



RULES COMMITTEE: 3/27/2019

ITEM: G.2

FILE NO: ROGC 19-067

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW


DATE: March 27, 2019

SUBJECT: AB1210 (Low): Crimes: Package Theft. (Police)

RECOMMENDATION:

- (1) Adopt a position of support for AB1210 (Low) on package theft.
 - (2) Recommend this item be agendized for the April 9, 2019 City Council Meeting so that the City's Legislative Representatives can advocate the City's support for AB1210.
- [Deferred from 3/20/19 - Item G.2 (19-058)]

CITY COUNCIL ACTION REQUEST

Department: Police	Date: 3/12/19	Coordination: City Attorney's Office	Dept. Approval: /s/ Eddie Garcia CMO Approval: 
SUBJECT: AB 1210 (Low): Crimes: Package Theft			
RECOMMENDED POSITION: Support			
RECOMMENDED ACTION:			
<ol style="list-style-type: none"> 1. Adopt a position of support for AB 1210 (Low) on package theft. 2. Recommend this item be agendized for the March 26, 2019 City Council Meeting so the City's Legislative Representatives can advocate the City's support for AB1210 			
PROPOSITION SYNOPSIS:			
<p>Currently package theft committed from the porch of a home is treated as a low-level offence (misdemeanor) unless the value exceeds \$950; package theft is treated differently than burglary from inside a home, which is a felony. This bill would prohibit a person from entering the curtilage (area adjacent to or in the immediate area of the home, including, but not limited to, a porch, doorstep, patio, driveway, or enclosed yard) of a home with the intent to commit theft of a package shipped through the mail or delivered by a public or private carrier. The bill would make a violation of that prohibition punishable as a misdemeanor by imprisonment in a county jail not exceeding one year, or as a felony by imprisonment in a county jail for 16 months, or 2 or 3 years. By creating a new crime, the bill would impose a state-mandated local program. The goal of this bill is to dissuade individuals from committing this type of activity.</p>			
IMPACTS TO CITY OF SAN JOSE:			
<p>This change primarily impacts the charging and sentencing for persons committing theft of a package shipped through the mail or delivered by a public or private carrier from the curtilage of a home. When San Jose Police Officers respond to these types of theft, they will have the discretion to book a suspect in jail for committing this crime; previously, responding officers would have given the suspect a notice to appear citation and released the suspect, absent any additional criminal charges accompanying the crime.</p>			
POLICY ALIGNMENT:			
<p>AB 1210 aligns with the Legislative Guiding Principle to "Support efforts that improve the quality of life, affordability, health, environmental protection, economic development, equity, and safety in San Jose." Reducing package theft is a quality of life issue in San Jose and the growing problem has nearly a third of Americans reporting being a victim of this crime.</p>			
SUPPORTERS/OPPONENTS:			
<p>Supporters: California District Attorneys Association Opponents: None listed</p>			

STATUS OF BILL:
Introduced February 21, 2019 may be heard in first committee March 24, 2019.
FOR QUESTIONS CONTACT: James Gonzales, Police Department, 408-893-7516