



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: February 8, 2022

SUBJECT: STATE LEGISLATION: ASSEMBLY BILL 1599

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to support Assembly Bill 1599 (Kiley) and transmit position statements to Assembly Member Kiley, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, and the League of California Cities.

BACKGROUND

Authored by Assembly Member Kevin Kiley (R-6-Rocklin), Assembly Bill 1599 repeals Proposition 47 (2014), except for provisions related to reducing the penalty for possession of concentrated cannabis.

Upon passage by the state legislature and approval by the Governor, this repeal to Proposition 47 (2014) is to be placed on the general election ballot on November 8, 2022, and requires a majority vote for final approval.

Proposition 47 (2014) titled, "The Safe Neighborhoods and Schools Act," was approved by voters (59.6 percent - 40.4 percent) on November 4, 2014, and went into effect on November 5, 2014. At the City level, the measure failed with 47.2 percent of voters in favor and 52.8 percent of voters against.

Proposition 47 (2014) reduced penalties for certain nonserious and nonviolent property and drug offenses from felonies or wobblers, which could be charged as either a felony or misdemeanor, to misdemeanors. The measure excluded certain offenders who have committed certain severe crimes listed in the measure, including murder and certain sex and gun crimes. Specifically, the measure reduced the penalties for the following crimes:

- Grand Theft: Under previous state law, theft of property worth \$950 or less was charged as

petty theft, which is a misdemeanor or an infraction. However, such crimes could sometimes be charged as grand theft and prosecuted as a felony, if the crime involved the theft of certain property, such as a car, or if the offender had previously committed certain theft-related crimes. A felony conviction for grand theft is a sentence of up to three years in state prison.

With the approval of Proposition 47 (2014), such crimes can no longer be charged as grand theft, or potentially a felony, solely because of the type of property involved or because the defendant had previously committed certain theft-related crimes and instead can only be charged as a misdemeanor, which is up to one year in county jail and/or a fine up to \$1,000.

- **Shoplifting**: Under previous state law, shoplifting property worth \$950 or less, a type of petty theft, was a misdemeanor. However, such crimes could also be charged as burglary, instead, if the shoplifter intended to shoplift upon entering the store, which could be prosecuted as a felony and sentenced up to three years in state prison.

With the approval of Proposition 47 (2014), shoplifting property worth \$950 or less is a misdemeanor, regardless of intent, and holds a sentence of up to one year in county jail and/or a fine up to \$1,000.

- **Receiving Stolen Property**: Under previous state law, individuals charged with receiving stolen property could be convicted of a felony and sentenced to up to three years in state prison.

With the approval of Proposition 47 (2014), receiving stolen property worth \$950 or less is a misdemeanor and up to one year in county jail and/or a fine up to \$1,000.

- **Writing Bad Checks**: Under previous state law, writing a bad check was generally a misdemeanor. However, if the check was worth more than \$450, or if the offender had previously committed a crime related to forgery, it could be prosecuted as a felony and sentenced to up to three years in state prison.

With the approval of Proposition 47 (2014), it is a misdemeanor and sentenced to up to one year in a county jail and/or a fine up to \$1,000 to write a bad check unless the check is worth more than \$950 or the offender has previously committed three forgery related crimes, in which case the offense could be prosecuted as a felony.

- **Check Forgery**: Under previous state law, forging a check of any amount could be prosecuted as a felony.

With the approval of Proposition 47 (2014), forging a check worth \$950 or less is a misdemeanor, except that it could be charged as a felony if the offender commits identity theft in connection with forging a check.

- **Drug Possession**: Under previous state law, possession for personal use of most illegal drugs (such as cocaine or heroin) could be prosecuted as a felony and sentenced to up to three years in state prison, depending on the amount and type of drug.

With the approval of Proposition 47 (2014), drug possession is a misdemeanor, regardless of the type of drug and punishable of up to one year in a county jail and/or a fine up to \$1,000.

According to the California Department of Justice, violent crimes increased by approximately 40 percent and property crimes increased by approximately 14 percent statewide from when the measure took effect in 2014 to 2017. Similarly, in Los Angeles County, violent crimes increased by approximately 18 percent and property crimes increased by approximately 4 percent over that same period of time.

Coupled with Special Directives issued by Los Angeles County District Attorney George Gascon, including the elimination of pretrial bail for misdemeanor, non-serious felony, and non-violent felony charges and automatically declining or dismissing several misdemeanor charges, repeat offenders, which can be used as an indicator to measure how recently adopted policies have impacted public safety, make up a significant portion of arrests in the Santa Clarita Valley. Specifically, repeat offenders were over a third of all arrests made by the Santa Clarita Valley Sheriff's Station in 2021. To provide greater detail on the severity of repeat offenders, two individuals have been arrested more than 20 times and over 35 individuals have been arrested 10 or more times since March 2020 by the Santa Clarita Valley Sheriff's Station.

The recommendation to support Assembly Bill 1599 is consistent with the City of Santa Clarita 2022 Executive and Legislative Platform. Specifically, Component 2 under the "State" section advises that the City Council, "Support legislative efforts to address the negative impacts of AB 109, Proposition 47, and Proposition 57 on local governments and provide local law enforcement with the appropriate tools to reduce criminal activity."

Assembly Bill 1599 was introduced on January 3, 2022, and referred to the Assembly Committee on Public Safety on January 14, 2022. This bill may be heard in the Committee beginning on February 3, 2022.

The City Council Legislative Committee met on January 24, 2022, and recommends that the City Council adopt a "support" position on Assembly Bill 1599.

ALTERNATIVE ACTION

1. Adopt an "oppose" position on Assembly Bill 1599.
2. Adopt a "neutral" position on Assembly Bill 1599.
3. Take no action on Assembly Bill 1599.
4. Refer Assembly Bill 1599 back to the Legislative Committee.
5. Other direction, as provided by the City Council.

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2021-22 budget.

ATTACHMENTS

Assembly Bill 1599 - Bill Text