

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2827

Introduced by Assembly Member Sharon Runner

February 22, 2008

An act to ~~amend Section 786 of~~ *add Section 487i* to the Penal Code, relating to property crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2827, as amended, Sharon Runner. Property crimes: ~~jurisdiction.~~
public housing authority: fraud.

Existing law categorizes the crime of theft into 2 degrees: petty theft and grand theft. Under existing law, grand theft is committed when the money, labor, or real or personal property taken is of a value exceeding \$400.

This bill would specify that anyone who defrauds a housing program of a public housing authority of more than \$400 is guilty of grand theft.

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.

~~Existing law provides the jurisdiction for property crimes that are connected to more than one jurisdictional territory, as specified.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

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

1 SECTION 1. Section 487i is added to the Penal Code, to read:
2 487i. Any person who defrauds a housing program of a public
3 housing authority of more than four hundred dollars (\$400) is
4 guilty of grand theft.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 SECTION 1. ~~Section 786 of the Penal Code is amended to~~
15 ~~read:~~

16 ~~786. (a) When property taken in one jurisdictional territory~~
17 ~~by burglary, carjacking, robbery, theft, or embezzlement has been~~
18 ~~brought into another, or when property is received in one~~
19 ~~jurisdictional territory with the knowledge that it has been stolen~~
20 ~~or embezzled and the property was stolen or embezzled in another~~
21 ~~jurisdictional territory, the jurisdiction of the offense is in any~~
22 ~~competent court within either jurisdictional territory, or any~~
23 ~~contiguous jurisdictional territory if the arrest is made within the~~
24 ~~contiguous territory, the prosecution secures on the record the~~
25 ~~defendant's knowing, voluntary, and intelligent waiver of the right~~
26 ~~of vicinage, and the defendant is charged with one or more property~~
27 ~~crimes in the arresting territory.~~

28 ~~(b) (1) The jurisdiction of a criminal action for unauthorized~~
29 ~~use of personal identifying information, as defined in Section~~
30 ~~530.5, shall also include the county where the theft of the personal~~
31 ~~identifying information occurred, or the county where the~~
32 ~~information was used for an illegal purpose. If multiple offenses~~
33 ~~of unauthorized use of personal identifying information, all~~
34 ~~involving the same defendant or defendants and the same personal~~
35 ~~identifying information belonging to the one person, occur in~~
36 ~~multiple jurisdictions, any one of those jurisdictions is a proper~~
37 ~~jurisdiction for all of the offenses.~~

1 ~~(2) When charges alleging multiple offenses of unauthorized~~
2 ~~use of personal identifying information occurring in multiple~~
3 ~~territorial jurisdictions are filed in one county pursuant to this~~
4 ~~section, the court shall hold a hearing to consider whether the~~
5 ~~matter should proceed in the county of filing, or whether one or~~
6 ~~more counts should be severed. The district attorney filing the~~
7 ~~complaint shall present evidence to the court that the district~~
8 ~~attorney in each county where any of the charges could have been~~
9 ~~filed has agreed that the matter should proceed in the county of~~
10 ~~filing. In determining whether all counts in the complaint should~~
11 ~~be joined in one county for prosecution, the court shall consider~~
12 ~~the location and complexity of the likely evidence, where the~~
13 ~~majority of the offenses occurred, the rights of the defendant and~~
14 ~~the people, and the convenience of, or hardship to, the victim and~~
15 ~~witnesses.~~
16 ~~(e) This section shall not be interpreted to alter victims' rights~~
17 ~~under Section 530.6.~~