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March 22, 2024

Assemblymember Kevin McCarty
Chair, Assembly Public Safety Committee
1020 N Street, Room 111
Sacramento, CA 95814

CC: Assemblymembers Juan Alanis, Tom Lackey, Stephanie Nguyen, Eloise Gómez Reyes, Philip Ting, Lori Wilson, and Rick Chavez Zbur, and Committee Chief Counsel Sandy Uribe

RE: Assembly Bill 2943 - Notice of Support if Amend, As Introduced 2/15/24

Dear Assemblymember McCarty,

The California Contract Cities Association (CCCA) writes to share our "Support if Amend" position on Assembly Bill 2943, also known as the California Retail Theft Reduction Act.

We applaud Speaker Rivas and Assemblymember Zbur for their leadership in tackling the issue of retail theft this year. With this bill both legislators clearly demonstrate their commitment to advancing solutions that curb the rise of crime plaguing so many cities across the State. AB 2943 offers a comprehensive package of public safety policy reforms that will allow the State to better tackle retail theft in multiple ways. Specifically, the approach involves creating a new crime of retail theft with intent to sell, extending the Organized Retail Theft Statute's sunset date until 2031, and allowing prosecutors to add up the value of different thefts committed in the past three years across multiple jurisdictions.

In an effort to strengthen the set of reforms in AB 2943, CCCA would like to respectfully propose three amendments to the current version of the legislation (note changes are shown in red front). By making the specific changes outlined below, we believe AB 2943 will be the strong legislative bedrock California needs to combat the uptick in retail crime and improve public safety across all of our communities.

AMENDMENT 1

SEC. 3. Section 487 of the Penal Code is amended to read:

*(e) If the value of the money, labor, real property, or personal property taken exceeds nine hundred fifty dollars (\$950) over the course of distinct but related acts, including acts committed against multiple victims or in counties other than the county of the current offense, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. **Notwithstanding the foregoing, the rule set forth in People v. Bailey (1961) 55 Cal.2d 514 [11 Cal.Rptr. 543, 360 P.2d 39] and cases related to multiple thefts committed pursuant to a "common scheme or plan," the value of money and personal property taken in two or more acts of petty theft committed against multiple victims or in counties other than the county of the current offense may properly be***

aggregated to charge a count of grand theft, without any finding that such acts were motivated by one intention, general impulse or plan or committed pursuant to a "common scheme or plan."

AMENDMENT 2

SEC. 5. Section 836 of the Penal Code is amended to read:

(f) In addition to the authority to make an arrest without a warrant pursuant to paragraphs (1) and (3) of subdivision (a), a peace officer may, without a warrant, arrest a person for a violation of Section 459.5 when the violation was not committed in the officer's presence if the officer has probable cause to believe the person committed the violation.

The probable cause to make an arrest pursuant to this subdivision shall be based on ~~either of~~ any of the following:

(1) A sworn statement obtained by the officer from a person who witnessed the person to be arrested committing the alleged violation.

(2) The officer observing video footage that shows the person to be arrested committing the alleged violation.

(3) Unsworn statements obtained by the officer from one or more persons when these statements, either singly or combined, demonstrate probable cause to believe that the person to be arrested committed the alleged violation.

AMENDMENT 3

SEC. 8. Section 1203g is added to the Penal Code, to read:

1203g. (a) Notwithstanding Section 1203a, for a violation of shoplifting, as defined in Section 459.5, or petty theft, as described in Section 488 or 490.2, the court may suspend the imposition or execution of the sentence and make and enforce the terms of probation for a period not to exceed two years.

(b) If a court imposes a term of probation that exceeds the maximum period of time specified in subdivision (a) of Section 1203a, the court, as a condition of probation, shall consider referring the defendant to a collaborative court or rehabilitation program that is relevant to the underlying factor or factors that led to the commission of the offense. If the court finds that referral to a collaborative court or rehabilitation program is not an appropriate condition of probation, it must state the reasons for its finding on the record.

(c) Upon successful completion of the rehabilitation program, as determined by ~~the program provider~~ the probation-supervising court, or successful participation in the collaborative court, as determined by the collaborative court, the court shall discharge the defendant from probation.

(d) Participation in a collaborative court or a rehabilitation line 9 program by the defendant shall not exceed the maximum period line 10 of time of probation specified in subdivision (a), except with the line 11 consent of the defendant.

CCCA represents 80 cities throughout California. For more than 65 years, CCCA's mission has been to advance the benefits of the contracting model and strengthen local control. With collaborative governance as a focal point, CCCA has advanced its mission through education, advocacy, networking, and legislative access to protect and enhance the quality of life for more than 7.5 million residents. As a matter of policy, our organization supports and defends the rights of cities on policy issues pertinent to them. We thank you in advance for your consideration of our position on AB 2943, and welcome any question or follow-up conversations in regards to our proposed amendments.

Yours in service,

A handwritten signature in black ink, appearing to read 'M. Rodarte', with a stylized flourish at the end.

Marcel Rodarte, Executive Director