

Substantive

AMENDMENTS TO SENATE BILL NO. 689
AS AMENDED IN SENATE JANUARY 3, 2024

Amendment 1

In the title, strike out lines 1 to 3, inclusive, and insert:

An act to amend Sections 459.5, 490.2, and 666 of the Penal Code, relating to crime.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 459.5 of the Penal Code is amended to read:

459.5. (a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, ~~except that a~~ as follows:

(1) A person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(2) A person who meets the requirements of subdivision (a) or (b) of Section 666 may be punished pursuant to that section.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. ~~No~~ A person who is charged with shoplifting may not also be charged with burglary or theft of the same property.

SEC. 2. Section 490.2 of the Penal Code is amended to read:

490.2. (a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, ~~except that such~~ as follows:

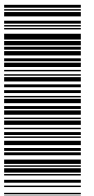
(1) A person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(2) A person who meets the requirements of subdivision (a) or (b) of Section 666 may be punished pursuant to that section.

(b) ~~This section shall not be applicable~~ does not apply to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) ~~This section shall~~ does not apply to theft of a firearm.

SEC. 3. Section 666 of the Penal Code is amended to read:



666. (a) Notwithstanding Section 490, a person who has been convicted three or more times of petty theft, shoplifting, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony conviction of Section 496, and has served a term for that crime in any penal institution or has been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft or shoplifting, shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

~~(a)~~

~~(b) (1) Notwithstanding Section 490, any a person described in subdivision (b) who, having paragraph (2) who has been convicted of petty theft, shoplifting, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496, and having has served a term of imprisonment therefor in any penal institution or having has been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable theft or shoplifting, shall be punished by imprisonment in the county jail not exceeding one year, year or in the state prison.~~

~~(b) Subdivision (a)~~

~~(2) Paragraph (1) shall apply to any person who is required to register pursuant to the Sex Offender Registration Act, or who has a prior violent or serious felony conviction, as specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667, or has a conviction pursuant to subdivision (d) or (e) of Section 368.~~

~~(c) This section shall not be construed to does not preclude prosecution or punishment pursuant to subdivisions (b) to (i), inclusive, of Section 667, 667 or Section 1170.12.~~

SEC. 4. Sections 1, 2, and 3 of this act amend the Safe Neighborhoods and Schools Act, an initiative statute approved by the voters as Proposition 47 at the November 4, 2014, statewide general election, and shall become effective only when submitted to and approved by the voters at a statewide election. The Secretary of State shall submit this act for approval by the voters at a statewide election in accordance with Section 9040 of the Elections Code.

Amendment 3

On page 2, strike out lines 1 to 11, inclusive, and strike out page 3

PROPOSED AMENDMENTS TO SENATE BILL NO. 689

AMENDED IN SENATE JANUARY 3, 2024

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 689

Introduced by Senator Blakespear

February 16, 2023



RN2408607

~~An act to add Section 30610.91 to the Public Resources Code, relating to coastal resources. An act to amend Sections 459.5, 490.2, and 666 of the Penal Code, relating to crime.~~

Amendment 1

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as amended, Blakespear. ~~Local coastal program: bicycle lane: amendment.~~ *Shoplifting: increased penalties for prior crimes.*

Existing law, the Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors in the November 4, 2014, statewide general election, makes the theft of property that does not exceed \$950 in value petty theft and makes that crime punishable as a misdemeanor, with certain exceptions. The initiative statute defines shoplifting as entering a commercial establishment with the intent to commit larceny while that establishment is open during regular hours, where the value of the property that is taken or intended to be taken does not exceed \$950. The initiative statute requires that shoplifting be punished as a misdemeanor.

Existing law, as amended by Proposition 47, provides that a registered sex offender or a person with a prior conviction for certain serious or violent felonies, such as a sexually violent offense, who commits petty theft is subject to imprisonment in the county jail for up to one year or in the state prison for 16 months or 2 or 3 years.

This bill would reinstate a provision of law that was repealed by Proposition 47 that provides that a person who has been convicted 3 or more times of petty theft, grand theft, or other specified crimes and who is subsequently convicted of petty theft is subject to imprisonment in a county jail not exceeding one year or in a county jail for 18 months or 2 or 3 years. The bill would also make this provision and the provision relating to a person with serious, violent, or sexual prior offenses applicable to a person whose prior or current conviction is for shoplifting.

This bill would provide that its provisions would become effective only upon approval of the voters, and would provide for the submission of its provisions to the voters for approval at the next statewide general election.

~~The California Coastal Act of 1976 requires any person wishing to perform or undertake any development in the coastal zone, as defined, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit, as provided. The act requires the issuance of a coastal development permit if the proposed development is in conformity with the certified local coastal program. The act provides for the certification of local coastal programs by the California Coastal Commission.~~

~~This bill would provide that an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane shall not require a traffic study for the processing of either a coastal development permit or an amendment to a local coastal program. The bill would require, if a proposal to create a dedicated bicycle lane within the developed portion of an existing right-of-way requires an amendment to a local coastal program, the amendment be processed according to specified law, if the executive director of the commission makes specified determinations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- + SECTION 1. Section 459.5 of the Penal Code is amended to
- + read:
- + 459.5. (a) Notwithstanding Section 459, shoplifting is defined
- + as entering a commercial establishment with intent to commit

Amendment 2

+ larceny while that establishment is open during regular business
+ hours, where the value of the property that is taken or intended to
+ be taken does not exceed nine hundred fifty dollars (\$950). Any
+ other entry into a commercial establishment with intent to commit
+ larceny is burglary. Shoplifting shall be punished as a
+ misdemeanor, except that as follows:

+ (1) A person with one or more prior convictions for an offense
+ specified in clause (iv) of subparagraph (C) of paragraph (2) of
+ subdivision (e) of Section 667 or for an offense requiring
+ registration pursuant to subdivision (c) of Section 290 may be
+ punished pursuant to subdivision (h) of Section 1170.

