

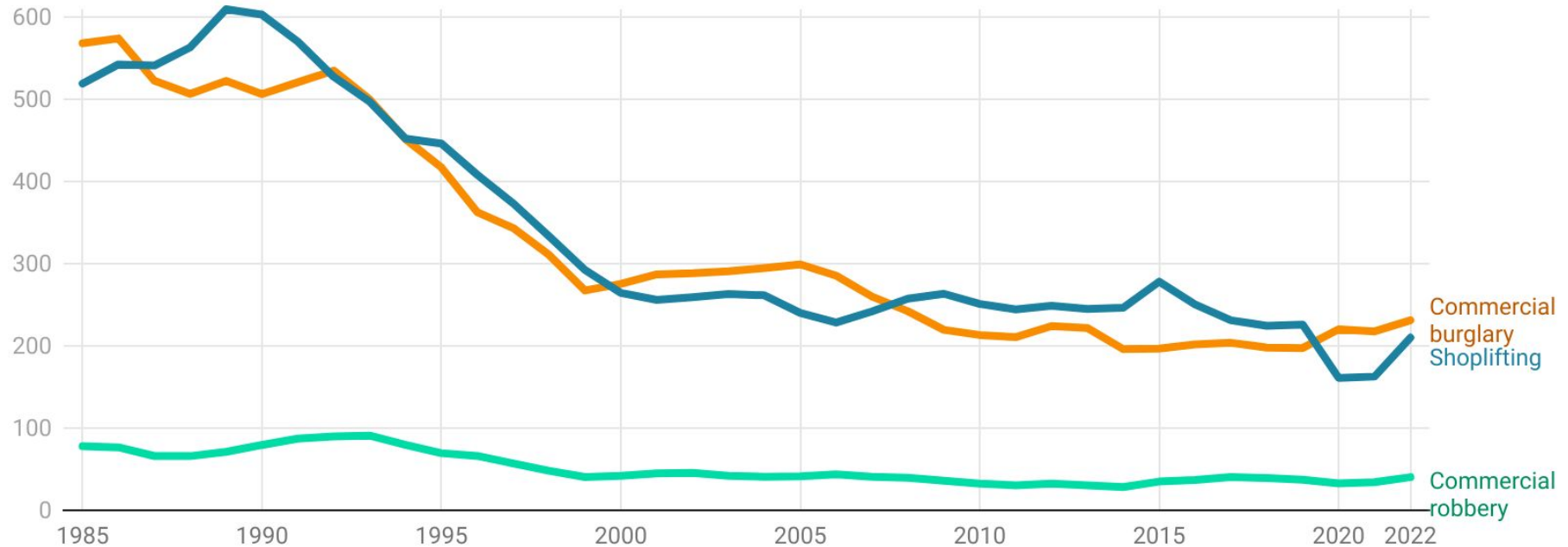
Overview of criminal retail theft laws

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Rick Owen, Senior Staff Counsel
Committee on Revision of the Penal Code
rowen@clrc.ca.gov

Shoplifting, commercial burglary, and commercial robbery rates (1985–2022)

