

AMENDED IN ASSEMBLY AUGUST 18, 2004
AMENDED IN ASSEMBLY JUNE 23, 2004
AMENDED IN ASSEMBLY JUNE 2, 2004
AMENDED IN SENATE JULY 16, 2003
AMENDED IN SENATE JULY 2, 2003
AMENDED IN SENATE JUNE 3, 2003
AMENDED IN SENATE APRIL 30, 2003

SENATE BILL

No. 703

Introduced by Senator Florez
(Principal coauthor: Assembly Member Matthews)

February 21, 2003

An act to amend Section 487 of the Penal Code, ~~and to add Section 23593 to the Vehicle Code~~, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 703, as amended, Florez. Crimes: grand theft: diesel fuel.

Existing law generally makes petty theft a misdemeanor and specifies that grand theft, which may be charged as a misdemeanor or felony, is committed when the money, labor, or real or personal property taken is of a value exceeding \$400. ~~Existing law authorizes the impoundment of a motor vehicle whenever a person is convicted of specified crimes.~~

This bill would specify that grand theft is committed when ~~the property taken is~~ diesel fuel of a value exceeding \$100 *is taken from agricultural property*. By providing that theft of diesel fuel of this lesser

value may be charged as a felony, this bill would impose a state-mandated local program.

~~The bill would authorize the court, if a person is convicted of theft, and the property taken is diesel fuel, or a person is convicted of a violation of a specified provision prohibiting possession of stolen or illegally obtained property, and the property is diesel fuel, and the person used a vehicle owned by him or her in furtherance of the crime, to declare that the vehicle is a nuisance and subject to forfeiture. The bill would require the court to order that a vehicle declared a nuisance be impounded. The bill would authorize the impounded vehicle to be forfeited upon compliance with certain procedures relating to forfeiture of vehicles. By authorizing the impoundment and forfeiture of a vehicle, the bill would increase the duties of local officials, thereby imposing a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 487 of the Penal Code is amended to
2 read:



1 487. Grand theft is theft committed in any of the following
2 cases:

3 (a) When the money, labor, or real or personal property taken
4 is of a value exceeding four hundred dollars (\$400), except as
5 provided in subdivision (b), (c), or (d).

6 (b) Notwithstanding subdivision (a), grand theft is committed
7 in any of the following cases:

8 (1) (A) When domestic fowls, avocados, olives, citrus or
9 deciduous fruits, other fruits, vegetables, nuts, artichokes, or other
10 farm crops are taken of a value exceeding one hundred dollars
11 (\$100).

12 (B) For the purposes of establishing that the value of avocados
13 or citrus fruit under this paragraph exceeds one hundred dollars
14 (\$100), that value may be shown by the presentation of credible
15 evidence which establishes that on the day of the theft avocados or
16 citrus fruit of the same variety and weight exceeded one hundred
17 dollars (\$100) in wholesale value.

18 (2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or
19 other aquacultural products are taken from a commercial or
20 research operation which is producing that product, of a value
21 exceeding one hundred dollars (\$100).

22 (3) Where the money, labor, or real or personal property is
23 taken by a servant, agent, or employee from his or her principal or
24 employer and aggregates four hundred dollars (\$400) or more in
25 any 12 consecutive month period.

26 (c) When the property is taken from the person of another.

27 (d) When the property taken is any of the following:

28 (1) An automobile, horse, mare, gelding, any bovine animal,
29 any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar,
30 gilt, barrow, or pig.

31 (2) A firearm.

32 (3) Diesel fuel *from agricultural property* of a value exceeding
33 one hundred dollars (\$100).

34 (e) This section shall become operative on January 1, 1997.

35 ~~SEC. 2. Section 23593 is added to the Vehicle Code, to read:~~

36 ~~23593. (a) If a person is convicted of an act of theft, and the~~
37 ~~property taken is diesel fuel, or the person is convicted of a~~
38 ~~violation of Section 496 of the Penal Code, and the stolen or~~
39 ~~illegally obtained property is diesel fuel, and the person used a~~
40 ~~motor vehicle owned by him or her in furtherance of either crime,~~



1 ~~the court at the time sentence is imposed declare that the~~
2 ~~motor vehicle is a nuisance and subject to forfeiture.~~

3 ~~(b) The court shall order that a vehicle declared a nuisance~~
4 ~~under subdivision (a) be impounded. The impounded vehicle may~~
5 ~~be forfeited upon compliance with the procedures set forth in~~
6 ~~subdivisions (c), (f), (g), (h), (i), (j), (k), (l), (o), (p), (q), (r), (t),~~
7 ~~(u), and (v) of Section 14607.6, as applicable.~~

8 ~~SEC. 3.— No reimbursement is required by this act pursuant to~~
9 ~~Section 6 of Article XIII B of the California Constitution for~~
10 ~~certain costs that may be incurred by a local agency or school~~
11 ~~district because in that regard this act creates a new crime or~~
12 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
13 ~~for a crime or infraction, within the meaning of Section 17556 of~~
14 ~~the Government Code, or changes the definition of a crime within~~
15 ~~the meaning of Section 6 of Article XIII B of the California~~
16 ~~Constitution.~~

17 ~~However, notwithstanding Section 17610 of the Government~~
18 ~~Code, if the Commission on State Mandates determines that this~~
19 ~~act contains other costs mandated by the state, reimbursement to~~
20 ~~local agencies and school districts for those costs shall be made~~
21 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
22 ~~4 of Title 2 of the Government Code. If the statewide cost of the~~
23 ~~claim for reimbursement does not exceed one million dollars~~
24 ~~(\$1,000,000), reimbursement shall be made from the State~~
25 ~~Mandates Claims Fund.~~

26 *SEC. 2. No reimbursement is required by this act pursuant to*
27 *Section 6 of Article XIII B of the California Constitution because*
28 *the only costs that may be incurred by a local agency or school*
29 *district will be incurred because this act creates a new crime or*
30 *infraction, eliminates a crime or infraction, or changes the penalty*
31 *for a crime or infraction, within the meaning of Section 17556 of*
32 *the Government Code, or changes the definition of a crime within*
33 *the meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*

