justice will hereinafter be referred to as “the Department.”

Assembly Bills (AB)

AB 1779 (Stats. 2024, ch. 165) amends Penal Code section 786.5

Effective January 1, 2025

- AB 1779 allows district attorneys to file specified theft charges and associated offenses in any county where the offense occurred, the merchandise was recovered, or a specified act was done by the defendant. Requires a hearing to confirm the district attorneys in all jurisdictions have agreed in writing to the prosecution of the case in the selected county.
- Prior to AB 1779, the Department was the only entity with jurisdiction to charge theft crimes that occurred in multiple counties in one charging document.

AB 1802 (Stats. 2024, ch. 166) amends Penal Code section 490.4 and repeals section 13899.1

Effective January 1, 2025

- Eliminates the sunset dates for the organized retail theft statute (PC § 490.4) and the California Highway Patrol/Department of Justice regional property crimes task force (PC § 13899), which were scheduled to be repealed on January 1, 2026.

AB 1972 (Stats. 2024, ch. 167) amends Penal Code section 13899

Effective August 16, 2024

- Expands the scope of the regional property crimes task force, which is convened by the California Highway Patrol in coordination with the Department of Justice to assist local law enforcement with elevated rates of property crime, so that the task force must assist railroad police and include cargo theft as part of its mandate.

AB 2943 (Stats. 2024, ch. 168) amends Penal Code sections 487, 836, 853.6, and 1001.82 and adds sections 372.7, 496.6, and 1203g

Effective January 1, 2025

- Clarifies that grand theft charges that are predicated on the theft value exceeding \$950 can be based on an aggregated value when the defendant commits related theft acts, including incidents against multiple victims or in multiple counties (PC § 487). The acts must have been motivated by one intention, one general impulse, and one plan—evidence of which may include that the acts involved the same perpetrators, were substantially similar in nature, or occurred within a 90-day period.
- Creates new crime of “unlawful deprivation of a retail business opportunity” (PC § 496.6) when a person possesses stolen property and the property is:
 - Not possessed for personal use;
 - Is intended to be sold; and
 - The value of the property exceeds \$950 (allowing aggregation with any other such property within the last two years, or any property possessed by a person acting in concert with the defendant).
 - This new crime is punishable as a misdemeanor for imprisonment for up to one year, or as a felony for a term of 16 months, two years, or three years.
- Prohibits local law enforcement or a local jurisdiction from bringing a nuisance action against a business solely for the act of reporting retail crime, unless the report is knowingly false (PC § 372.7).
- Authorizes warrantless arrests for misdemeanor shoplifting offenses not committed in the officer’s presence when the officer has probable cause, the arrest is made with undue delay, and any of the following conditions are met:
 - the officer obtains a sworn witness statement that the person to be arrested committed the alleged crime;
 - the officer observes surveillance video that shows the person to have committed the alleged crime;
 - the person possesses a quantity of goods inconsistent with personal use, and the goods are affixed with retail security devices; or
 - the person confesses to the alleged crime to the arresting officer (PC § 836, subd. (f)).
- Extends the sunset dates from 2026 to 2031 for laws authorizing arrest instead of citation and release of organized retail theft and repeat theft offenders, and authorizing local jurisdictions to create a diversion program for theft offenders (PC §§ 853.6, 1001.82).
- Extends the possible term of probation to two years for petty theft and shoplifting and encourages courts to refer defendants to collaborative courts or rehabilitation programs (PC § 1203g).

