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SB-905 Unlawful entry of a vehicle. (2023-2024)

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Date Published: 01/04/2024 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 905

Introduced by Senator Wiener
(Principal coauthor: Senator Jones)
(Principal coauthors: Assembly Members Cervantes, Friedman, and Villapudua)
(Coauthors: Senators Allen, Blakespear, Dodd, Glazer, Niello, Roth, Rubio, Seyarto, and Umberg)
(Coauthors: Assembly Members Lackey, Pellerin, Blanca Rubio, Ting, Wallis, and Wilson)

January 04, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

SB 905, 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 makes the burglary of a vehicle punishable as a misdemeanor or a felony.

This bill would make forcibly entering a vehicle, as defined, 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 465 is added to the Penal Code, to read:

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

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

(c) As used in this section, forcible entry of a vehicle means the entry of a vehicle accomplished through either of the following means:

(1) Force that damages the exterior of the vehicle, including, but not limited to, breaking a window, cutting a convertible top, punching a lock, or prying open a door.

(2) Use of a tool or device that manipulates the locking mechanism, including, without limitation, a slim jim or other lockout tool, a shaved key, jigglers key, or lock pick, or an electronic device such as a signal extender.

(d) No person may be convicted both pursuant to this section and pursuant to Section 459.

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