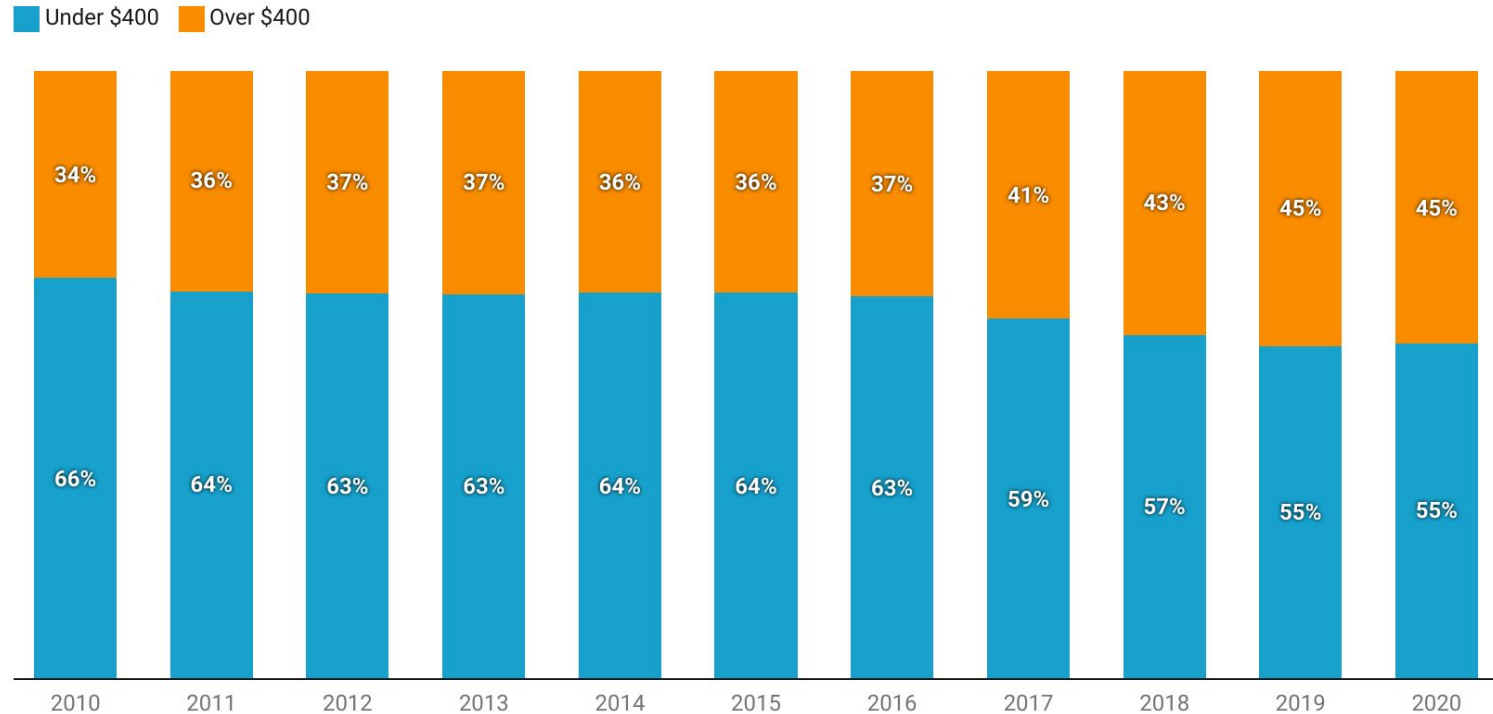
Rate is per 100,000 California population



Commercial robbery includes commercial houses, gas stations, and convenience stores. Commercial burglary is any burglary not involving a residence or car.

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice OpenJustice • Created with Datawrapper

Most thefts in California are under \$400



Graphics ends in 2020 because the California Department of Justice changed how it reported theft values beginning in 2021. To comply with a new crime reporting system, beginning with data in 2021, the data only indicates whether the value is under \$50, \$50 to \$199, or over \$200. See California Department of Justice, *Crime in California 2022*, Table 11.

Chart: Committee on Revision of the Penal code • Source: California Department of Justice, *Crime in California*, Table 11 • Created with Datawrapper

Offense	Punishment	Felony or misdemeanor	Jail or prison
Shoplifting (PC 459.5)	6 months	Misdemeanor	Jail
Grand theft (PC 487)	16 months, 2, or 3 years	Wobbler	Jail
Burglary (PC 459)	16 months, 2, or 3 years	Wobbler	Jail
Organized retail theft (PC 490.4)	16 months, 2, or 3 years	Wobbler	Jail
Conspiracy (PC 182)	Same as underlying offense	Wobbler	Jail
Vandalism (PC 594)	16 months, 2, or 3 years	Wobbler	Jail
Robbery (PC 211)	2, 3, or 5 years	Felony	Prison

Aggregating value of multiple thefts:

- *People v. Bailey*, 55 Cal.2d 514 (1961).
- *People v. Columbia Research Corp.*, 103 Cal.App.3d Supp. 33 (1980):

“It is well settled in California law that in certain instances a series of petty thefts may be accumulated to constitute one charge of grand theft.”
- In 2023, AB 2356 added subdivision (e) to Penal Code § 487:

(e) . . . the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan.

Law Enforcement Assisted Diversion (LEAD):

- Instead of jail, police officers take people directly to community-based service providers.
- An evaluation of the LEAD pilot projects showed:
 - In San Francisco, felony arrests for non-LEAD participants were 257% higher and misdemeanor arrests were 623% higher compared to LEAD participants.
 - In Los Angeles, felony arrests for non-LEAD participants were 537% higher and misdemeanor arrests were 153% higher.