
SENATE COMMITTEE ON AGRICULTURE
Senator Anna Caballero, Chair
2025 - 2026 Regular

Bill No: AB 312 **Hearing Date:** 6/30/26
Author: Alanis
Version: 1/23/25
Urgency: No **Fiscal:** No
Consultant: Reichel Everhart

Subject: Agricultural theft prevention: retention and sale of agricultural commodity: holding and deposit of proceeds

SUMMARY:

This bill would require an agricultural commissioner to hold the proceeds of the sale of an agricultural commodity that was seized from someone who was in unlawful possession of the commodity for at least 3 months before depositing the proceeds into the general fund of the county.

BACKGROUND AND EXISTING LAW:

Existing law:

State Law: Section 844 of the Food and Agricultural Code states:

- If, for any reason an agricultural commodity is not released to the rightful owner after being in custody of the commissioner for 48 hours or, in the case of a highly perishable commodity, any shorter period of time that the commissioner deems necessary, the commissioner may either:
 - Sell the commodity by public auction or by private sale at fair market value to a commercial packer of the commodity.
 - Donate the commodity to a nonprofit charitable organization.
- If sold, the proceeds derived from the sale of the commodity be held by the commissioner for a period of at least six months before depositing to allow time for the lawful owner of the commodity to submit satisfactory proof of ownership and obtain possession of the proceeds.
- If, after retention of the proceeds for at least six months, no demand is made or if proof of ownership is not supplied, the commissioner shall deposit the proceeds of the sale of the commodity in the general fund of the county.
- If the commodity is unfit for human consumption, the commissioner may destroy it.

PROPOSED LAW:

This bill:

- Requires the commissioner to hold the proceeds of the sale of a commodity for at least 3 months instead of at least 6 months before depositing them into the general fund of the county.

ARGUMENTS IN SUPPORT: According to the author:

“Agricultural commodity theft is a serious issue in farming regions, especially in my district and the greater Central Valley. From my experience in law enforcement, I’ve seen firsthand how this affects businesses. While law enforcement and state personnel work hard to return seized goods to their rightful owners, situations that last more than 48 hours or involve perishable commodities may require the agricultural commissioner to sell the items. This can be done through a public auction or a private sale at fair market value to a commercial packer.

I’ve introduced AB 312 measure to simplify the process of depositing funds from the sale of confiscated agricultural commodities when the owner doesn’t claim them within three months. The sale proceeds would go into the county general fund, which helps support ongoing agricultural inspections and enforcement efforts.”

ARGUMENTS IN OPPOSITION:

No received.

COMMENTS

When an agricultural product is seized by the county agricultural commissioner for possible fraud or theft (usually in transit without proper documentation), the commissioner holds the product for up to 48 hours to give a lawful owner a chance to claim it. If the product is perishable, the waiting period may be shorter to prevent spoilage. If the product remains unclaimed, it is either sold or donated if the product is still viable. If the product is sold, the money is held in a trust by the commissioner for a period of 6 months. If no one claims the agricultural product or the funds from the sale of the product, the funds are transferred that that county’s general fund goes towards enforcement and inspections of agricultural products.

PRIOR ACTIONS:

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	
Assembly Agriculture Committee:	7 - 0

SUPPORT:

None received

OPPOSITION:

None received

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