



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

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FOR IMMEDIATE RELEASE

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

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**PROPOSED AMENDED AND NEW STATUTES**  
(Rev. 1-18-2025)

***Section 1. Purpose and Intent:***

*This measure will strengthen protections for the People of the State of California during disasters and insurrections.*

*This bill will: (a) Broaden the scope and punishment of property crimes committed during disasters and insurrections. (b) prevent criminals from preying on the generosity of others that should rightly go to victims of disasters and insurrections. (c) Prevent criminals from impersonating emergency personnel during disasters and punish those who impersonate emergency personnel during disasters to commit felonies. (d) Add serious and violent violations of the anti-looting statute to the list of serious and violent felonies. (e) Allow the aggregation of value of stolen property when thieves work in concert to victimize disaster victims.*

***Section 2: Section 459 of the Penal Code is amended to read:***

**Section 459**

*(a) Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, as defined in Section 21 of the Harbors and Navigation Code, floating home, as defined in subdivision (d) of Section 18075.55 of the Health and Safety Code, railroad car, locked or sealed cargo container, whether or not mounted on a vehicle, trailer coach, as defined in Section 635 of the Vehicle Code, any house car, as defined in Section 362 of the Vehicle Code, inhabited camper, as defined in Section 243 of the Vehicle Code, vehicle as defined by the Vehicle Code, when the doors are locked, aircraft as defined by Section 21012 of the Public Utilities Code, or mine or any underground portion thereof, with intent to commit grand or petit larceny or any felony is guilty of burglary. As used in this chapter, “inhabited” means currently being used for dwelling purposes, whether occupied or not. A house, trailer, vessel designed for habitation, or portion of a building is currently being used for dwelling purposes if, at the time of the burglary, it was not occupied solely because a natural or other disaster caused the occupants to leave the premises.*

*(b) For purposes of this section, during and within an affected county in a “state of emergency” or a “local emergency,” or under an “evacuation order,” resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster, or during a “state of insurrection,” the fact that the structure entered has been damaged by the earthquake, fire, flood, or other natural or manmade disaster shall not, in and of itself, preclude conviction.*

***Section 3. Section 463 of the Penal Code is amended to read:***

**Section 463**

*(a)(1) Every person who commits the crime of petty theft, as defined in Section 488, shoplifting, as defined in Section 459.5, vandalism, as defined in Section 594(b)(2), or trespass, as defined in Section 602, during and within an affected county in a “state of emergency” or a “local emergency,” or under an “evacuation order,” resulting from an earthquake,*

fire, flood, riot, or other natural or manmade disaster, *or during a "state of insurrection,"* shall be guilty of looting, a misdemeanor, punishable by imprisonment in a county jail for ~~six months~~ *one year for a first conviction, and subsequent convictions shall be punishable pursuant to subdivision (h) of Section 1170.*

(2) Any person convicted under this subdivision who is eligible for probation and who is granted probation shall, as a condition thereof, be confined in a county jail for at least 90 days, except that the court may, in the case where the interest of justice would best be served, reduce or eliminate that mandatory minimum jail sentence, if the court specifies on the record and enters into the minutes the circumstances indicating that the interest of justice would best be served by that disposition. In addition to whatever custody is ordered, the court, in its discretion, may require any person granted probation following conviction under this subdivision to serve up to 80 hours of community service in any program deemed appropriate by the court, including any program created to rebuild the community.

(b) Every person who ~~violates~~ *commits the following crimes:*

(1) *Burglary as defined in Section 459, punishable as a second-degree burglary pursuant to subdivision (b) of Section 461,*

(2) *Grand theft, as defined in Section 487 or subdivision (a) of Section 487a*

(3) *Unlawful entry of a vehicle, as defined in Section 465*

(4) *Unlawful theft for resale, as defined in Section 496.5*

(5) *Theft and unlawful driving of a vehicle, as defined in Vehicle Code Section 10851*

(6) *Petty theft with prior conviction, as defined in Section 666.1*

(7) *Vandalism, as defined in Section 594(b)(1)*

during and within an affected county in a "state of emergency" or a "local emergency," or under an "evacuation order," resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster shall be guilty of the crime of *felony* looting, punishable by imprisonment in *the state prison.* ~~a county jail for one year or pursuant to subdivision (h) of Section 1170.~~

(8) For purposes of this subdivision, the fact that the structure entered has been damaged by the earthquake, fire, flood, or other natural or manmade disaster shall not, in and of itself, preclude conviction.

