

Date of Hearing: April 21, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2337 (Lackey) – As Introduced February 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Adds theft committed by a peace officer under color of authority to the definition of “serious misconduct” for purposes of ineligibility for, or revocation of, peace officer certification.

EXISTING LAW:

- 1) Requires the Commission on Peace Officer Standards and Training (POST) to revoke the certification of a certified peace officer if the person is or has become ineligible to hold office as a peace officer, as specified. (Pen. Code, § 13510.8, subd. (a)(1).)
- 2) Authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer, or has, while employed as a peace officer, otherwise engaged in any serious misconduct, as defined. (Pen. Code, § 13510.8, subd. (a)(2).)
- 3) Authorizes POST to cancel the certificate or proof of eligibility of a peace officer if the commission determines that there was fraud or misrepresentation made by an applicant at any time during the application process that resulted in the issuance of the certification. (Pen. Code, § 13510.8, subd. (a)(3).)
- 4) Requires POST, by January 1, 2023, to adopt by regulation a definition of “serious misconduct” that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. This definition shall include all of the following:
 - a) Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.
 - b) Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
 - c) Physical abuse, including, but not limited to, the excessive or unreasonable use of force.
 - d) Sexual assault, as defined.

- e) Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner, as specified.
 - f) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.
 - g) Participation in a law enforcement gang, as defined.
 - h) Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter, as specified.
 - i) Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Pen. Code, § 13510.8, subd. (b).)
- 5) States that every person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to them, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property, is guilty of theft. Divides theft into two degrees: petty theft and grand theft. (Pen. Code §§ 484, subd. (a) 486.)
- 6) Punishes petty theft as a misdemeanor, punishable by fine not exceeding \$1,000, or by imprisonment in the county jail not exceeding six months, or both. (Pen. Code, § 490.)
- 7) Defines grand theft as theft of money, labor, real or personal property of a value exceeding \$950, except as specified, and generally punishes grand theft as a wobbler – subject to imprisonment in county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years (Pen. Code, §§ 487, 489.)
- 8) Specifies that, notwithstanding the above provision that theft of a value exceeding \$950 constitutes grand theft, grand theft is committed in any of the following circumstances:
- a) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding \$250.
 - b) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation that is producing that product, of a value exceeding \$250.
 - c) Where the money, labor, real property, or personal property is taken by a servant, agent, or employee from their principal or employer and aggregates \$950 or more in any 12 consecutive month period. (Pen. Code, § 487, subds. (b).)
- 9) Specifies that the following types of theft are grand theft:
- a) When the property is taken from the person of another.

- b) When the property taken is an automobile or a firearm. (Pen. Code, § 487, subs. (c)-(d).)
- 10) Provides that if the value of the money or 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 or 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. (Pen. Code, § 487, subd. (e).)
- 11) Specifies that 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 90 days. (Pen. Code, § 487, subd. (e).)
- 12) Provides that, notwithstanding provisions of law defining grand theft, obtaining any property by theft where the value of the money or property taken does not exceed \$950, and shall be considered petty theft and shall be punished as a misdemeanor, except that such an offense may instead be punished as a wobbler if that person has one or more prior convictions for a specified serious or violent felony or for an offense requiring registration as a sex offender. (Pen. Code, § 490.2, subd. (a).)
- 13) Provides that in any case involving one or more acts of theft or shoplifting, including but not limited to, shoplifting, theft, and petty theft, the value of property or merchandise stolen may be aggregated into a single count or charge, with the sum of the value of all property or merchandise being the values considered in determining the degree of theft. (Pen. Code, § 490.3.)
- 14) Defines extortion as the obtaining of property or other consideration from another, with their consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. (Pen. Code, § 518.)
- 15) Punishes the extortion of property or other consideration from another, under circumstances not amounting to robbery or carjacking, by means of force, or any threat, as a wobbler, punishable by imprisonment for up to one year in county jail, or by imprisonment for two, three, or four years. (Pen. Code, § 520.)
- 16) Punishes extortion under color of official right, in cases for which a different punishment is not prescribed in the Penal Code, as a misdemeanor. (Pen. Code, § 521.)
- 17) Provides that every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, does any of the following, without a regular process or other lawful authority, is guilty of a misdemeanor:
- a) Arrests any person or detains that person against their will.
 - b) Seizes or levies upon any property.
 - c) Dispossesses any one of any lands or tenements. (Pen. Code, § 146.)

