

File No. 180121

Committee Item No. \_\_\_\_\_

Board Item No. 16

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: February 6, 2018

### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER

- |                          |                                     |                            |
|--------------------------|-------------------------------------|----------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Senate Bill No. 916</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____                      |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____                      |
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Prepared by: Lisa Lew

Date: February 1, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting California State Senate Bill 916 (Wiener) - Vehicle Burglary]

2  
3 **Resolution supporting California State Senate Bill 916, authored by Senator Scott**  
4 **Wiener and co-authored by Assembly Members David Chiu and Phil Ting, to expand**  
5 **the definition of vehicle burglary to include any forced entry.**  
6

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

8 WHEREAS, More than thirty thousand auto break-ins were reported to the San  
9 Francisco Police Department last year; and

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

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

14 WHEREAS, in September 2017 the Board of Supervisors adopted Ordinance No. 201-  
15 17 a copy of which is on file with the Board of Supervisors in File No. 161065 which requires  
16 rental car companies to provide written notice and post signage in the vehicle and rental car  
17 office educating drivers about how to prevent break-ins; and

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

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

23 WHEREAS, This current standard does account for the reality that most auto break-ins  
24 occur by smashing a window or other forced entry making it difficult to hold auto burglars  
25 accountable; and

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

3           WHEREAS, On January 22, 2018, Senator Scott Wiener introduced Senate Bill 916  
4 which expands the definition of vehicle burglary to include any forced entry, so that  
5 prosecutors can prove an auto burglary occurred by either showing the car door was locked or  
6 forced entry was used; and

7           WHEREAS, This change will make it clear prosecutors can prove an individual  
8 committed an auto burglary if they broke a vehicle's window; and

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

13           RESOLVED, The Board of Supervisors of the City and County of San Francisco hereby  
14 urges the California State Legislature and the Governor to pass Senate Bill 916; and, be it

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

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

January 22, 2018

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.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

2013 JAN 30 PM 3:10  
 Time stamp  
 or meeting date **AK**

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. Question(s) 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):

President Breed

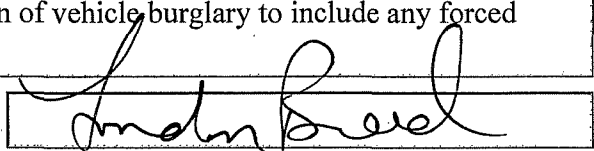
Subject:

Supporting California State Senate Bill 916 (Wiener)

The text is listed:

Resolution supporting California State Senate Bill 916, authored by Senator Scott Wiener and co-authored by Assemblymembers David Chiu and Phil Ting, to expand the definition of vehicle burglary to include any forced entry.

Signature of Sponsoring Supervisor:



For Clerk's Use Only