(9) Any person convicted under this subdivision who is eligible for probation and who is granted probation shall, as a condition thereof, be confined in a county jail for at least 180 days, except that the court may, in the case where the interest of justice would best be served, reduce or eliminate that mandatory jail sentence, if the court specifies on the record and enters into the minutes the circumstances indicating that the interest of justice would best be served by that disposition. In addition to whatever custody is ordered, the court, in its discretion, may require any person granted probation *for up to five years* following conviction under this subdivision to serve up to ~~160~~ *240* hours of

community service in any program deemed appropriate by the court, including any program created to rebuild the community.

*(c) Notwithstanding Section (b), if the crime is grand theft of a firearm, as defined in Section 487, the crime shall be punished by imprisonment in the state prison for two, three, or four years.*

*(1) For purposes of this subdivision, each firearm may be charged as a separate offense.*

*(2) For purposes of this subdivision, a "firearm" is defined in Section 16520.*

*(3) Any person convicted under this subdivision who is eligible for probation and who is granted probation shall, as a condition thereof, be confined in a county jail for at least ~~180~~ 270 days, except that the court may, in the case where the interest of justice would best be served, reduce or eliminate that mandatory jail sentence, if the court specifies on the record and enters into the minutes the circumstances indicating that the interest of justice would best be served by that disposition. In addition to whatever custody is ordered, the court, in its discretion, may require any person granted probation for up to five years following conviction under this subdivision to serve up to ~~240~~ 360 hours of community service in any program deemed appropriate by the court, including any program created to rebuild the community.*

*(d) Every person who, during and within an affected county in a "state of emergency" or a "local emergency," or under an "evacuation order," resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster, or during a "state of insurrection," commits the following crimes, shall be guilty of the crime of aggravated felony looting, punishable by imprisonment in state prison as follows:*

*(1) Burglary as defined in Section 459 punishable as a first-degree burglary pursuant to subdivision (b) of Section 461, punishable by four, six, or eight years in state prison.*

*(2) Robbery as defined in Section 211, punishable as second-degree robbery pursuant to subdivision (a)(2) of Section 213, punishable by three, five, or seven years in state prison.*

*(3) Robbery as defined in Section 211, punishable as first-degree robbery pursuant to subdivision (b) of Section 213, punishable by five, seven, or eight years in state prison.*

*(4) Robbery as defined in Section 211, punishable as first-degree robbery pursuant to subdivision (a) of Section 213, punishable by six, nine, or twelve years in state prison.*

*(5) Carjacking as defined in Section 215, punishable by six, eight, or twelve years in state prison.*

*(e)(1) For purposes of this Section, "state of emergency" means conditions that, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.*

*(2) For purposes of this Section, "local emergency" means conditions that, by reason of their magnitude, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.*

*(3) For purposes of this Section, a "state of emergency" shall exist from the time of the*

proclamation of the condition of the emergency until terminated pursuant to Section 8629 of the Government Code. For purposes of this Section only, a “local emergency” shall exist from the time of the proclamation of the condition of the emergency by the local governing body until terminated pursuant to Section 8630 of the Government Code.

(4) For purposes of this Section, “evacuation order” means an order from the Governor, or a county sheriff, chief of police, or fire marshal, under which persons subject to the order are required to relocate outside of the geographic area covered by the order due to an imminent danger resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster.

*(5) For purposes of this Section, a “state of insurrection” is defined in Section 143 of the Military and Veterans Code.*

(6) Consensual entry into a commercial structure with the intent to commit a violation of Section 470, 476, 476a, 484f, or 484g shall not be charged as a violation under this Section.

