

KERN COUNTY SHERIFF'S OFFICE

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TRAINING BULLETIN

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California Senate Bill 905

The purpose of this training bulletin is to inform deputies and/or staff members about the key principles and enforcement guidelines related to California Senate Bill 905 (SB 905), which addresses theft from vehicles. Effective January 1, 2025, SB 905 amended and added legislation regarding theft and vehicle burglaries, offering additional clarification for law enforcement officers when responding to such crimes, specifically addressing the intent and definitions surrounding such crimes.

Amended Penal Code 459:

Effective January 1, 2025, California Penal Code 459 was amended to further define the definition of *vehicle burglary* to include cases where a person unlawfully enters a vehicle with the *intent* to commit theft or any felony, even if *no property* is taken.

Note: A recent ruling from Placer County (People v David Wayne Gray 2025) further classified forced entry to exterior cabinets or bins that are permanent fixtures, even if they are separate from the interior of the vehicle (like those on a utility truck,) would constitute vehicle burglary.

Penal Code 667.5(b) (enhancements) - Individuals convicted of a prior theft or vehicle burglary offense under Penal Code 459 may face an enhanced sentence if they commit future thefts.

As best practices and to ensure the proper level of documentation is being conducted in order to assist with the identification and prosecution of persons involved, personnel are reminded to complete thorough reports documenting all pertinent information that includes but is not limited to:

- The method of entry into the vehicle (e.g., forced entry, unlocked, or window smashed) and any specific items targeted (e.g., electronics, firearms).
- The vehicle make, model, and VIN in all vehicle theft-related reports, which assist with the tracking of criminal trends.

Added Penal Code 465 - Unlawful Entry of a Vehicle

Effective January 1, 2025, California Penal Code 465 established a new offense regarding the forcible entry of a vehicle with the “intent” to commit theft or any felony. This law provides clarification on how vehicle entry is defined, specifically addressing forcible entry methods and their criminal implications.

Penal Code 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 or any felony 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 any of the following means: the use of a tool or device that manipulates the locking mechanism, including, without limitation, a slim jim or other lockout tool, a shaved key, jiggle key, or lock pick, or an electronic device such as a signal extender, or 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.

(d) A person may not be convicted both pursuant to this section and pursuant to Section 459.”

Added Penal Code 496.5 – Automotive Property Theft for Resale

Effective January 1, 2025, California Penal Code 496.5 established the crime of automotive property theft for resale. This new section targets individuals who unlawfully possess automotive property (e.g., stolen vehicle parts or goods obtained through vehicle burglaries), with the intent to sell or trade that property for value.

Penal Code 496.5:

“(a) A person who unlawfully possesses property that was acquired through one or more acts of theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering as defined in Section 10852 of the Vehicle Code, whether or not the person committed the act of theft, burglary, or vehicle tampering, is guilty of automotive property theft for resale when both of the following apply:

(1) The property is not possessed for personal use and the person has the intent to sell or exchange the property for value, or the intent to act in concert with one or more persons to sell or exchange the property for value.

(2) The value of the possessed property exceeds nine hundred fifty dollars (\$950). For purposes of determining the value of the property, the property

described in paragraph (1) can be considered in the aggregate with any of the following:

(A) Any other such property possessed by the person with such intent within the last two years.

(B) Any property possessed by another person acting in concert with the first person to sell or exchange the property for value, when that property was acquired through one or more acts of theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering as defined in Section 10852 of the Vehicle Code, regardless of the identity of the person committing the acts of theft, burglary, or vehicle tampering.

(b) For the purpose of determining, in any proceeding, whether the defendant had the intent to sell or exchange the property for value, the trier of fact may consider any competent evidence, including, but not limited to, the following:

(1) Whether the defendant has in the past two years sold or exchanged for value any property acquired through theft from a vehicle, burglary of a locked vehicle, or vehicle tampering as defined in Section 10852 of the Vehicle Code, or through any related offenses, including any conduct that occurred in other jurisdictions, if relevant to demonstrate a fact other than the defendant's disposition to commit the act, as provided by subdivision (b) of Section 1101 of the Evidence Code.

(2) Whether the property involved in the offense is of a type or quantity that would not normally be purchased for personal use or consumption, including use or consumption by one's immediate family.

(c) A violation of subdivision (a) is punishable by imprisonment in the county jail for up to one year or pursuant to subdivision (h) of Section 1170.

(d) This section does not preclude or prohibit prosecution under any other law."

These laws are an important tool for law enforcement and aim to enhance the prosecution of vehicle-related theft crimes by removing previous evidentiary hurdles and addressing the resale of stolen property.

All sworn personnel in the Deputy Sheriff, Park Ranger, and Community Service Technician Ranks are required to review and acknowledge this training bulletin no later than **Monday, September 1, 2025.**