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Urgency Legislative Proposal to Address Looting During a Disaster and in Evacuation Areas

District Attorney Dan Dow announced today his proposal for an urgency legislative measure to increase penalties for individuals who commit predatory crimes during a disaster and in evacuation areas such as have been widely publicized now in Los Angeles County in areas affected by the Palisades Fire and the other fires causing evacuation zones to be created for large numbers of families and neighborhoods.

This proposal to provide greater protection for the people during emergencies is consistent with the recent expression of the will of the voters who overwhelmingly passed Proposition 36 on November 5, 2024. Additionally, the current devastation by wildfires in Los Angeles County and subsequent looting crimes being committed reveal that today's existing law is insufficient to adequately deter people from committing these crimes. If this proposal is made law, it will demonstrate to the People of California that our state legislators and Governor have made it a top priority to protect temporarily vulnerable populations by providing tools that law enforcement officials need during large-scale emergencies such as wildfires or other large-scale disasters.

"I look forward to working with my colleagues across California and legislators in Sacramento to immediately address this important issue of public safety as urgency legislation," said District Attorney Dan Dow. "Those of us in positions of leadership who are charged with protecting the People of California must act quickly and decisively to provide better protections through appropriately tough laws that hold exploiters accountable for their predatory acts during the fires that are devastating Los Angeles County. Law enforcement and prosecutors need these additional tools to be implemented immediately."

Dan Dow
District Attorney

EXISTING LAW AND NEED FOR LEGISLATION BASED ON PALISADES FIRE AND CRIMES REPORTED

California Penal Code section 463, the crime of looting, includes theft by burglary, grand theft, and petty theft and is punishable as a misdemeanor or under section 1170(h). The looting statute does not account for trespass, vandalism, or theft statutes passed under Proposition 36 (2024). Moreover, it expressly exempts shoplifting from types of looting. The looting statute also does not include for crimes during a state of insurrection like section 454 does relating to arson during an emergency. When there is a state of emergency or insurrection, emergency personnel are often overwhelmed dealing with the impetus for the disaster and unable to effectively protect the civilian population. Furthermore, people are often unable to implement the same kind of security over their belongings during times of large-scale emergencies. This compound problem makes disaster victims especially vulnerable to crimes such as trespass, vandalism, theft, burglary, robbery, and carjacking.

A review of nine other jurisdictions that have anti-looting statutes discloses broader methods of protecting victims of disasters including burglary, theft, vandalism, and trespass, as well as fraud related to charity for natural disaster victims. Other jurisdictions increase penalties, sometimes in the extreme, when crimes are committed during states of emergency. [The jurisdictions reviewed are states where hurricanes and tornado with declared emergencies are a common occurrence: Alabama, Delaware, Illinois, Iowa, Louisiana, Mississippi, South Carolina, South Carolina, and Texas.]

CRIMES DURING PALISADES FIRE IN JANUARY 2025

As emergency responders from multiple states and Mexico work to contain the Palisades Fire, law enforcement officials have arrested dozens of people who were caught stealing from the victims of the fire. Los Angeles County Sheriff Robert Luna expressed a desire for state officials to declare a curfew to arm law enforcement with the proper tools to arrest those who they believe are trespassing in order to engage in looting. "Luna said he planned to give new direction to sheriff's deputies who encounter people in zones that are under mandatory evacuation orders: 'If you are in one of these areas and you do not belong there, you will be subject to arrest. I hope that is as clear as I can make it.' " (See Daniel Arkin and Rich Schapiro, "L.A. officials say looters 'targeting vulnerable communities' will be held accountable," NBC News, <https://www.nbcnews.com/news/us-news/l-officials-say-looters-targeting-vulnerable-communities-will-held-acc-rcna186992> (last accessed 1/11/2025).)

Attorney General Rob Bonta also warned Californians of scams that are present during and after such disasters, however, no California statute specifically addresses fraud aimed at disaster victims. (See Daniel Macht, "California Attorney General Rob Bonta warns against price gouging, scams during LA wildfires," KCERA3,

<https://www.kcra.com/article/california-attorney-general-rob-bonta-price-gouging-scams-la-wildfires/63400353> (last accessed 1/11/2025.)

Even more concerning is the prospect of criminals impersonating emergency services workers to commit theft. Recently, a man was arrested for burglarizing a house while dressed as a firefighter. (“Man dressed as firefighter caught burglarizing home in Malibu area, officials say,” 7 Eyewitness News, <https://abc7.com/post/la-fire-arrests-man-dressed-firefighter-caught-burglarizing-home-malibu-area-during-california-fires-sheriff-says/15793212/> (last accessed 1/13/25).)

By expanding the crime of looting to include crimes committed during times of insurrection consistent with other provisions of law, expanding the criminal behavior that contemplated by the statute, increasing penalties for those who prey on the victims of disaster, and creating a new statute to address fraudulent activity related to disasters, these changes will create more robust protections for people who are the most vulnerable during disasters – displaced and vulnerable individuals and families.

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