

File No. 240028

Committee Item No. _____

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: January 23, 2024

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OTHER

- California Senate Bill No. 905 - 01/4/2024
- California State Association of Counties and League of CA Cities
Confirmation 1/9/24
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Prepared by: Jocelyn Wong

Date: January 19, 2024

Prepared by: _____

Date: _____

1 [Supporting California Senate Bill No. 905 (Wiener) - Closing the “Locked Door” Loophole In
2 Auto Break-In Burglary Cases]

3 **Resolution supporting California State Senate Bill No. 905, introduced by Senator Scott**
4 **Wiener, to close the “locked door loophole” that creates barriers to successfully**
5 **prosecuting auto burglary.**

6
7 WHEREAS, Vehicle break-ins have been a persistent problem in the Bay Area and
8 particularly San Francisco where more than a thousand such incidents occur each month,
9 resulting in significant property loss and discouraging tourism to the City; and

10 WHEREAS, Recent trends show that auto break-ins have dropped significantly during
11 the last quarter of 2023, including a 53% drop in thefts from vehicles in October 2023
12 compared to October 2022 as well as a 48% decrease in larceny theft between November
13 20th to New Year’s Day 2023 compared to the same period in 2022; and

14 WHEREAS, The reduction in smash-and-grab reports and larceny theft incidents
15 coincides with increased resources employed by the San Francisco Police Department to
16 combat these crimes, including bait cars, plainclothes officers, and video surveillance; and

17 WHEREAS, In order to convict a suspect, existing state law mandates that prosecutors
18 prove a vehicle was locked at the time of the incident, regardless of overwhelming evidence
19 that a person entered a vehicle without permission, such as a broken window; and

20 WHEREAS, Existing law also requires that victims physically come to court to testify as
21 to whether their car door was locked or not, which can often sabotage clear cases of guilt; and

22 WHEREAS, The City and County of San Francisco must explicitly make it clear that
23 any individual who commits auto burglary will be arrested and prosecuted in the best effort to
24 make our streets safer for residents and visitors; and

25

1 WHEREAS, California State Senate Bill No. 905 will further deter more burglaries from
2 happening, making San Francisco safer by empowering law enforcement to prosecute more
3 clear cases of guilt; now, therefore, be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 supports California State Senate Bill No. 905; and, be it

6 FURTHER RESOLVED, That the Clerk of the Board send a copy of this Resolution to
7 Governor Gavin Newsom, President pro-Tempore Toni G. Atkins, and Speaker of the State
8 Assembly Robert Rivas.

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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.

From: [Rosas, Lorenzo \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Stefani, Catherine \(BOS\)](#)
Subject: RE: Resolution in support of SB 905
Date: Tuesday, January 9, 2024 3:32:15 PM
Attachments: [Bill Text - SB-905 Unlawful entry of a vehicle .pdf](#)
[image001.png](#)

Hello,

I attached the copy of SB 905 to the original email and have attached the PDF of the text here as well.

The California State Association of Counties and the League of California Cities have not taken a position on the bill.

Best,

Lorenzo Rosas | Legislative Aide
Office of Supervisor Catherine Stefani
San Francisco Board of Supervisors, District 2
City Hall, Room 273
(415) 554-7752
www.sfbos.org/Stefani

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, January 9, 2024 3:28 PM
To: Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>
Subject: RE: Resolution in support of SB 905

Hi Lorenzo,

Pursuant to [Board Rule 2.8.2](#), please provide the following to complete this submission:

- a copy of SB 905
- confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file

Thank you.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
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lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



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From: Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>
Sent: Tuesday, January 9, 2024 2:58 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>
Subject: Resolution in support of SB 905

Hello,

Please see attached for the introduction documents for a resolution in support of Senate Bill 905 (Wiener). I have also attached the bill text and a word document copy of the resolution if format cleanup is necessary.

The legislation was introduced last week; thus, there are no organizational sponsors as of now. The bill is not controversial.

Please let me know if there are any questions about this resolution introduction.

Best,

Lorenzo Rosas | Legislative Aide
Office of Supervisor Catherine Stefani
San Francisco Board of Supervisors, District 2
City Hall, Room 273
(415) 554-7752
www.sfbos.org/Stefani

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
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):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: