

File No. 181228

Committee Item No. 2

Board Item No. 34

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services  
Board of Supervisors Meeting:

Date: February 14, 2019  
Date: February 26, 2019

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- SB23 - December 3, 2018
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll  
Prepared by: John Carroll

Date: February 8, 2019  
Date: February 14, 2019

1 [Supporting California State Senate Bill No. 23 (Wiener) - Unlawful Entry of a Vehicle]

2  
3 **Resolution supporting California State Senate Bill No. 23, authored by Senator Scott**  
4 **Wiener and co-authored by Assembly Members Joaquin Arambula, Sabrina Cervantes,**  
5 **Phillip Chen, David Chiu, Jordan Cunningham, Tom Lackey, Freddie Rodriguez, and**  
6 **Phil Ting, to expand the definition of vehicle burglary to include any unlawful entry.**

7  
8 WHEREAS, San Francisco is experiencing an epidemic of auto break-ins; and

9 WHEREAS, More than thirty thousand auto break-ins were reported to the San  
10 Francisco Police Department during 2017; and

11 WHEREAS, Auto break-ins have been rising in every police district in San Francisco,  
12 some by as much as 86 percent; and

13 WHEREAS, Auto break-ins are increasingly impacting local San Francisco residents  
14 who are hit with hundreds of dollars in costs to replace smashed windows and stolen property;  
15 and

16 WHEREAS, Victims of auto break-ins include visitors to San Francisco who often rent  
17 cars and often do not return to testify; and

18 WHEREAS, In September 2017, the Board of Supervisors adopted Ordinance  
19 No. 201-15 a copy of which is on file with the Board of Supervisors in File No. 161065, which  
20 requires rental car companies to provide written notice and post signage in the vehicle and  
21 rental car office educating drivers about how to prevent break-ins; and

22 WHEREAS, Under current state law, a prosecutor must prove the car's doors were  
23 locked prior to the break-in in order to establish guilt; and

1           WHEREAS, This current standard does not account for the reality that most auto  
2 break-ins occur by smashing a window or other unlawful entry making it difficult to hold auto  
3 burglars accountable; and

4           WHEREAS, San Francisco's District Attorney has also identified this legal standard as  
5 a barrier to effectively deterring and prosecuting these crimes; and

6           WHEREAS, On December 4, 2018, Senator Scott Wiener introduced California State  
7 Senate Bill No. 23 (SB23) which expands the definition of vehicle burglary to include any  
8 unlawful entry, so that prosecutors can prove an auto burglary occurred by either showing the  
9 car door was locked or unlawful entry was used; and

10           WHEREAS, This common sense change will make it clear prosecutors can prove an  
11 individual committed an auto burglary if the individual broke a vehicle's window; and

12           WHEREAS, We need every tool at our disposal to combat and deter auto break-ins in  
13 San Francisco to restore confidence in residents and visitors that they can park their cars on  
14 the street without fear that the windows will be shattered and the contents of their cars stolen;  
15 now, therefore, be it

16           RESOLVED, The Board of Supervisors of the City and County of San Francisco hereby  
17 urges the California State Legislature and the Governor to pass SB23; and, be it

18           FURTHER RESOLVED, The San Francisco Board of Supervisors hereby directs the  
19 Clerk of the Board to send a copy of the resolution to the Governor of California, the California  
20 State Senate, and the California State Assembly.

---

**Introduced by Senator Wiener**

(Principal coauthors: Assembly Members Arambula and Cervantes)  
(Coauthors: Assembly Members Chen, Chiu, Cunningham, Lackey,  
Rodriguez, and Ting)

December 3, 2018

---

An act to add Section 465 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as introduced, Wiener. Unlawful entry of a vehicle.

Existing law defines the crime of burglary to include entering a vehicle when the doors are locked with the intent to commit grand or petit larceny or a felony. Existing law make the burglary of a vehicle punishable as a misdemeanor.

This bill would make entering a vehicle with the intent to commit a theft therein a crime punishable by imprisonment in a county jail for a period not to exceed one year or imprisonment in a county jail for 16 months, or 2 or 3 years. By creating a new crime, this bill would impose a state-mandated local program.

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.

Vote: 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 465 is added to the Penal Code, to read:

1 465. (a) A person who enters a vehicle, as defined in Section  
2 670 of the Vehicle Code, with the intent to commit a theft therein  
3 is guilty of unlawful entry of a vehicle.

4 (b) Unlawful entry of a vehicle is punishable by imprisonment  
5 in a county jail for a period not to exceed one year or imprisonment  
6 pursuant to subdivision (h) of Section 1170.

7 (c) The provisions of this section do not restrict the application  
8 of any other law. However, an act or omission punishable pursuant  
9 to multiple provisions of law shall not be punished under more  
10 than one provision.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

O

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2018 DEC 11 PM 2:31  
Time stamp

BY ZHB or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):


Supervisor Vallie Brown, Supervisor Stefani, Supervisor Yee,

Subject:

Supporting California State Senate Bill 23 (Wiener) - Vehicle Burglary

The text is listed:

Resolution supporting California State Senate Bill 23, authored by Senator Scott Wiener and co-authored by Assembly Members David Chiu and Phil Ting, to expand the definition of vehicle burglary to include any unlawful entry.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only