
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2019 - 2020 Regular

Bill No: SB 903 **Hearing Date:** May 20, 2020
Author: Grove
Version: January 30, 2020
Urgency: Yes **Fiscal:** Yes
Consultant: NS

Subject: *Grand Theft: Agricultural Equipment*

HISTORY

Source: State Controller's Office

Prior Legislation: SB 224 (Grove) 2019

Support: The California Farm Bureau Federation; Western United Dairies; California Cattlemen's Association; Peace Officers Research Association of California

Opposition: None known

PURPOSE

The purpose of this bill is to amend Section 489 of the Penal Code to include the rural crime prevention program schedule, giving the State Controller's Office the ability to properly distribute funds.

Existing law states that grand theft is committed when the money, labor, or real or personal property taken is of a value exceeding \$950, except in specified cases of theft authorizing a lower threshold. (Pen. Code, § 487.)

Existing law generally punishes grand theft as an alternate felony-misdemeanor. (Pen. Code, § 489, subd. (c).)

Existing law includes grand theft statutes for theft of tractors, all-terrain vehicles, agricultural equipment, or any item used in the acquisition or production of food for public consumption where the value of the items taken exceeds \$950. (Pen. Code, § 487k.)

Existing law states that in a county participating in a rural crime prevention program, the proceeds of the fine imposed shall be allocated by the Controller, upon appropriation by the Legislature, to the Central Valley Rural Crime Prevention Program pursuant to Section 14173 or to the Central Coast Rural Crime Prevention Program, respectively. (Pen. Code, § 489 (2).)

Existing law provides that when a fine is not prescribed in statute, the court may impose a fine not exceeding \$1,000 for a misdemeanor or up to \$10,000 for a felony in addition to the imprisonment prescribed. (Pen. Code, § 672.)

Existing law authorizes the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare to develop a Central Valley Rural Crime Prevention Program. (Pen. Code, § 14171.)

Existing law states beginning with the 2013-14 fiscal year, the Central Valley and Central Coast Rural Crime Prevention Programs, authorized by Sections 14170 and 14180 , shall receive 9.06425605 percent and shall be allocated by the Controller in monthly installments according to the following schedule:

Fresno County	18.5588%
Kern County	13.7173%
Kings County	6.8587%
Madera County	4.4380%
Merced County	6.8587%
Monterey County	7.2411%
San Benito County	4.8273%
San Joaquin County	6.8587%
San Luis Obispo County	2.1723%
Santa Barbara County	3.6206%
Santa Cruz County	1.4482%
Stanislaus County	6.8587%
Tulare County	16.5415%

For any of the programs described in this section, funding will be distributed by local agencies as would otherwise have occurred pursuant to Section 1 of Chapter 13 of the Statutes of 2011, First Extraordinary Session. (Pen. Code, § 13821 subd. (c)(12).)

This bill includes a cross-reference to section 13821 that provides a schedule for the State Controller to properly allocate funds to the Central Valley and Central Coast Rural Crime Prevention Programs.

This bill contains an urgency statute that would declare that the funds be distributed immediately.

COMMENTS

1. Need for This Bill

According to the author:

Following the enactment of SB 224 (Grove, 2019), the California Office of the State Controller conveyed their concern that they would be unable to distribute the payments of fines collected pursuant to current law. Specifically, The State Controller’s Office stated “We believe we can’t distribute per the schedule in PEN 13821(c)(12) since the allocation is specific to motor vehicle license fees deposited in the Enhancing Law Enforcement Activities Subaccount (ELEAS) (not to any/all funds for CVRCP and CCRCPP). Also, if the intent is to pay pursuant to PEN 13821(c)(12), the code states the counties shall receive 9.06425605%, which is not the full amount appropriated.”

2. This bill aims to clean up SB 224 (Grove) 2019

This author of this bill intends to clean up SB 224 (Grove) 2019 which created a separate grand theft statute for theft of tractor, all-terrain vehicles, etc., where the property stolen exceeds \$950. SB 224 also stated that if the property taken exceeds \$50,000 you could be punished by up to 3 years jail time and a fine not exceeding \$10,000. The vital part of SB 224 is that counties participating in a Rural Crime Prevention Program, will receive the proceeds from the fine imposed for agricultural property grand theft. These fines were to be allocated by the State Controller, however due to the pay schedule not being referenced in penal code section 489, the Controller's office was unable to distribute funds. This bill aims to fix that issue by amending that code section and including the pay schedule.

3. Rural Crime Prevention Programs

AB 2768 (Poochigian), Chapter 327, Statutes of 1996 authorized the County of Tulare to begin a three-year pilot project known as the "Rural Crime Demonstration Project". In 1997, the project was expanded to include five counties, Tulare, Fresno, Kern, Kings, and Madera. The following year, AB 157 (Reyes), Chapter 564, Statutes of 1999, authorized the development of the Rural Crime Task Force in Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties, and \$3.541 million was appropriated to carry out the purpose of the task force. AB 374 (Matthews), Chapter 719, Statutes of 2002, renamed the "Rural Crime Prevention Program" the "Central Valley Rural Crime Prevention Program", and required the program to develop a uniform procedure for the collection and reporting of data on agricultural crimes.

SB 44 (Denham), Chapter 18, Statutes of 2003 authorized the counties of Monterey, San Luis Obispo, Santa Barbara, Santa Cruz, and San Benito to develop Central Coast Rural Crime Prevention Programs modeled on Central Valley Rural Crime Prevention Programs, to be administered by the county sheriff's office in Monterey County and by the district attorney's office in each of the other four counties. Sources of funding for the program may include, but shall not be limited to, appropriations from local government and private contributions.

Having a specialized team of law enforcement officers permanently assigned to rural crime prevention allows for specialization and consistent interaction between ranchers, farmers, and the crime prevention units. The overall goal of these programs is to reduce rural crime by coordinating the efforts of law enforcement and the agricultural community.

SB 224 (Grove), Chapter 96, Statutes of 2019 provided that for violations of the new section created by the bill where the value of the items stolen exceeds \$50,000, the proceeds of the \$10,000 fine shall be allocated to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program.

4. Argument in Support

According to the California Farm Bureau Federation, Western United Dairies, and the California Cattlemen's Association:

SB 224 established a specific criminal classification of high-value agricultural theft of essential equipment such as tractors and all-terrain vehicles and authorized the fines and penalties from such theft to be allocated to existing regional Rural Crime Prevention Programs. By putting the money collected from fines and

penalties back into existing rural and agricultural crime prevention and enforcement programs, the bill will provide more resources to law enforcement efforts in this critical area.

SB 903 follows up last year's legislation by specifying how funds collected from agriculturally-related fines and penalties will be allocated by the State Controller. Namely, SB 903 would reference the current allocation schedule within Penal Code for those counties participating in the Central Valley Rural Crime Prevention Program and the Central Coast Rural Crime Prevention Program. This bill also contains an urgency clause to more quickly enable the fund distribution to these counties to support these important enforcement efforts.

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