

## CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 468 Author:(Gabriel, et al.)

As Amended Ver:September 6, 2025

Majority vote

**SUMMARY**

Establishes increased penalties for looting in an evacuation zone.

- 1) Provides that all of the following offenses when committed during and within an evacuation zone or in an evacuation zone are looting and subject to increased punishment as follows:
  - a) First-degree burglary is punishable by imprisonment in the state prison for two, four, or seven years.
  - b) Second-degree burglary is punishable by imprisonment for 16 months, two years, or three years.
  - c) Grand theft, except grand theft of a firearm, is punishable by imprisonment for 16 months, two years, or three years.
  - d) Trespass with the intent to commit larceny is punishable by imprisonment in county jail for one year or for 16 months, two years, or three years.
  - e) Theft from an unlocked vehicle is punishable by imprisonment in a county jail for one year or by imprisonment 16 months, two years, or three years. This paragraph shall not preclude prosecution under any other provision of law.
- 2) Defines "evacuation zone" as:
  - a) An evacuation area or an area subject to an evacuation warning, as specified;
  - b) One more residential dwelling units, rather than a principal residence, but does not include detached structures on the same property that are not dwelling units or are not otherwise usable for human habitation; and clarifies that "evacuation zone" lasts for up to three years from the date an evacuation order or warning went into effect, regardless of whether the evacuation order or warning has been lifted, but does not include detached structures on the same property that are not dwelling units or are not otherwise usable for human habitation; or,
  - c) On ore more residential dwelling units in an evacuation area or an area subject to an evacuation warning, as specified, that is damaged or destroyed by an earthquake, fire, flood, riot, or other natural or manmade disaster and is currently undergoing reconstruction, for up to three years after the date an evacuation order or warning went into effect, regardless of whether the evacuation order or warning was lifted, but does not include detached structures on the same property that are not dwelling units or are not otherwise usable for human habitation.
- 3) Provides that the fact that the structure entered has been damaged by a natural or other disaster, or the extent of that damage, does not preclude conviction.

- 4) Defines "reconstruction" to include, but not be limited to, the time from initial debris removal through the issuance of the certificate of occupancy.

### **Senate Amendments**

- 1) Expands the definition of "evacuation zone" to include one or more residential dwelling units in an evacuation or are or an area subject to an evacuation warning, as specified, that is damaged or destroyed by an earthquake, fire, flood, riot, or other natural or manmade disaster, for one year after the date an evacuation order or warning went into effect, regardless of whether the evacuation order or warning has been lifted, but does not include detached structures on the same property that are not dwelling units or are not otherwise usable for human habitation.
- 2) Provides that an "evacuation zone" includes one more residential dwelling units, rather than a principal residence, but does not include detached structures on the same property that are not dwelling units or are not otherwise usable for human habitation; and clarifies that "evacuation zone" lasts for up to three years from the date an evacuation order or warning went into effect, regardless of whether the evacuation order or warning has been lifted.
- 3) Defines "reconstruction" to include, but not be limited to, the time from initial debris removal through the issuance of the certificate of occupancy.
- 4) Eliminates provisions of the bill pertaining to impersonating emergency personnel and false impersonation of specified first responders.
- 5) Provides that this bill is contingent on the enactment of SB 571 (Archuleta) on or before January 1, 2026.

### **COMMENTS**

*As passed by the Assembly:* This bill established increased penalties for looting in an evacuation zone and impersonating emergency personnel in an evacuation zone.

### **Major Provisions**

- 1) Provided that all of the following offenses when committed during and within an evacuation zone or in an evacuation zone are looting and subject to increased punishment as follows:
  - a) First-degree burglary is punishable by imprisonment in the state prison for two, four, or seven years.
  - b) Second-degree burglary is punishable by imprisonment for 16 months, two years, or three years.
  - c) Grand theft, except grand theft of a firearm, is punishable by imprisonment for 16 months, two years, or three years.
  - d) Trespass with the intent to commit larceny is punishable by imprisonment in county jail for one year or for 16 months, two years, or three years.