*(7) Nothing in this Section precludes the charging or convictions for other related crimes or attachment of other enhancements*

***Section 4. Section 532g of the Penal Code is created to read:***

***Section 532g – Emergency Aid Fraud***

*Every person who, during a “state of emergency” or a “local emergency,” or under an “evacuation order,” resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster, or during a “state of insurrection,” fraudulently solicits the contribution or sale of goods or services for charitable purposes in connection with the emergency or disaster in connection, is guilty of emergency aid fraud, punishable by imprisonment in county jail for one year or pursuant to subdivision (h) of Section 1170.*

***Section 5. Section 538i of the Penal Code is created to read:***

***Section 538i – False Personation of Emergency Personnel During a State of Emergency***

*Any person other than a peace officer, an officer or member of a fire department or a deputy state fire marshal, employee of a public utility or district, state, county, city, special district, or city and county officer or employee, officer or member of a government agency managed or affiliated search and rescue unit or team, officer or member of the Armed Forces of the United States, the California National Guard, the State Guard, the Naval Militia, the national guard of any other state, or any other reserve component of the Armed Forces of the United States, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, during and within an affected county in a “state of emergency” or a “local emergency,” or under an “evacuation order,” resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster, or during a “state of insurrection,” willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of a*

*peace officer, an officer or member of a fire department or a deputy state fire marshal, employee of a public utility or district, state, county, city, special district, or city and county officer or employee, officer or member of a government agency managed or affiliated search and rescue unit or team, officer or member of the Armed Forces of the United States, the California National Guard, the State Guard, the Naval Militia, the national guard of any other state, or any other reserve component of the Armed Forces of the United States, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, is guilty of a felony punishable by imprisonment in the state prison.*

**Section 6. Section 12022.67 of the Penal Code is created to read:**

**Section 12022.67 – False Personation of Emergency Personnel to Commit a Felony**

*(a)(1) Notwithstanding Section 538i, any person other than a peace officer, an officer or member of a fire department or a deputy state fire marshal, employee of a public utility or district, state, county, city, special district, or city and county officer or employee, officer or member of a government agency managed or affiliated search and rescue unit or team, officer or member of the Armed Forces of the United States, the California National Guard, the State Guard, the Naval Militia, the national guard of any other state, or any other reserve component of the Armed Forces of the United States, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, during and within an affected county in a “state of emergency” or a “local emergency,” or under an “evacuation order,” resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster, or during a “state of insurrection,” willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of a peace officer, an officer or member of a fire department or a deputy state fire marshal, employee of a public utility or district, state, county, city, special district, or city and county officer or employee, officer or member of a government agency managed or affiliated search and rescue unit or team, officer or member of the Armed Forces of the United States, the California National Guard, the State Guard, the Naval Militia, the national guard of any other state, or any other reserve component of the Armed Forces of the United States, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, during the commission of a felony, shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or six years.*

*(2) Nothing in this Section precludes the charging or convictions for other related crimes or attachment of other enhancements*

**Section 7. Section 12022.53 of the Penal Code is amended to read:**

**Section 12022.53**

(a) This Section applies to the following felonies:

(1) Section 187 (murder).

(2) Section 203 or 205 (mayhem).

- (3) Section 207, 209, or 209.5 (kidnapping).
- (4) Section 211 (robbery).
- (5) Section 215 (carjacking).
- (6) Section 220 (assault with intent to commit a specified felony).
- (7) Subdivision (d) of Section 245 (assault with a firearm on a peace officer or firefighter).
- (8) Section 261 or former Section 262 (rape).
- (9) Section 264.1 (rape or sexual penetration in concert).
- (10) Section 286 (sodomy).
- (11) Section 287 or former Section 288a (oral copulation).
- (12) Section 288 or 288.5 (lewd act on a child).
- (13) Section 289 (sexual penetration).
- (14) Section 4500 (assault by a life prisoner).
- (15) Section 4501 (assault by a prisoner).
- (16) Section 4503 (holding a hostage by a prisoner).
- (17) Any felony punishable by death or imprisonment in the state prison for life.
- (18) Subdivision (d) of Section 463 (aggravated felony looting)*
- (19) Any attempt to commit a crime listed in this subdivision other than an assault.*
- (b) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally uses a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 10 years. The firearm need not be operable or loaded for this enhancement to apply.
- (c) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), personally and intentionally discharges a firearm, shall be punished by an additional and consecutive term of imprisonment in the state prison for 20 years.
- (d) Notwithstanding any other law, a person who, in the commission of a felony specified in subdivision (a), Section 246, or subdivision (c) or (d) of Section 26100, personally and intentionally discharges a firearm and proximately causes great bodily injury, as defined in Section 12022.7, or death, to a person other than an accomplice, shall be punished by an additional and consecutive term of imprisonment in the state prison for 25 years to life.
- (e)(1) The enhancements provided in this Section shall apply to any person who is a principal in the commission of an offense if both of the following are pled and proved:
  - (A) The person violated subdivision (b) of Section 186.22.
  - (B) Any principal in the offense committed any act specified in subdivision (b), (c), or

(d).

