



For the past four years, the California Retailers Association through our “Californians for Safe Stores and Neighborhoods” campaign has been working on changes to retail theft/ORC laws in California. We have focused our efforts on the 4 D’s – **DISMANTLE • DISRUPT • DETER • DIVERT.**

DISMANTLE

\$300 million over the next three years (2023 – 2026) for Organized Retail Crime including:

- ✓ Permanent funding for the CHP ORC Task Forces
- ✓ Increasing the number of CHP ORC Task Forces from three to five
- ✓ Funding dedicated to ORC prosecutors for each CHP ORC Task Force
- ✓ Establishing local law enforcement grants and vertical prosecution grants for Retail Theft

DISRUPT

In the Digital Age, the “fencing” of stolen goods has become all too easy. Cal Retailers supported legislation SB 301 (Skinner-D), which passed the Legislature and was signed by Governor Gavin Newsom that added guardrails and transparency to on-line marketplaces to disrupt the sale of stolen goods.

DETER

Today, many thieves view retail theft as a low-risk/high-reward crime, knowing they face low odds of arrest and no serious consequences. This situation only worsens as frustrated business owners and citizens give up on reporting thefts. By strengthening laws against repeat offenders, we can deter serial theft and encourage responsive intervention from law enforcement, retailers while providing sentence discretion.

DIVERT

California’s rehabilitation programs for habitual shoplifters are underutilized. We need to strengthen and reform diversion programs for our most vulnerable populations, those with behavioral issues, drug addiction or those who are unhoused. By diverting repeat offenders into rehabilitation programs as an alternative to jail, we can provide an intervention point to connect people to services that can improve their circumstances.

We also supported many of the proposals in framework the Governor released in January 2024 including:

- ✓ Cracking down on Professional Thieves
- ✓ Increasing Enforcement Tools
- ✓ Aggregating Theft Amounts
- ✓ Eliminating the Sunset Provision for the CHP Organized Retail Crime Task Force
- ✓ Increasing Penalties for Resellers of stolen goods.

In November 2023, Speaker of the Assembly Robert Rivas appointed the Select Committee on Retail Theft, chaired by Assemblymember Rick Chavez Zbur. CRA immediately worked with the Select Committee through meetings, testimony, stores tours and educational events to advocate for changes in the law that will improve the safety of California’s retail stores to protect our employees, our customers and the neighborhoods retailers operate in. There was a unique opportunity to work collaboratively to pass bi-partisan legislation, passed with overwhelming bipartisan support, that could have very positive policy changes.

CRA worked with the Administration, Legislative leadership, Committee leadership, members of the legislature and other stakeholders on real change that will protect our employees, our customers and the neighborhoods we operate in from retail theft. The result was the most significant legislation to crack down on property crime in modern California history. These new, stronger laws provide robust tools to hold criminals accountable for smash-and-grab robberies, property crime, retail theft and auto burglaries.

THE CALIFORNIA RETAIL THEFT AND ORGANIZED RETAIL CRIME REDUCTION BIPARTISAN LEGISLATIVE PACKAGE

Stronger Enforcement. Serious Penalties. Steep Consequences.

- ✓ **Cracks down on theft and the sale of stolen items**
Creates **stricter penalties** for individuals involved in retail and property theft, mandates sentencing enhancements for large-scale operations and creates new crimes — imposing **enhanced felony charges**.
- ✓ **Increases enforcement and prosecution**
Bolsters existing laws to ensure police can arrest retail theft suspects with probable cause — even if they didn't witness a crime in progress.
- ✓ **Updates felony threshold counts**
Permits the aggregation of stolen goods, enabling prosecutors to combine the value of multiple stolen items — even across different victims and counties — **to help meet the threshold for felony grand theft**.
- ✓ **Targets smash-and-grabs**
Creates new **penalties for criminals** who damage businesses and property in the course of theft.
- ✓ **Fights car break-ins and auto theft**
Adds and increases penalties for possession of items stolen from a vehicle with intent to resell. **Boosts prosecution of automotive property thefts**.
- ✓ **Eliminates organized retail theft sunset provisions**
Maintains important **organized retail crime statutes and task forces** used by law enforcement — which would have expired on January 1, 2026.

THE BI PARTISAN BILL PACKAGE.....