- 18) Punishes every public officer who, under color of authority, without lawful necessity, assaults or beats any person, by a fine up to \$10,000, or as a wobbler, or by both that fine and imprisonment. (Pen. Code, § 149.)
- 19) Punishes, generally, every person guilty of embezzlement in the manner prescribed for theft of property of the value or kind embezzled, except for embezzlement of the public funds of the United States, or of this state, or of any county or municipality within this state, which is punishable as a felony and ineligibility thereafter for any office of honor, trust, or profit in this state. (Pen. Code, § 514.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "AB 2337 will add theft by a peace officer under color of authority to the list of activities that constitute "serious misconduct." I recognize that this theft is a serious breach of public trust, and this bill will help it by increasing accountability and holding our law enforcement to a higher standard."
- 2) **Effect of this Bill:** The impetus of this bill is reported incidents of peace officers stealing cash found as a result of a search warrant, unlawfully taking cash from a person being arrested, and allegedly stealing hundreds of dollars in cash from an unlocked Tesla.¹ The author contends that this type of theft warrants greater punishment, irrespective of the amount taken, given the additional harm that results when a public official betrays the public trust and abuses their authority.

Existing law requires POST to adopt, by regulation, a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. (Pen. Code, § 13510.8, subd. (b)(1).) Serious misconduct includes: 1) dishonesty relating to the reporting, investigation, or prosecution of a crime, as specified; 2) abuse of power; 3) physical abuse, including, but not limited to, the excessive or unreasonable use of force; 4) sexual assault, as defined; 5) demonstrating bias based on race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status, as specified; 6) acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as specified; 7) participation in a law enforcement gang, as defined; 8) failure to cooperate with an investigation into potential police misconduct, as specified; and 9) failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified. (Pen. Code, § 13510.8, subd. (b).) In an effort to establish greater accountability for an officer that commits theft in the performance of their duties where the amount stolen does not meet the \$950 threshold to charge felony grand theft, this bill adds theft, committed by a peace officer under color of authority, to the list of conduct that constitutes "serious misconduct" for purposes of ineligibility for, or revocation of, peace officer certification.

¹ ABC EyeWitness News, *LAPD officer accused of taking \$700 in cash from car while responding to service call* (March 10, 2026), available at: <https://abc7.com/post/lapd-officer-accused-taking-700-car-responding-service-call/18699309/>

- 3) **Committee Amendments:** The previous version of the bill amended Proposition 47 (2014) to make the taking of property without lawful authority by a public officer, under color of authority, grand theft, even if the value taken does not exceed \$950, punishable as an alternate-felony misdemeanor (wobbler) by imprisonment in county jail not exceeding one year, or by imprisonment in county jail for 16 months, two years, or three years. Committee amendments delete the contents of the bill and, instead, add theft, committed by a peace officer under color of authority, to the definition of “serious misconduct” for purposes of ineligibility for, or revocation of, peace officer certification.
- 4) **Argument in Support:** According to the *Los Angeles County District Attorney’s Office*, the sponsor of the bill, “Theft under color of authority, while rare, is a significant betrayal of the public’s trust and causes a loss of confidence in the criminal justice system. Because of the seriousness of the betrayal of public trust and the harm it causes to the public’s confidence in our criminal justice system, this crime should be treated as grand theft regardless of the dollar value.