(2) An enhancement for participation in a criminal street gang pursuant to Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1 shall not be imposed on a person in addition to an enhancement imposed pursuant to this subdivision, unless the person personally used or personally discharged a firearm in the commission of the offense.

(f) Only one additional term of imprisonment under this Section shall be imposed per person for each crime. If more than one enhancement per person is found true under this Section, the court shall impose upon that person the enhancement that provides the longest term of imprisonment. An enhancement involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4, 12022.5, or 12022.55 shall not be imposed on a person in addition to an enhancement imposed pursuant to this Section. An enhancement for great bodily injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on a person in addition to an enhancement imposed pursuant to subdivision (d).

(g) Notwithstanding any other law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, a person found to come within the provisions of this Section.

(h) The court may, in the interest of justice pursuant to Section 1385 and at the time of sentencing, strike or dismiss an enhancement otherwise required to be imposed by this Section. The authority provided by this subdivision applies to any resentencing that may occur pursuant to any other law.

(i) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or any other law shall not exceed 15 percent of the total term of imprisonment imposed on a defendant upon whom a sentence is imposed pursuant to this Section.

(j) For the penalties in this Section to apply, the existence of any fact required under subdivision (b), (c), or (d) shall be alleged in the accusatory pleading and either admitted by the defendant in open court or found to be true by the trier of fact. When an enhancement specified in this Section has been admitted or found to be true, the court shall impose punishment for that enhancement pursuant to this Section rather than imposing punishment authorized under any other law, unless another enhancement provides for a greater penalty or a longer term of imprisonment.

(k) When a person is found to have used or discharged a firearm in the commission of an offense that includes an allegation pursuant to this Section and the firearm is owned by that person, a coparticipant, or a coconspirator, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(l) The enhancements specified in this Section shall not apply to the lawful use or discharge of a firearm by a public officer, as provided in Section 196, or by any person in lawful self-defense, lawful defense of another, or lawful defense of property, as



provided in Sections 197, 198, and 198.5.

***Section 8. Section 12022.6 of the Penal Code is amended to read:***

**Section 12022.6**

(a) If a person takes, damages, or destroys property in the commission or attempted commission of a felony, or commits a felony in violation of Section 496, the court shall impose an additional and consecutive term of imprisonment as follows:

(1) If the loss or property value exceeds fifty thousand dollars (\$50,000), the court shall impose an additional term of one year.

(2) If the loss or property value exceeds two hundred thousand dollars (\$200,000), the court shall impose an additional term of two years.

(3) If the loss or property value exceeds one million dollars (\$1,000,000), the court shall impose an additional term of three years.

(4) If the loss or property value exceeds three million dollars (\$3,000,000), the court shall impose an additional term of four years.

(5) For each additional loss or property value 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).

*(6) Notwithstanding any other provision of this Section, if the loss or property was taken by means of looting as defined in Section 463, the value of loss shall be aggregated when two or more persons act in concert to accomplish the theft.*

*(7) Notwithstanding any other provision of this Section, if the loss or property was taken by means of looting as defined in Section 463, the court shall impose a term of two, three, or four years in addition and consecutive to the term of years relating to the value of the loss or property.*

(b) In an accusatory pleading involving multiple charges of taking, damage, or destruction, or multiple violations of Section 496, the additional terms provided in this Section may be imposed if the aggregate losses to the victims or aggregate property values from all felonies exceed the amounts specified in this Section and arise from a common scheme or plan. All pleadings under this Section are 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 relating to the amounts provided in this Section are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

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

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

***Section 9. Section 667.5(c) of the Penal Code is amended to read:***

**Section 667.5(c)**

(c) The Legislature finds and declares that the following specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person. For the purpose of this Section, "violent felony" means any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of former Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 287 or of former Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on a person other than an accomplice, which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute

a felony violation of Section 186.22.