- e) Theft from an unlocked vehicle is punishable by imprisonment in a county jail for one year or by imprisonment 16 months, two years, or three years.
- 2) Defined "evacuation zone" as an evacuation area or an area subject to an evacuation warning, as specified.
- 3) Provided that an "evacuation zone" includes a principal residence while it is undergoing reconstruction following damage or destruction caused by an earthquake, fire, flood, riot, or other natural or manmade disaster, after an evacuation order or warning has been lifted.
- 4) Provided that the fact that the structure entered has been damaged by a natural or other disaster, or the extent of that damage, does not preclude conviction.
- 5) Provided that a person who is convicted of looting within an evacuation zone while impersonating emergency personnel, in addition and consecutive to the penalty provided for the felony or attempted felony of which they have been convicted, shall be punished by an additional and consecutive term of one, two, or three years.
- 6) Provided that any person other than emergency personnel who, in an evacuation zone, impersonates emergency personnel is guilty of a misdemeanor punishable by one year in county jail or a felony punishable by imprisonment for 16 months, two years, or three years.
- 7) Defined "impersonating" as willful wearing, exhibiting, or using of an authorized uniform insignia, emblem, device, label, certificate, card, or writing of emergency personnel with the intent of fraudulently inducing the belief that they are a member of emergency personnel.
- 8) Defined "principal residence" to mean a residence, as specified, including the land or building surrounding, contiguous to, or appertaining to the residence.
- 9) Defined "emergency personnel" as a peace officer, an officer or member of a fire department or a deputy state fire marshal, an employee of a public utility or district, state, county, city, or special district, a city and county officer or employee, an officer or member of a governmental agency-managed or –affiliated search and rescue unit or team, an officer or member of the Armed Forces of the United States, the California National Guard, the State Guard, the Naval Militia, the national guard of any other state, or any other reserve component of the Armed Forces of the United States, or an emergency medical technician, as defined.

**According to the Author**

"Assembly Bill 468 will provide a sense of security and better protect communities that have been devastated by wildfires. This legislation responds to recent criminal activity in communities devastated by the Palisades and Eaton Fires. Looters – particularly those who impersonate emergency personnel – create chaos and confusion, endanger residents and first responders, undermine public trust in evacuation orders, divert critical emergency resources, and victimize communities that already have suffered devastating harm. AB 468 will close existing loopholes, provide stronger deterrence, and better protect communities during the recovery and rebuilding process."

**Arguments in Support**

According to the *Office of the District Attorney for Ventura County*, "In Ventura County we have seen firsthand how much pain looters bring to victims of devastating fires such as the Thomas Fire, the Woolsey Fire, and the Mountain Fire. For example, even when some evacuees were fortunate enough to have time to select items to spare from the flames, looters during the Thomas Fire broke into the evacuees' vehicles to steal their most precious possessions. After the more recent Mountain Fire, opportunistic looters picked through rubble and ash looking for scraps of copper pipe. During the Woolsey Fire, a registered sex offender entered homes that were unoccupied due to evacuations to steal women's lingerie.

"AB 468 helps address crimes like the ones described above by providing updated definitions of relevant terms and graduated penalties for more serious looting offenses. AB 468 would enhance penalties for burglaries and for trespassing in an evacuation zone and will discourage thieves from entering evacuated homes as well as from picking through the ashes of destroyed homes. AB 468 also provides additional penalties for those who impersonate first responders in order to commit looting and other crimes against victims of natural disasters.

"I understand the language will be amended to clarify that those who target evacuees' vehicles will receive no break in the law simply because the car was unlocked. This is important as evacuees are often forced to abandon their vehicles to flee for safety on foot. With this planned amendment, AB 468 sends a strong message to would-be looters that California will not tolerate such despicable crimes."

**Arguments in Opposition**

According to *Vera Institute of Justice*, "*AB 468 is alarmingly broad and invites prosecutorial abuse*. The bill's harsher penalties for property crimes would apply to *any* theft, burglary, or trespassing in an area under evacuation order or warning, even when an evacuation *never* occurred or *after* the evacuation order is lifted. The bill is also open-ended because it includes residences undergoing reconstruction for an indeterminate time. Further, AB 468 severely limits pretrial release for people *arrested for* (not charged with) a misdemeanor, disproportionately harming low-income people who cannot afford bail. During the COVID-19 State of Emergency, for example, prosecutors misused looting laws to sidestep California's bail policies, and AB 468 invites similar abuses.

"*AB 468 will worsen racial disparities in the criminal legal system*. The bill creates a harsh felony for "trespass with intent to commit larceny," punishable by up to four years in jail, for a person's mere presence in a specified location based on their alleged intent. This invites racial profiling, which people in historically Black communities like Altadena experienced during the recent Los Angeles fires. Research shows that media coverage often reinforces a harmful and racialized double standard in the wake of natural disasters, depicting Black people as "looting" goods and white people as simply "finding" items. By perpetuating this double standard, AB 468 will place already vulnerable communities at even greater risk under the guise of safety.

