

AMENDED IN SENATE AUGUST 17, 2011

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 316

Introduced by Assembly Member Carter
(Coauthor: Assembly Member Jeffries)
(Coauthor: Senator Anderson)

February 9, 2011

An act to add Section 487j to the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 316, as amended, Carter. Grand theft: copper materials.

Existing law provides that grand theft is theft when the money, labor, or real or personal property taken is of a value exceeding \$950 and is punishable as either a misdemeanor or a felony.

This bill would provide that every person who steals, takes, or carries away copper materials which are of a value exceeding \$950 is guilty of grand theft, punishable by a fine not exceeding \$2,500, imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment in *a county jail or* the state prison not exceeding 16 months, or 2 or 3 years and a fine not to exceed \$10,000, *as specified*.

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

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

1 SECTION 1. Section 487j is added to the Penal Code, to read:

2 487j. Every person who steals, takes, or carries away copper
3 materials of another, including, but not limited to, copper wire,
4 copper cable, copper tubing, and copper piping, which are of a
5 value exceeding nine hundred fifty dollars (\$950) is guilty of grand
6 theft. Grand theft of copper shall be punishable by a fine not
7 exceeding two thousand five hundred dollars (\$2,500), by
8 imprisonment in a county jail not exceeding one year, or by both
9 that fine and imprisonment, or by imprisonment in the state prison
10 not exceeding 16 months, or two or three years and a fine not
11 exceeding ten thousand dollars (\$10,000).

12 SEC. 2. Section 487j is added to the Penal Code, to read:

13 487j. Every person who steals, takes, or carries away copper
14 materials of another, including, but not limited to, copper wire,
15 copper cable, copper tubing, and copper piping, which are of a
16 value exceeding nine hundred fifty dollars (\$950) is guilty of grand
17 theft. Grand theft of copper shall be punishable by a fine not
18 exceeding two thousand five hundred dollars (\$2,500), by
19 imprisonment in a county jail not exceeding one year, or by both
20 that fine and imprisonment, or by imprisonment pursuant to
21 subdivision (h) of Section 1170 and a fine not exceeding ten
22 thousand dollars (\$10,000).

23 SEC. 3. Section 2 of this bill incorporates from Assembly Bill
24 109, which has been chaptered but is not operative, language that
25 a person guilty of a felony may be imprisoned in a county jail or
26 state prison. Section 2 shall become operative only if (1) this bill
27 is enacted and becomes effective on or before January 1, 2012,
28 (2) this bill amends Section 487j of the Penal Code, and (3)
29 Assembly Bill 109 becomes operative, in which case Section 487j
30 of the Penal Code, as added by Section 1 of this bill, shall remain
31 operative only until the operative date of Assembly Bill 109, at
32 which time Section 2 of this bill shall become operative.

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