

SUMMARY OF PROPOSED STATUTORY CHANGES
(Rev. 1-18-2025, updates to proposal are in red font)

This proposed urgency legislation does the following:

- 1. Amends Penal Code section 459, Burglary**
 - a. Section 459 is amended to clarify that if a structure entered has been damaged by the earthquake, fire, flood, or other natural or manmade disaster it shall not preclude conviction of burglary.
- 2. Amends Penal Code sections 463, Looting.**
 - a. Section 463 is amended to expand the definition of low-level looting to include trespass, misdemeanor vandalism, and shoplifting. It also creates felony looting, which includes felony-level theft offenses, and aggravated felony looting, which deals with the most significant forms of theft such as robbery and carjacking during times of disaster or insurrection
- 3. Amends Sections 1001.36, 1001.80(o), and 1001.95, Mental Health Diversion, Military Diversion, and Misdemeanor Diversion.** These amendments proposed by Orange County District Attorney.
 - a. Excludes felony looting or aggravated looting from mental health diversion and military diversion and excludes misdemeanor looting from misdemeanor diversion.
- 4. Amends Penal Code 12022.53**
 - a. Section 12022.53 is amended to add aggravated looting to this gun use enhancement
- 5. Amends 12022.6**
 - a. Section 12022.6 is amended to add a prison enhancement for looting with high dollar takings
- 6. Amends sections 667.5 and 1192.7** to add aggravated felony looting to the “violent” and “serious” offense list under California’s Three Strikes law.
- 7. Creates new Sections 532g, 538i, and 12022.67.**
 - a. Section 532g is a wobbler (misdemeanor or felony) crime of Emergency Aid Fraud.
 - b. Section 538i punishes false personation of emergency services workers during an emergency or insurrection.
 - c. Section 12022.67 creates a sentence enhancement for false personation of Emergency Personnel to Commit a Felony during the commission of a felony.