AB 3209 (Stats. 2024, ch. 169) amends Family Code section 6380 and adds Penal Code section 490.8

Effective January 1, 2025

- Authorizes a court, when sentencing a person for an offense involving shoplifting, theft from a retail establishment, organized retail theft, vandalism of a retail establishment, or battery of an employee of a retail establishment to issue a retail crime protective order barring the person from the retail establishment, including any parking lots or other franchise or chain locations within a specified area for up to two years.
- In determining whether to impose a retail crime protective order, courts must consider whether the retail establishment is the only place that sells food, pharmaceuticals, or other basic life necessities within one mile of whether the individual resides or creates undue hardship on the individual.
- Authorizes retail crime protective orders to be issued in two different ways:
 1. In the event of a specified retail-related conviction, the court may issue a protective order on its own accord (PC § 490.8, subd. (a).).
 2. Following an arrest, a prosecuting attorney, city or county attorneys, or an attorney representing a retail establishment may petition the court for a protective order. The petition may also include request for issuance of a citation in lieu of custodial arrest pursuant to PC § 853.6.) (PC § 490.8, subd. (e).).
 - This proceeding is subject to a hearing, and respondent is entitled to representation by court-appointed counsel. The party seeking the order bears the burden of proving, by a preponderance of the evidence, that the respondent, on two or more separate occasions, committed the retail-related offense within the certain retail establishment or grounds and that there is a substantial likelihood that they will return to the retail establishment.
- Makes violation of a retail crime protective order a misdemeanor (PC § 490.8, subd. (f).)

Senate Bills (SB)

SB 905 (Stats. 2024, ch. 170) adds Penal Code sections 465 and 496.5

Effective January 1, 2025

- Creates new wobbler crime of “unlawful entry of a vehicle,” when a person forcibly enters a vehicle with the intent to commit a theft or any other felony. Currently, this offense would be charged as vehicular “burglary” under PC § 459, which requires a finding that the vehicle door was locked at the time of entry.
- Creates new wobbler crime of “automotive property theft for resale,” when a person unlawfully possesses property that was acquired through vehicle theft, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering regardless of whether the person committed the theft, burglary, or vehicle tampering. Property must be valued at over \$950, and possessed with the intent to sell or exchange for value (not for personal use).
 - For determining the value of property, courts can consider the value of similar property possessed within the last two years, including property possessed unlawfully by another person acting in concert.
- Both new crimes are punishable as a misdemeanor for imprisonment for up to one year, or as a felony for a term of 16 months, two years, or three years.

SB 982 (Stats. 2024, ch. 171) amends Penal Code section 490.4

Effective January 1, 2025

- Eliminates the sunset date for the organized retail theft statute (PC § 490.4).

SB 1144 (Stats. 2024, ch. 172) amends, repeals, and adds Civil Code sections 1749.8 and 1749.8.4 and adds section 1749.8.9

Effective July 1, 2025

- Closes an “offline loophole” by requiring online marketplaces to collect and verify certain information from high-volume third-party sellers on their platform. Prior to SB 1144, online marketplaces were only subject to these requirements if they had a contractual relationship with consumers and processed transactions through the platform. Utilization of an online marketplace, regardless of whether the transaction is processed by the marketplace, is now sufficient to trigger requirements.
- Expands definitions of “high-volume third-party seller” and “online marketplace.”
- Expands civil enforcement authority so that district attorneys, city attorneys, and county counsel can enforce the law, in addition to the Attorney General.
- Requires online marketplaces to alert law enforcement if they know or should know that a seller is selling or attempting to sell stolen goods.
- Requires online marketplaces to provide a mechanism to communicate with law enforcement in a timely and confidential manner.
- Requires online marketplaces to create policies to prohibit the online sale of stolen goods on their platforms and impose consequences for knowing violations.

SB 1242 (Stats. 2024, ch. 173) amends Penal Code section 452

Effective January 1, 2025

- Adds aggravating factor for reckless arson (PC § 452) sentencing purposes if the arson was carried out on a merchant’s premises to facilitate organized theft.

SB 1416 (Stats. 2024, ch. 174) adds and repeals Penal Code section 12022.10

Effective January 1, 2025

- Creates sentencing enhancements for selling or attempting to sell property acquired through retail theft valued at \$50,000 or more:
 - One year for property exceeding \$50,000;
 - Two years for property exceeding \$200,000;
 - Three years for property exceeding \$1,000,000;
 - Four years for property exceeding \$3,000,000; and

- One additional year for each additional \$3,000,000 in property value.
- Enhancements also apply to any person acting in concert with another to commit retail theft, even if that person did not themselves commit the theft.