



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: February 27, 2024

SUBJECT: STATE LEGISLATION: AB 1772, AB 1779, AB 1802, AB 1804, AB 1848, SB 905, SB 923, and SB 928

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

RECOMMENDED ACTION

City Council:

1. Support AB 1772 (Ramos), AB 1779 (Irwin), AB 1802 (Jones-Sawyer), AB 1804 (Patterson), AB 1848 (Davies), SB 905 (Wiener), SB 923 (Archuleta), and SB 928 (Niello).
2. Transmit position statements to the authors of the bills, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, and other stakeholder organizations.

BACKGROUND

The following state legislative items were presented to the City Council Legislative Committee on February 13, 2024. Included as part of this report is a brief summary of each piece of legislation and its current status in the state legislative process. All of the state legislative items are related to public safety and various attempts to amend Proposition 47 (2014).

Proposition 47 (2014) titled, "The Safe Neighborhoods and Schools Act," reduced penalties for certain property and drug offenses from felonies or wobblers, which could be charged as either a felony or misdemeanor. 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 prison.

Proposition 47 (2014) was approved by voters (59.6 percent - 40.4 percent) on November 4, 2014, and went into effect on November 5, 2014. However, at the City level, the measure failed with 47.19 percent in favor and 52.81 percent against.

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.

According to the Public Policy Institute of California which had researchers testify to the State Assembly Select Committee on Retail Theft, overall felony retail theft increased by 16 percent in 2022 compared to 2019. Commercial robbery, which includes thefts in which force is used or threatened, like some smash-and-grab thefts, increased by 13 percent over the same time period.

Assembly Bill 1772

Introduced by Assembly Member James Ramos (D-45-San Bernardino), Assembly Bill 1772 amends Proposition 47 (2014) by reinstating the ability to charge a repeat offender, convicted of petty theft or shoplifting and who has two or more prior theft-related offenses, with a felony.

Subsequent to passage by the state legislature and approval by the Governor, this bill would become effective only if approved by a majority of voters through a ballot initiative at the next statewide general election.

Assembly Bill 1772 was introduced on January 3, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 1779

Introduced by Assembly Member Jacqui Irwin (D-42-Thousand Oaks), Assembly Bill 1779 expands the jurisdictional authority for city and county prosecutors to prosecute thefts that occur across jurisdictions.

Current law restricts cross jurisdictional prosecution of many crimes, including theft by fraud, organized retail theft, and receiving stolen property to the Attorney General. This legislation seeks to expand the jurisdictional authority of local prosecutors in an effort to better target thefts involving criminal networks and organized crimes.

Assembly Bill 1779 was introduced on January 3, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 1802

Introduced by Assembly Member Reggie Jones-Sawyer (D-57-South Los Angeles), Assembly Bill 1802 extends the sunset to January 1, 2031, for (1) special sentences for organized retail theft to be punishable as a felony and (2) continuation of a statewide taskforce led by the California Highway Patrol to combat organized retail theft.

During the 2018 legislative year, the State Legislature passed Assembly Bill 1065 (Jones-Sawyer), which made retail theft three or more times within a one-year period that exceeded \$950 in value, punishable as a felony. Additionally, the bill established the California Highway

Patrol Organized Retail Crime Task Force (ORCTF), to combat organized retail. The bill included a sunset for both provisions of January 1, 2021.

During the 2021 legislative year, the State Legislature passed Assembly Bill 331 (Jones-Sawyer), extending the provisions of Assembly Bill 1065 to January 1, 2026.

Since the inception of the ORCTF, there have been more than 1,850 investigations into retail crimes in California that have resulted in over 1,250 arrests, resulting in \$30.7 million recovered in stolen merchandise.

Assembly Bill 1802 was introduced on January 8, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 1804

Introduced by Assembly Member Jim Patterson (R-8-Fresno), Assembly Bill 1804 reduces the amount of fentanyl involved in an investigation to authorize law enforcement to intercept communication involving the suspected parties.

Existing law authorizes a judge, upon a finding of probable cause that an individual is committing, has committed, or is about to commit offenses involving a substance containing fentanyl that exceeds 10 gallons by liquid volume or 3 pounds of solid substance by weight, to issue an order authorizing communication interception.