AGGREGATION

- **AB 2943**. Allows aggregation of the value of property stolen from different victims or in different counties in order to reach the felony grand theft threshold of \$950. *(Effective January 1, 2025)*
- **SB 905**. Allows aggregation of the value of property stolen from vehicles over multiple acts, in order to charge a person with automotive property theft for resale. *(Effective January 1, 2025)*

SHOPLIFTING AND PETTY THEFT

- **AB 2943**. Allows an officer to arrest a person for shoplifting with probable cause, even if the act did not take place in the officer's presence. *(Effective January 1, 2025)*

- **AB 2943.** Doubles probation for shoplifting and for petty theft from one to two years. *(Effective January 1, 2025)*
- **AB 3209.** Allows a court to issue a “retail theft restraining order” prohibiting a person convicted of organized retail theft, shoplifting, theft, vandalism or assault of a retail employee from entering the establishment for up to two years. *(Effective January 1, 2025)*

RETAIL THEFT/ORGANIZED RETAIL CRIME

- **AB 2943.** Creates a new crime punishable by up to three years in jail, for possessing more than \$950 of stolen goods with intent to sell, exchange or return the goods. Facilitates prosecution by eliminating the need for district attorneys to prove that a defendant knew the goods were stolen. *(Effective January 1, 2025)*
- **AB 1802.** Eliminates the sunset date for the crime of organized retail theft and the sunset date for the highly successful regional property crimes task force. *(Effective January 1, 2025)*
- **AB 2943.** Extends, until January 1, 2031, a law that prevents suspects of organized retail theft from being released with just a signed promise to appear in court. *(Effective January 1, 2025)*
- **SB 1416.** Mandates sentencing enhancements for large-scale resale of property. *(Effective January 1, 2025)*
- **AB 1972.** Adds cargo theft to the list of property crimes that regional property crimes task forces may address. *(Effective upon signature of the Governor; August 16, 2024)*

INCREASED PENALTIES FOR SMASH & GRABS

- **AB 1960.** Establishes mandatory sentencing enhancements for taking, damaging or destroying property over \$50K during the commission of a felony. *(Effective January 1, 2025)*
- **SB 1242.** Mandates higher penalties on retail thieves who create fires. *(Effective January 1, 2025)*

VEHICLE THEFT

- **SB 905.** Removes the locked door loophole for automotive property thefts. *(Effective January 1, 2025)*

ONLINE SALES

- **SB 1144.** Requires online platforms to collect information about all “high-volume third-party sellers,” in order to combat fencing of stolen goods. *(Effective January 1, 2025)*

GOVERNMENT RESPONSE

- **AB 1779.** Permits the consolidation of theft charges and associated offenses occurring in different counties into a single trial. *(Effective January 1, 2025)*
- **AB 2943.** Protects retailers from being cited or fined for repeatedly reporting retail theft. *(Effective January 1, 2025)*

THE DETAILS

REPEAT THEFT

- ✓ Establishes a new realigned alternate felony-misdemeanor (“wobbler”) for unlawfully possessing property, valued over \$950 in the aggregate within the past two years and including property possessed by another acting in concert, that was obtained through shoplifting, theft or burglary from a retail business when the property is not possessed for personal use and the person has the intent to sell, exchange or return the property.
- ✓ Establishes the retail crime restraining order that would prevent for up to two years the restrained person from entering the store or its adjacent parking lot (and if the store is a chain, it could extend

to other locations of the chain/franchise within a specific geographic region) where the person is found to have stolen (shoplifting, grand theft, petty theft, organized retail theft) from, vandalized or assaulted an employee at the store. The restraining order may be issued upon a conviction of the above conduct or upon a petition (by a public attorney or the retailer) against a person who was arrested/cited two or more times for the above conduct at the same store and, at a hearing, shows by a preponderance of the evidence the person committed the above conduct on two or more separate occasions and it is substantially likely they will return. Requires the court to consider if the store is the only place within one mile of where the person lives to offer life necessities or if the order would create an undue hardship. Allows the court to offer participation in a diversion program to a person who is charged with violating the restraining order.

- ✓ Extends the authority (from 1/1/26 to 1/1/31) for prosecutors and probation departments to refer a person who commits theft or repeated theft to a theft diversion (i.e., pre-plea) or deferred entry of judgment (i.e., post-plea) program.