"*Instead of responding to the expressed needs of people impacted by the fires, AB 468 prioritizes a costly criminal legal response*. The Essie Justice Group surveyed 137 Altadena residents impacted by the Eaton Canyon Fire and not a single person mentioned looting and theft. Instead, Altadena residents want public officials to provide timely cash assistance, reconstruction, and improved emergency preparedness. With the state spending more than \$130,000 per year to incarcerate one person, increasing penalties and higher court costs ultimately divert critical funds

away from disaster relief. Lawmakers should focus on providing services to fire victims, not counterproductive policing in recovering communities.

"All Californians deserve safe communities, especially during emergencies. AB 468, however, is overly broad, and puts Black and low-income Californians at risk with short-sighted and wasteful measures that fail to address the immediate needs of victims in Los Angeles. As we face the increased impacts of climate change, we need to strengthen our state's emergency preparedness and work with communities to rebuild public trust."

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee:

- 1) Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate the increased criminal penalties in this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Increasing penalties leads to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- 2) Unknown, potentially significant cost pressures (local funds, General Fund) to county probation departments of an unknown, but potentially significant amount, if individuals convicted under this bill are sentenced to probation and ordered to community service, as specified in this bill. In each criminal case, county probation departments conduct investigations to provide presentencing reports to the courts after a conviction, supervise people in the community to ensure they comply with the terms of their supervision, and refer people to programs intended to help them avoid committing new crimes and improve their lives. This bill could create additional workload and costs pressures for probation departments, namely ensuring the defendant attends the required community service. Actual supervision costs will vary by each county probation department and how many individuals sentenced to probation. It is not clear whether the county probation duties imposed by this bill constitute a reimbursable state mandate or whether they may be subject to Proposition 30 (2012). Proposition 30 provides that legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment applies to local agencies only to the extent the state provides annual funding for the cost increase.
- 3) Unknown, potentially significant costs (local funds, General Fund) to the counties to incarcerate people for the crimes created by this bill and to incarcerate individuals sentenced to probation to mandatory minimum jail sentences specified in this bill. The average annual cost to incarcerate one person in county jail varies by county, but likely ranges from \$70,000

to \$90,000 per year. For example, in 2021, Los Angeles County budgeted \$1.3 billion for jail spending, including \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

- 4) Unknown, potentially significant costs (General Fund) to the Department of Corrections and Rehabilitation (CDCR) to incarcerate people for the crimes created by this bill. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The Governor's budget estimates that Proposition 36 (2024), which increased punishment for various theft and drug crimes, will increase the average daily prison population, creating additional costs pressures for the state. Further, given the prevalence of mental health needs among incarcerated people, legislation that sends more people to state prison adds significant costs to CDCR for the delivery of mental health care. About one-third of the prison population has a diagnosed mental health need. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has paid over \$200 million in fines to date, and is still accruing fines. While some individuals incarcerated under this bill will serve their felony sentences in county jail, this bill specifies that violations are punishable "pursuant to subdivision (h) of Section 1170." Under subdivision (h) of Section 1170 of the Penal Code, if the defendant has specified prior felony convictions, the sentence for a felony shall be served in the state prison. Thus, if even if just one person is sentenced to state prison for one year under this bill, it will add significant costs pressures to CDCR.
- 5) Potential cost pressures (General Fund) to the Department of State Hospitals (DSH), in order to adequately house, treat, and care for persons committed to DSH that otherwise would not. Cost pressures to DSH are connected with an increase in state prison sentences. Expanding criminal penalties, especially state prison felonies, will increase the number of defendants declared incompetent to stand trial (IST), or committed to DSH due to their being not guilty by reason of insanity. DSH's proposed budget for fiscal year 2025-26 totals \$3.4 billion – an increase of \$3.4 million from the 2024 Budget Act. An increase the DSH population would result in the need for additional funding.

#### **VOTES:**

##### **ASM PUBLIC SAFETY: 8-0-1**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos

**ABS, ABST OR NV:** Sharp-Collins

##### **ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Sanchez

##### **ASSEMBLY FLOOR: 72-0-7**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark

González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Bonta, Bryan, Caloza, Elhawary, Jackson, Kalra, Sharp-Collins

**SENATE FLOOR: 38-0-2**

**YES:** Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Wiener

**ABS, ABST OR NV:** Smallwood-Cuevas, Weber Pierson

**UPDATED**

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CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744, Dustin Weber / PUB. S. / (916) 319-3744  
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