

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

**(21-0041A1.) AUTHORIZES FELONY SENTENCES FOR CERTAIN THEFTS UNDER \$950. REQUIRES LONGER SENTENCES FOR SPECIFIED PROPERTY LOSSES. INITIATIVE STATUTE.** Authorizes prosecutors to file felony or misdemeanor charges for thefts of any amount under \$950—currently chargeable as felonies only in certain circumstances—against any person with two or more prior specified theft convictions. Adds mandatory sentencing enhancement for any felony resulting in significant property loss or damage, ranging from one additional year for losses over \$50,000, to four years for losses over \$3,000,000, plus one year for each additional \$3,000,000. Authorizes prosecution for theft in any county where acts in furtherance occurred. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased state criminal justice system costs potentially in the low tens of millions of dollars annually, primarily due to an increase in the state prison population. Some of these costs could be offset by reductions in certain spending on mental health and substance use services, truancy and dropout prevention, and victim services due to requirements in current law. Increased county criminal justice system costs potentially in the low tens of millions of dollars annually, primarily due to increases in county jail and community supervision populations.

To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) referenced on the signature page of this petition, hereby propose amendments to the Penal Code and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

- Section 1. Statement of Findings and Declaration of Purpose
- A. Brazen retail theft, auto theft, porch piracy, and other similar crimes are out of control and are the direct result of the failure of our criminal justice system. Smash and grab thefts also result in the expensive destruction of property in addition to the items stolen.
- B. Since our politicians have allowed this crime wave to occur on their watch, the People must take action to restore law and order and increase punishment for those who repeatedly violate these laws.
- C. Anyone convicted three or more times for common theft crimes must be eligible for incarceration. Anyone stealing valuable merchandise and causing significant damage and destruction must be punished more severely. Crime victims and the public deserve to have the laws they enact enforced and the punishment they prescribe imposed. No more exceptions, no more excuses.
- Section 2. Amendments to Penal Code
- Section 666.1 of the Penal Code is added to read:
- (a)(1) Notwithstanding any other law, every person who, having two or more convictions for any of the offenses listed in paragraph (2) and who is subsequently convicted of petty theft or shoplifting, is punishable by imprisonment in the county jail not exceeding one year, or pursuant to subdivision (h) of Section 1170.
- (2) This section shall apply to every person who has two or more convictions for any of the following offenses: petty theft, grand theft, cargo theft, burglary, carjacking, robbery, a violation of subdivision (d) or (e) of Section 368, a violation of Section 10851 of the Vehicle Code, a violation of Section 496, or shoplifting in violation of Section 459.5.
- (b) This section shall not be construed to preclude prosecution or punishment pursuant to any other law, including subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.
- Section 786.5 of the Penal Code is added to read:
- The jurisdiction of a criminal action for theft, including as defined in subdivision (a) of Section 484 and Section 490.2, or a violation of Section 211, Section 215, Section 459, Section 459.5, Section 490.4, Section 496, or Section 10851 of the Vehicle Code, shall include the county where the offense occurred, the county in which the merchandise or property was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting or aiding in the commission of an offense, or in abetting the parties concerned therein. If multiple offenses, either all involving the same defendant or defendants and the same merchandise or property, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses. Jurisdiction also extends to all associated offenses connected together in their commission to the underlying theft offenses or violations of Section 211, Section 215, Section 459, Section 459.5, Section 490.4, Section 496, or Section 10851 of the Vehicle Code.
- Section 12022.6 of the Penal Code is added to read:
- (a) When any person takes, damages, or destroys any property in the commission or attempted commission of a felony, the court shall impose a term in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, as follows:
- (1) If the loss exceeds fifty thousand dollars (\$50,000), the court shall impose an additional term of one year.
- (2) If the loss exceeds two hundred thousand dollars (\$200,000), the court shall impose an additional term of two years.
- (3) If the loss exceeds one million dollars (\$1,000,000), the court shall impose an additional term of three years.
- (4) If the loss exceeds three million dollars (\$3,000,000), the court shall impose an additional term of four years.
- (5) For every additional loss of three million dollars (\$3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).
- (b) In any accusatory pleading involving multiple charges of taking, damage, or destruction, the additional terms provided in this section may be imposed if the aggregate losses to the victims from all felonies exceed the amounts specified in this section and arise from a common scheme or plan. All pleadings under this section shall remain subject to the rules of joinder and severance stated in Section 954.
- (c) The additional terms provided in this section shall not be imposed unless the facts of the taking, damage, or destruction in excess of the amounts provided in this section are charged in the accusatory pleading and admitted or found to be true by the trier of fact.

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**NOTICE TO THE PUBLIC: YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS” SHEET.**

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER.  
YOU HAVE THE RIGHT TO ASK. THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT.

All signers of this petition must be registered to vote in \_\_\_\_\_ County.

<b>SAMPLE</b> Print Name: <u>JOHN DOE</u> Residence Address ONLY: <u>123 ANY STREET</u> Signature: <u>John Doe</u> City: <u>ANY TOWN</u> Zip: <u>90000</u>	This column for official use only
1. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
2. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
3. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
4. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
5. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
6. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
7. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	
8. Print Name: _____      Residence Address ONLY: _____ Signature: _____      City: _____      Zip: _____	

**1**  
**Fill in County name here.**

**2**  
**Clearly print your name and residence address and sign. You can have up to 7 other registered voters from the same county sign also.**

**3**  
**Fill in all additional information in the shaded areas. URGENT! You must sign a second time here as circulator. All signatures are invaled if you fail to sign as a circulator.**

**4**

**DECLARATION OF CIRCULATOR** (To be completed in circulator’s own hand after the above signatures have been obtained.)

I, \_\_\_\_\_, am 18 years of age or older.  
(print name)

My residence address is \_\_\_\_\_, I circulated this section  
(address, city, state, zip)

of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_, I showed each signer a valid and unfalsified “Official Top Funders” sheet, as required by  
(month, day, year)      (month, day, year)

Section 107. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, at \_\_\_\_\_, CA.  
(month, day, year)      (place of signing)

**MUST BE SIGNED HERE ALSO**

*Complete signature indicating full name of circulator (May be repeat of name on petition)*

Please return to: 3857 Birch Street #630 Newport Beach, CA 92660