This bill would reduce the above-described amounts for an order authorizing communication interception to 1.67 gallons by liquid volume and 8 ounces of solid substance by weight of a substance containing fentanyl.

The opioid epidemic has become a nationwide issue affecting communities across the country, including the City of Santa Clarita. Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine, making it a major contributor to drug overdose deaths.

In 2021, more than 80,000 people died from a synthetic opioid-related drug overdose in the United States according to the Centers for Disease Control and Prevention. Based on preliminary 2022 data from the California Department of Public Health, there were 7,385 opioid-related overdose deaths and 6,473 deaths related to fentanyl overdoses. In 2022, the Los Angeles County Sheriff's Department reported 32 overdoses in the Santa Clarita Valley as a result of fentanyl.

Moreover, in 2022, there were 261 fentanyl-related overdose deaths among teenagers in California, ages 10-19 years old, according to the California Department of Public Health.

Assembly Bill 1804 was introduced on January 8, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Assembly Bill 1848

Introduced by Assembly Member Laurie Davies (R-74-Laguna Niguel), Assembly Bill 1848 adds fentanyl to an existing prosecutorial enhancement involving selling a controlled substance to a minor at youth-based facilities.

Existing law applies a sentence enhancement to crimes involving the soliciting or selling of a controlled substance to a minor at a playground, religious institution, youth center, day care facility, public swimming pool, or school-related programs. The controlled substances that apply to the sentence enhancement does not include fentanyl.

This bill would add fentanyl to the list of controlled substances that the special enhancement would apply to and would expand the parameters of the youth-based locations, adding a 1,000 feet radius to those locations.

Assembly Bill 1848 was introduced on January 17, 2024, and referred to the Assembly Committee on Public Safety. A hearing date had not been scheduled at the time this report was developed.

Senate Bill 905

Introduced by Senator Scott Wiener (D-11-San Francisco), Senate Bill 905 removes a requirement that a vehicle must be locked in order for an individual to be convicted for vehicular burglary, making forcible entry into a vehicle with the intent to commit a theft an action punishable as a felony.

In order to convict a person under the current auto burglary statute, Penal Code Section 459, the prosecutor must prove that (1) the defendant entered a locked vehicle, and (2) when the defendant entered the locked vehicle they intended to commit theft (or any other felony).

The common law element of “breaking” has never been an essential element of statutory burglary in California. The only exception is auto burglary, which requires that the doors of a vehicle be locked.

Some prosecutors argue that, particularly in cases where a victim is unavailable, such as with tourists who cannot return to court, while there may be concrete evidence of a break in, it may prove difficult to establish that a vehicle was locked. This bill would eliminate the prosecutor’s duty to establish that a vehicle is locked, and instead require the prosecutor to prove forcible entry.

Senate Bill 905 was introduced on January 5, 2024. A hearing date had not been scheduled at the time this report was developed.

Senate Bill 923

Authored by Senator Bob Archuleta (D-30-Norwalk), Senate Bill 923 amends Proposition 47 (2014) by reinstating the ability to charge a repeat offender, convicted of petty theft or

shoplifting and who has two or more prior theft-related offenses, with a felony.

Subsequent to passage by the State Legislature and approval by the Governor, this bill would become effective only if approved by voters through a ballot initiative at the next statewide general election through a ballot initiative.

Senate Bill 923 was introduced on January 11, 2024. A hearing date had not been scheduled at the time this report was developed.

Senate Bill 928

Introduced by Senator Roger Niello (R-6-Fair Oaks), Senate Bill 928, similar to Assembly Bill 1802, extends the sunset provisions indefinitely for special sentences for organized retail theft to be punishable as a felony.

Senate Bill 928 was introduced on January 12, 2024. A hearing date had not been scheduled at the time this report was developed.

The recommendation to support these state legislative items is consistent with the City of Santa Clarita 2024 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.”

ALTERNATIVE ACTION

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 2023-24 budget.

ATTACHMENTS

Assembly Bill 1772 - Bill Text

Assembly Bill 1779 - Bill Text

Assembly Bill 1802 - Bill Text

Assembly Bill 1804 - Bill Text

Assembly Bill 1848 - Bill Text

Senate Bill 905 - Bill Text

Senate Bill 923 - Bill Text

Senate Bill 928 - Bill Text