+ (2) A person who meets the requirements of subdivision (a) or
+ (b) of Section 666 may be punished pursuant to that section.

+ (b) Any act of shoplifting as defined in subdivision (a) shall be
+ charged as shoplifting. ~~No~~ A person who is charged with shoplifting
+ may not also be charged with burglary or theft of the same
+ property.

+ SEC. 2. Section 490.2 of the Penal Code is amended to read:

+ 490.2. (a) Notwithstanding Section 487 or any other provision
+ of law defining grand theft, obtaining any property by theft where
+ the value of the money, labor, real or personal property taken does
+ not exceed nine hundred fifty dollars (\$950) shall be considered
+ petty theft and shall be punished as a misdemeanor, except that
+ such as follows:

+ (1) A person may instead be punished pursuant to subdivision
+ (h) of Section 1170 if that person has one or more prior convictions
+ for an offense specified in clause (iv) of subparagraph (C) of
+ paragraph (2) of subdivision (e) of Section 667 or for an offense
+ requiring registration pursuant to subdivision (c) of Section 290.

+ (2) A person who meets the requirements of subdivision (a) or
+ (b) of Section 666 may be punished pursuant to that section.

+ (b) This section ~~shall not be applicable~~ does not apply to any
+ theft that may be charged as an infraction pursuant to any other
+ provision of law.

+ (c) This section ~~shall~~ does not apply to theft of a firearm.

+ SEC. 3. Section 666 of the Penal Code is amended to read:

+ 666. (a) Notwithstanding Section 490, a person who has been
+ convicted three or more times of petty theft, shoplifting, grand
+ theft, a conviction pursuant to subdivision (d) or (e) of Section
+ 368, auto theft under Section 10851 of the Vehicle Code, burglary,

+ carjacking, robbery, or a felony conviction of Section 496, and
+ has served a term for that crime in any penal institution or has
+ been imprisoned therein as a condition of probation for that
+ offense, and who is subsequently convicted of petty theft or
+ shoplifting, shall be punished by imprisonment in the county jail
+ not exceeding one year, or imprisonment pursuant to subdivision
+ (h) of Section 1170.

+ (a)
+ (b) (1) Notwithstanding Section 490, ~~any~~ a person described
+ in ~~subdivision (b) who, having~~ paragraph (2) who has been
+ convicted of petty theft, shoplifting, grand theft, a conviction
+ pursuant to subdivision (d) or (e) of Section 368, auto theft under
+ Section 10851 of the Vehicle Code, burglary, carjacking, robbery,
+ or a felony violation of Section 496, and ~~having~~ has served a term
+ of imprisonment therefor in any penal institution or ~~having~~ has
+ been imprisoned therein as a condition of probation for that offense,
+ and who is subsequently convicted of petty ~~theft, is punishable~~
+ theft or shoplifting, shall be punished by imprisonment in the
+ county jail not exceeding one ~~year, year~~ or in the state prison.

+ (b) ~~Subdivision (a)~~
+ (2) Paragraph (1) shall apply to any person who is required to
+ register pursuant to the Sex Offender Registration Act, or who has
+ a prior violent or serious felony conviction, as specified in clause
+ (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of
+ Section 667, or has a conviction pursuant to subdivision (d) or (e)
+ of Section 368.

+ (c) This section ~~shall not be construed to~~ does not preclude
+ prosecution or punishment pursuant to subdivisions (b) to (i),
+ inclusive, of Section ~~667, 667~~ or Section 1170.12.

+ SEC. 4. Sections 1, 2, and 3 of this act amend the Safe
+ Neighborhoods and Schools Act, an initiative statute approved by
+ the voters as Proposition 47 at the November 4, 2014, statewide
+ general election, and shall become effective only when submitted
+ to and approved by the voters at a statewide election. The Secretary
+ of State shall submit this act for approval by the voters at a
+ statewide election in accordance with Section 9040 of the Elections
+ Code.

1 SECTION 1. ~~Section 30610.91 is added to the Public Resources~~
2 Code, to read:

Amendment 3

Page 2

Page 2 3 30610.91. ~~(a) The Legislature finds and declares that designing~~
4 ~~and building complete streets that safely accommodate the needs~~
5 ~~of nonmotorized vehicles, pedestrians, and motorized vehicles in~~
6 ~~the coastal zone is preferred and encouraged.~~

7 ~~(b) In order to expedite the provision of safe, nonvehicular travel~~
8 ~~within urbanized areas for the purpose of increasing recreational~~
9 ~~public access to the coast, limiting vehicle miles traveled, and~~
10 ~~reducing greenhouse gas emissions, an application by a local~~
11 ~~government to convert an existing motorized vehicle travel lane~~
Page 3 1 ~~into a dedicated bicycle lane shall not require a traffic study for~~
2 ~~the processing of either a coastal development permit or an~~
3 ~~amendment to a local coastal program.~~

4 ~~(c) If a proposal to create a dedicated bicycle lane within the~~
5 ~~developed portion of an existing right-of-way requires an~~
6 ~~amendment to a local coastal program, the amendment shall be~~
7 ~~processed pursuant to subdivision (d) of Section 30514, if the~~
8 ~~executive director determines that, on balance, the project will~~
9 ~~provide additional public access benefits without significantly~~
10 ~~reducing existing public access opportunities.~~

O