

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 10

August 6, 2018

SUBJECT: PROPOSITION 63 – PROCEDURES FOR CLASSIFYING THEFTS OF FIREARMS

PURPOSE: On November 8, 2016, Californians voted into law Proposition 63 – *The Safety for All Act of 2016*. This initiative modified several provisions of the California Penal Code (PC) relating to firearms offenses, including ensuring that the theft of any firearm, regardless of value, is classified as a felony. Additionally, the initiative conveys prohibited possessor status as any individual who has been convicted of a theft of a firearm.

This Order supersedes all of the other directives related to the classifications of offenses and reports concerning the theft of firearms.

PROCEDURE: Effective on November 9, 2016, Proposition 63 reclassified the theft of any firearm as a felony, regardless of the dollar value of the stolen firearm.

A summarization of the revisions to the petty theft provision of the PC are as follows:

California Penal Code Section 490.2 – Petty Theft

California Penal Code Section 490.2 states, in part, that notwithstanding PC Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken **does not exceed \$950**, shall be considered petty theft and shall be punished as a **misdemeanor**, except that **this section shall not apply to the theft of a firearm**, and any such person (for a theft other than a firearm) may instead be punished pursuant to PC Section 1170(h), if:

- The person has one or more prior convictions for an offense specified in PC Section 667(e)(2)(C)(iv); or,
- The person required registration pursuant to PC Section 290(c) - Sex Offender Registration Act.

Note: Refer to Operations Order No. 2, *Proposition 47 - Procedures for Classifying Theft, Certain Theft-Related Crimes And Certain Narcotics Offenses*, dated June 10, 2015, and its attachment for offenses listed in PC Section 667.

Officer's Responsibilities. Officers shall become familiar with the reclassification of thefts of firearms. Officers shall also become familiar with the revision to the list of prohibited possessors, as described in PC Section 29805, and including those with PC Section 490.2 convictions wherein the property taken was a firearm. Additionally, prior to completing the booking procedures of arrestees wherein the violation is a theft of a firearm, officers and detective personnel shall:

- Review the criminal history of all arrestees, as an individual arrestee's history may necessitate enhancements;
- Ensure that the theft of a firearm is booked under PC Section 487(d)(2); and,
- If suspect is in possession of a firearm, verify if there is a prior conviction for PC Section 490.2 – Theft of a Firearm.

Watch Commander's Responsibilities. When reviewing reports related to thefts of firearms, the watch commander must ensure that the firearm theft is accounted for under PC Section 487(d), regardless of the dollar value of the firearm. The watch commander shall write in the Uniform Crime Reporting Code: CC box, "341," with the title, "Theft-Grand" for the Investigative Report, Form 03.01.00, or Arrest Report, Form 05.02.00.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.

Should you have questions regarding this matter, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050.



ROBERT N. ARCOS, Assistant Chief
Director, Office of Operations

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