

KERN COUNTY SHERIFF'S OFFICE

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TRAINING BULLETIN

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California Assembly Bill 2943

This training bulletin provides an overview on the revisions to California Penal Code 487, Penal Code 836, and Penal Code 853.6, as well as the addition of Penal Code 496.6 and Penal Code 372.7, which were effective **January 1, 2025**, pursuant to **Assembly Bill 2943**.

Summary

Assembly Bill 2943 criminalizes the possession of stolen retail goods worth over \$950 if the items are intended for resale, exchange, or return for value rather than personal use. It also allows peace officers to make warrantless arrests for misdemeanor shoplifting offenses not committed in their presence if they have probable cause.

Key Legislative Updates

Amendment of PC 836(f) to Expanded the Authority for Warrantless Arrests in Shoplifting Cases (Penal Code 459.5) which added the following:

“(f) In addition to the authority to make an arrest without a warrant pursuant to paragraphs (1) and (3) of subdivision (a), a peace officer may, without a warrant, arrest a person for a violation of Section 459.5 when the violation was not committed in the officer’s presence if all of the following conditions are met:

- (1) The officer has probable cause to believe the person committed the violation.
- (2) The arrest is made without undue delay after the violation.
- (3) Any of the following takes place:
 - (A) The officer obtains a sworn statement from a person who witnessed the person to be arrested committing the alleged violation.
 - (B) The officer observes video footage that shows the person to be arrested committing the alleged violation.
 - (C) The person to be arrested possesses a quantity of goods inconsistent with personal use and the goods bear security devices affixed by a retailer that would customarily be removed upon purchase.

(D) The person to be arrested confesses to the alleged violation to the arresting officer.”

Amendment to Penal Code 487 to Include Aggregation of Theft Across Multiple Incidents:

Penal Code 487(e): “If the value of the money, labor, real property, or personal property taken exceeds nine hundred fifty dollars (\$950) over the course of distinct but related acts, including acts committed against multiple victims or in counties other than the county of the current offense, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. Evidence that distinct acts are motivated by one intention, one general impulse, and one plan may include, but is not limited to, evidence that the acts involve the same defendant or defendants, are substantially similar in nature, or occur within a 90-day period.”

Amendment to the Booking & Release Procedures for Organized Retail Theft (Penal Code 853.6):

The exemption from the mandatory cite-and-release provision for **organized retail theft** has been extended from January 1, 2026, to **January 1, 2031**.

Individuals arrested for organized retail theft may be booked into custody pursuant to PC 853.6 (i)(11) and PC 853.6(i)(12) which states the following:

“(11) The person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months.

(12) There is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined in subdivision (a) of Section 490.4.”

Addition of Penal Code 496.6:

Penal Code 496.6 was established to provide legislation addressing individuals who are in possession of unlawfully obtained property if:

- The property was acquired via shoplifting, theft, or burglary from a retail business.
- The individual intends to sell, exchange, or return the property for value.
- The total value of stolen goods exceeds \$950, either in possession or **aggregated over two years**.
- The individual is acting in concert with others to facilitate resale.

Addition of Penal Code 372.7 Protections for Businesses Reporting Retail Crime:

Penal Code 372.7 was established to protect businesses that report retail theft.

Local jurisdictions **cannot bring nuisance actions** against businesses solely for reporting retail theft, unless the report is knowingly false.

All sworn personnel in the Deputy Sheriff and Park Ranger ranks are required to review and acknowledge this training bulletin no later than **Friday, August 29, 2025**.