

RESOLUTION 01-09-2010

DIGEST

Criminal Law: Increase Grand Theft Threshold from \$400 to \$950

Amends Penal Code section 487, subdivision (a) to increase the threshold for certain theft crimes to be punishable as a felony from \$400 to \$950.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Penal Code section 487, subdivision (a) to increase the threshold for certain theft crimes to be punishable as a felony from \$400 to \$950. This resolution should be approved in principle because it would update the amount to reflect inflation which has occurred since the \$400 was set as the threshold in 1982.

In the last legislative session, the Legislature raised the threshold for a crime to be punished as a felony from \$400 to \$950 for thirty-nine (39) property crimes but did not adjust the amount for grand theft. This resolution would make the grand theft statute consistent with the changes made to the 39 property crimes and provide for more consistency in charging and sentencing. This resolution is similar to Assembly Bill 2372 currently pending in the Legislature. As the author of Assembly Bill 2372 notes, if the grand theft threshold is not increased from \$400 to \$950, it would “undermine[] the impact of the other property crimes adjustment because the crimes could alternatively be charged as grand theft[]” (Assembly Bill 2372 [Ammiano], Bill Analysis, p. 2), thereby leading to inconsistent sentencing results. In addition, by increasing the threshold for a felony to reflect inflation, the amount of goods, personal property, and money one takes to meet the criteria for a felony will remain unchanged from one generation to the next.

TEXT OF RESOLUTION

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to amend Penal Code §487 to read as follows:

- 1 §487
- 2 Grand theft is theft committed in any of the following cases:
- 3 (a) When the money, labor, or real or personal property taken is of a value exceeding
- 4 ~~four hundred dollars (\$400)~~ nine hundred fifty dollars (\$950) except as provided in
- 5 subdivision (b).
- 6 [Subdivision (b) – (e) remain unchanged.]

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Monterey County Bar Association

STATEMENT OF REASONS

Existing Law: Establishes a certain threshold value for determining if theft of money, labor, real property, or personal property is punishable as a felony or not. Existing law provides that for these theft crimes the threshold is \$400 or more.

The Resolution: Would increase the threshold for charging theft as a felony for money, labor, real property, or personal property from \$400 to \$950.

The Problem: The \$400 threshold was established many, many years ago and has not changed to reflect the rate of inflation for the cost of what was considered serious enough to merit felony prosecution for theft related to money, labor, and/or real or personal property. Brings the threshold amount for theft of these types of money, services, or property in line with other theft statutes increased in 2009 to reflect inflation – receiving stolen property (Penal Code § 496, increased from \$400 to \$950), non-sufficient funds checks (Penal Code § 476a, increased from \$200 to \$400), and for over 30 other types of theft and property crimes (Bus. & Prof. § 14491 - \$400/950; Bus & Prof. § 17550.19 (amt for all persons) - \$1,000/2,350; Bus & Prof. § 17550.19 (amt for any person) - \$400/950; Bus & Prof § 21653 - \$400/950; Financial Code § 5305 – \$100/250; Military and Veterans Code § 421– \$400/950; Public Resources Code § 14591(b) – \$400 /950; Pub. Res. Code § 41955 (misd; if below, can be infra.) – \$400/950; Vehicle Code § 10851.5 – \$400/950; Welf. & Inst. Code § 10980 – \$400/950; Welf. & Inst. Code § 15656 – \$400/950; Penal Code § 154 – \$100/ 250; Penal Code § 155 – \$100/250; Penal Code § 337.4 (amount to also violate Sec. 487) – \$400/950; Penal Code § 368 (d) and (e) – \$ 400/950; Penal Code § 422.7 (amount needed for violation) – \$400/950; Penal Code § 476a – \$200/450; Penal Code § 484b – \$1,000/2,350; Penal Code § 484g – \$400/950; Penal Code § 484h – \$400 /950; Penal Code § 487 (b)(1) & (b)(2)– \$100/250; Penal Code § 487 (b)(3) – \$400/950; Penal Code § 487b – \$100/250; Penal Code § 487c – \$100 /250; Penal Code § 487e and § 487f – \$400/950; Penal Code § 487h – \$400/950; Penal Code § 496 – \$400/950; Penal Code § 498 – \$400/950; Penal Code § 500 – \$400/950; Penal Code § 502 (c)(3) & (d) – \$400/950; § 502 (c)(3), by employee, (h)(2) – \$ 100/250; Penal Code § 537– \$400/950; Penal Code § 537e – \$400/950; Penal Code § 550– \$400/950; Penal Code § 551– \$400/950; Penal Code § 565 – \$400/950; Penal Code § 566 – \$400/950; Penal Code § 592 – \$400/950; Penal Code § 594.4 (value determines max. amt of fine) – \$400/950; Penal Code § 641.3 (amount. needed for sec. to apply) – \$100/ 250; Penal Code § 4600 – \$400/950.

IMPACT STATEMENT

This resolution does not affect any other law, statute, or rule.

AUTHOR AND/OR PERMANENT CONTACT: Donald E. Landis, Jr., Assistant Public Defender, County of Monterey, 111 W. Alisal, Salinas, CA 93901, 831-784-5690 voice, 831-755-5873 fax, email - landisde@co.monterey.ca.us.

RESPONSIBLE FLOOR DELEGATE: Donald E. Landis, Jr.