AGGREGATION

- ✓ Adds to the existing aggregation law the ability to aggregate the value of property involved in thefts committed against multiple victims or in multiple counties to reach the threshold to charge felony grand theft.
- ✓ Specifies that evidence of distinct acts is motivated by one intention, general impulse and plan including:
 - If the acts involve the same defendant(s).
 - If the acts are substantially similar in nature.
 - If the acts occur within a 90-day period.
 - If the defendant took particular items of property.
 - If the defendant took the property within a short time span or similar location.
 - If the defendant employed a single method to take the property.
- ✓ Specifically, the new crimes allow the value of property to be aggregated to reach the \$950 threshold with either:
 - Any other such property possessed by the person with the same intent (sell, exchange, return) within the prior two years.
 - Any property possessed with the same intent and acquired unlawfully (e.g., shoplifting, theft, burglary, vehicle tampering) by another person acting in concert with the first person, regardless of who stole the property.

ARREST & DETENTION

- ✓ Allows a law enforcement officer to arrest a suspect without a warrant for shoplifting that was not committed in the officer's presence based on probable cause that the person committed the violation, the arrest is made without undue delay and any of the following take place:
 - The officer obtains a sworn statement from a witness who observed the suspect commit the violation.
 - The officer observes video footage showing the suspect committing the violation.
 - The person to be arrested possesses a quantity of goods inconsistent with personal use that bear security devices affixed by a retailer that customarily would be removed upon purchase.
 - The person to be arrested confesses to the violation.

- ✓ Extends the authority (from 1/1/26 to 1/1/31) of law enforcement to detain a person after an arrest for a misdemeanor if the person has been cited, arrested or convicted for theft from a store in the last six months or is believed to be guilty of committing organized retail theft.

ENHANCED SUPERVISION

- ✓ Allows the court to impose probation for up to two years for a shoplifting or petty theft offense and requires the court to consider referring the person to a collaborative court or rehabilitation program to address the relevant underlying factor(s) that led to the commission of the crime. Requires the court to discharge the person from probation upon successful completion of the collaborative court/rehabilitation program.

HIGH-VALUE PROPERTY THEFT/DESTRUCTION

- ✓ Imposes sentence enhancements (ranging from one year to four-plus years) for taking, damaging or destroying property during a felony when the property value exceeds certain amounts (ranging from \$50,000 to over \$3 million). Allows for inflation adjustment.
- ✓ Imposes sentence enhancements (ranging from one year to four-plus years) for selling, exchanging or returning property acquired through one or more acts of shoplifting, theft or burglary from a retail business when the property value exceeds certain amounts (ranging from \$50,000 to over \$3 million).

CROSS-COUNTY PROSECUTION

- ✓ With agreement by all district attorneys with jurisdiction over the offense, expands the territorial jurisdiction in which theft, organized retail theft and receiving/selling stolen property offenses (and all associated offenses) could be prosecuted to include the county in which the offense occurred; the property was recovered; or the defendant instigated, promoted or aided in the commission of the offense.

ORGANIZED RETAIL THEFT

- ✓ Makes permanent the crime of organized retail theft.
- ✓ Makes permanent the CHP-led property crimes task forces.
- ✓ Makes it a factor in aggravation for the crime of unlawfully causing a fire if the offense was carried out within a merchant's premises to facilitate organized retail theft.

CARGO THEFT

- ✓ Requires CHP, through its regional property crimes task forces, to assist railroad police with logistical support and other law enforcement resources (such as personnel and equipment) in areas identified with elevated levels of cargo theft.

AUTO BREAK-INS & THEFT

- ✓ Establishes a new realigned wobbler of forcibly entering a vehicle (that does not require the element of a locked door).
- ✓ Establishes a new realigned wobbler for unlawfully possessing property, valued over \$950 in the aggregate and including property possessed by another acting in concert, that was obtained through one or more acts of theft from a vehicle, unlawful entry of a vehicle, burglary from a locked vehicle or vehicle tampering, when the property is not possessed for personal use and the person has the intent to sell the property.

CRIME REPORTING

- ✓ Prohibits law enforcement or a local jurisdiction from bringing or threatening a nuisance action against a business solely for reporting retail crime, unless the report is knowingly false.

FENCING (ONLINE MARKETPLACES)

- ✓ Expands existing requirements for online marketplaces to collect and report specified information related to transactions of consumer products by high-volume third-party sellers and expands the requirements to include transactions that are not processed directly by the online marketplace or through its processor.