(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.

(22) Any violation of Section 12022.53.

(23) A violation of subdivision (b) or (c) of Section 11418.

(24) Rape as defined in paragraph (3) of subdivision (a) of Section 261, wherein it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim.

*(25) Any violation of subdivision (d) of Section 463*

***Section 10. Section 1192.7(c) of the Penal Code is amended to read:***

**Section 1192.7(c)**

(c) As used in this Section, "serious felony" means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against

the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; (42) human trafficking of a minor, in violation of subdivision (c) of Section 236.1, except, with respect to a violation of paragraph (1) of subdivision (c) of Section 236.1, where the person who committed the offense was a victim of human trafficking, as described in subdivision (b) or (c) of Section 236.1, at the time of the offense; and (43) any conspiracy to commit an offense described in this subdivision; *and (44) felony looting or aggravated felony looting in violation of subdivision (c) or (d) of Section 463.*

***Section 11. Section 1001.36 of the Penal Code is amended to read:***

**Section 1001.36 (Mental Health Diversion)**

(d) A defendant may not be placed into a diversion program, pursuant to this section, for the following current charged offenses:

- (1) Murder or voluntary manslaughter.
- (2) An offense for which a person, if convicted, would be required to register pursuant to Section 290, except for a violation of Section 314.
- (3) Rape.
- (4) Lewd or lascivious act on a child under 14 years of age.
- (5) Assault with intent to commit rape, sodomy, or oral copulation, in violation of Section 220.
- (6) Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1.
- (7) Continuous sexual abuse of a child, in violation of Section 288.5.
- (8) A violation of subdivision (b) or (c) of Section 11418.
- (9) Felony looting or aggravated looting, in violation of subdivisions (b) through (d) of Section 463.*

***Section 12. Section 1001.80 of the Penal Code is amended to read:***

**Section 1001.80(o) (Military Diversion)**

(o) A defendant may not be placed into a diversion program, pursuant to this section, for the following current charged offenses:

- (1) Murder or voluntary manslaughter.
- (2) An offense for which a person, if convicted, would be required to register pursuant to Section 290, except for a violation of Section 314.
- (3) Rape.
- (4) Lewd or lascivious act on a child under 14 years of age.
- (5) Assault with intent to commit rape, sodomy, or oral copulation in violation of Section 220.
- (6) Commission of rape or sexual penetration in concert with another person in violation of Section 264.1.
- (7) Continuous sexual abuse of a child in violation of Section 288.5.
- (8) A violation of subdivision (b) or (c) of Section 11418.
- (9) Felony looting or aggravated looting, in violation of subdivisions (b) through (d) of Section 463.*

***Section 13. Section 1001.80 of the Penal Code is amended to read:***

**Section 1001.95 (Misdemeanor Diversion)**

(a) A judge in the superior court in which a misdemeanor is being prosecuted may, at the judge's discretion, and over the objection of a prosecuting attorney, offer diversion to a defendant pursuant to these provisions.

(b) A judge may continue a diverted case for a period not to exceed 24 months and order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's specific situation.

(c) If the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the judge shall dismiss the action against the defendant.

(d) If it appears to the court that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, the court shall hold a hearing to determine whether the criminal proceedings should be reinstated. If the court finds that the defendant has not complied with the terms and conditions of diversion, the court may end the diversion and order resumption of the criminal proceedings.

(e) A defendant may not be offered diversion pursuant to this section for any of the following current charged offenses:

- (1) Any offense for which a person, if convicted, would be required to register pursuant to Section 290.

(2) Any offense involving domestic violence, as defined in Section 6211 of the Family Code or subdivision (b) of Section 13700 of this code.

(3) A violation of Section 646.9.

*(4) Looting, in violation of Section 463.*

***Section 14. Urgency legislation:***

*This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. This legislation is necessary because as thousands of acres of California's residential areas burn and are evacuated, numerous thieves have been caught preying on the plight of those who have lost homes or been displaced. The Palisades fire and other fires are currently raging in Southern California, causing historic levels of devastation and suffering. The Los Angeles County Sheriff's Office has arrested dozens of individuals taking advantage of widespread suffering to steal from the victims of these fires. Swiftly enacting legislation will give law enforcement the tools they need to curb this rampant victimization.*

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