“Acting under color of authority” means that a person is urging the appearance of governmental power to perform an action, even if that action is illegal or exceeds their official authority. This concept typically applies to public officials like police officers, but can also include private individuals who are acting with state authority. It is the basis for many civil rights claims and can include actions such as excessive force, false arrest, and deprivation of rights...

“Officers are acting under “color of authority” when they are performing an act that is made possible only because they are clothed with the authority of law, or when they are acting under pretense of law. Conversely, officers are not acting under “color of authority” when they commit private acts in furtherance of personal pursuits.

‘While thefts committed under the color of authority are still a rarity, they have been occurring more frequently in Los Angeles County, unfortunately....

“Our office believes that treating thefts committed under color of authority as a grand theft not only provides greater accountability for this type of misconduct, but it can also help restore the public’s confidence in our criminal justice system.”

5) **Arguments in Opposition:** None submitted.

6) **Prior Legislation:**

- a) AB 75 (Hoover), of the 2023-2024 Legislative Session, would have reinstated the offense of petty theft with a prior as it existed before it was eliminated by Prop. 47 and makes it applicable to the offense of shoplifting created by Prop. 47, subject to approval by the voters. This bill failed passage in this Committee.
- b) AB 23 (Muratsuchi), of the 2023-2024 Legislative Session, would have reduced the threshold amount for petty theft and shoplifting from \$950 to \$400. AB 23 was never heard in this Committee.

- c) AB 1787 (Villapudua), of the 2023-2024 Legislative Session, would have reduced the threshold amount for petty theft and shoplifting from \$950 to \$450. AB 1787 was never heard in this Committee.
- d) AB 1708 (Muratsuchi), of the 2023-2024 Legislative Session, would have created a new offense of petty theft with a prior and made this offense a wobbler, among other changes. AB 1708 was never heard in this Committee.
- e) AB 2356 (Rodriguez), Chapter 22, Statutes of 2022, expanded the definition of “grand theft” where the aggregate amount taken by all participants exceeds \$950.
- f) SB 2 (Bradford), Chapter 409, Statutes of 2021, granted new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in “serious misconduct,” and made changes to the Bane Civil Rights Act to limit immunity as specified.
- g) AB 1597 (Waldron), of the 2021-2022 Legislative Session, would have reinstated the offense of petty theft with a prior as it existed before it was eliminated by Prop. 47 and makes it applicable to the offense of shoplifting created by Prop. 47, subject to approval by the voters. AB 1597 failed passage in this Committee.
- h) AB 1603 (Salas), of the 2021-2022 Legislative Session, would have amended Proposition 47 by reducing the threshold amount for petty theft and shoplifting to be punished as a misdemeanor from \$950 to \$400. AB 1603 failed passage in this Committee.
- i) AB 2390 (Muratsuchi), of the 2021-2022 Legislative Session, would have amended Proposition 47 by authorizing the aggregation of the value of property from one or more acts of theft or shoplifting, as specified. AB 2390 failed passage in this Committee.
- j) AB 1869 (Melendez), of the 2015-2016 Legislative Session, would have called for a special election to amend Proposition 47 and to make the theft of a firearm grand theft in all cases, punishable by a state prison term, as specified. AB 1869 was held in the Senate Appropriations Committee.
- k) AB 150 (Melendez) of the 2015 Legislative session was substantially similar to AB 1869. AB 150 was held in the Assembly Appropriation Committee.
- l) Proposition 47 of the November 2014 general election, the Safe Neighborhoods and Schools Act, reduced the penalties for certain drug and property crimes, including reducing petty theft with a prior theft conviction to a misdemeanor, except in the case where the person has a prior super strike conviction, a conviction for a sex offense requiring registration, or a conviction for a specified theft-related offense against an elder or dependent adult.
- m) AB 2372 (Ammiano), Chapter 693, Statutes of 2010, raised the general value threshold for grand theft from \$400, as that value was set in 1982, to \$950.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County District Attorney's Office (Sponsor)
Peace Officers Research Association of California (PORAC)

Opposition

None submitted.

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