

**Introduced by Senator Wiener**  
(Coauthors: Assembly Members Chiu and Ting)

January 22, 2018

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An act to amend Section 459 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 916, as introduced, Wiener. Burglary 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. Burglary of a vehicle is punishable as a misdemeanor.

This bill would include in the definition of burglary entering a vehicle by forced entry with the intent to commit grand or petit larceny or a felony. By expanding the definition of a 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 459 of the Penal Code is amended to
- 2 read:
- 3 459. ~~Every~~(a) A person who enters~~any~~ a house, room,
- 4 apartment, tenement, shop, warehouse, store, mill, barn, stable,

1 outhouse or other building, tent, vessel, as defined in Section 21  
 2 of the Harbors and Navigation Code, floating home, as defined in  
 3 subdivision (d) of Section 18075.55 of the Health and Safety Code,  
 4 railroad car, locked or sealed cargo container, whether or not  
 5 mounted on a vehicle, trailer coach, as defined in Section 635 of  
 6 the Vehicle Code, ~~any~~ house car, as defined in Section 362 of the  
 7 Vehicle Code, inhabited camper, as defined in Section 243 of the  
 8 Vehicle Code, ~~vehicle~~ *vehicle*, as defined by the Vehicle Code,  
 9 when the doors are ~~locked~~, ~~aircraft~~ *locked or forced entry is used*,  
 10 *aircraft*, as defined by Section 21012 of the Public Utilities Code,  
 11 or mine or any underground portion thereof, with intent to commit  
 12 grand or petit larceny or ~~any~~ a felony is guilty of burglary. ~~As used~~  
 13 ~~in~~

14 (b) For purposes of this chapter, “inhabited” means currently  
 15 being used for dwelling purposes, whether occupied or not. A  
 16 house, trailer, vessel designed for habitation, or portion of a  
 17 building is ~~currently being used for dwelling purposes~~ *inhabited*  
 18 if, at the time of the burglary, it was not occupied solely because  
 19 a natural or other disaster caused the occupants to leave the  
 20 premises.

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