

AMENDED IN SENATE JUNE 30, 2024

AMENDED IN SENATE JUNE 20, 2024

AMENDED IN ASSEMBLY MAY 16, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1960

**Introduced by Assembly Member Robert Rivas
(Coauthors: Assembly Members Alanis, Stephanie Nguyen,
Blanca Rubio, and Villapudua)**

January 29, 2024

An act to add and repeal Section 12022.6 of the Penal Code, relating to ~~sentencing, and declaring the urgency thereof, to take effect immediately.~~ *sentencing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1960, as amended, Robert Rivas. Sentencing enhancements: property loss.

State law, repealed as of January 1, 2018, required a court to impose an additional term of imprisonment, as specified, on a person who takes, damages, or destroys property in the commission or attempted commission of a felony, as specified.

This bill would, until January 1, 2030, create sentencing enhancements for taking, damaging, or destroying property in the commission or attempted commission of a felony, as specified. By adding new sentencing enhancements, this bill would impose a state-mandated local program.

~~The bill would additionally make these provisions inoperative if a specified initiative is approved by the voters.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 12022.6 is added to the Penal Code, to
2 read:
3 12022.6. (a) If a person takes, damages, or destroys property
4 in the commission or attempted commission of a felony, or
5 commits a felony in violation of Section 496, the court shall impose
6 an additional and consecutive term of imprisonment as follows:
7 (1) If the loss or property value exceeds fifty thousand dollars
8 (\$50,000), the court shall impose an additional term of one year.
9 (2) If the loss or property value exceeds two hundred thousand
10 dollars (\$200,000), the court shall impose an additional term of
11 two years.
12 (3) If the loss or property value exceeds one million dollars
13 (\$1,000,000), the court shall impose an additional term of three
14 years.
15 (4) If the loss or property value exceeds three million dollars
16 (\$3,000,000), the court shall impose an additional term of four
17 years.
18 (5) For each additional loss or property value of three million
19 dollars (\$3,000,000), the court shall impose a term of one year in
20 addition to the term specified in paragraph (4).
21 (b) In an accusatory pleading involving multiple charges of
22 taking, damage, or destruction, or multiple violations of Section
23 496, the additional terms provided in this section may be imposed
24 if the aggregate losses to the victims or aggregate property values
25 from all felonies exceed the amounts specified in this section and
26 arise from a common scheme or plan. All pleadings under this
27 section are subject to the rules of joinder and severance stated in
28 Section 954.

1 (c) The additional terms provided in this section shall not be
2 imposed unless the facts relating to the amounts provided in this
3 section are charged in the accusatory pleading and admitted by the
4 defendant or found to be true by the trier of fact.

5 (d) Notwithstanding any other law, the court may impose an
6 enhancement pursuant to this section and another section on a
7 single count.

8 (e) ~~(1)~~—It is the intent of the Legislature that the provisions of
9 this section be reviewed within five years to consider the effects
10 of inflation on the additional terms imposed. This section shall
11 remain in effect only until January 1, 2030, and as of that date is
12 repealed, unless a later enacted statute that is enacted before
13 January 1, 2030, deletes or extends that date.

14 ~~(2) If the proposed initiative measure titled “The Homelessness,~~
15 ~~Drug Addiction, and Theft Reduction Act” (Initiative 23-0017A1)~~
16 ~~is approved by the voters at the statewide general election on~~
17 ~~November 5, 2024, this section shall become inoperative on the~~
18 ~~fifth day after the Secretary of State files the statement of the vote~~
19 ~~for the election, and shall be repealed on January 1, 2025.~~

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 ~~SEC. 3. This act is an urgency statute necessary for the~~
30 ~~immediate preservation of the public peace, health, or safety within~~
31 ~~the meaning of Article IV of the California Constitution and shall~~
32 ~~go into immediate effect. The facts constituting the necessity are:~~

33 ~~To address the increase in community-based crime and retail~~
34 ~~theft and to provide broader public safety, it is necessary that this~~
35 ~~act take effect immediately.~~