

CONCURRENCE IN SENATE AMENDMENTS

AB 486 (Lackey)

As Amended June 18, 2025

Majority vote

SUMMARY

Makes it a misdemeanor to possess a key programming device, key duplicating device, or signal extender with the intent to feloniously break or enter into any building, aircraft, vessel, or vehicle, as specified.

Senate Amendments

- 1) Delete the prior contents of the bill and replace it with the following:
 - a) Adds key programming devices, key duplicating devices, and signal extenders to the list of tools for which it is a misdemeanor, punishable, by up to six months in county jail or up to a \$1,000 fine, or both, to: 1) possess such tools with intent to feloniously break or enter into any building, railroad car, aircraft, vessel, trailer coach, or vehicle; or 2) knowingly make, alter, or attempt to make or alter such tools so that they will fit or open the lock of such a structure or vehicle without being requested to do so by a person with a right to open the lock of such a structure or vehicle.
 - b) Defines the following terms:
 - i) "Key programming device" or "key duplicating device" means any device with the capability to access a vehicle's onboard computer to allow additional keys to be made, delete keys, or remotely start the vehicle without the use of any key. A key duplicating device also includes any device with the ability to capture a key code or signal in order to remotely access a vehicle.
 - ii) "Signal extender" means a key fob amplifier or other device that extends the signal range of a keyless entry car fob to send a coded signal to a receiver in a vehicle to lock, unlock, access a vehicle, start the engine, or interact with other remote commands associated to the vehicle's onboard computer.

COMMENTS

As passed by the Assembly: This bill clarified that a person who organizes a sideshow may be charged with aiding or abetting a speed contest or exhibition of speed, even if they are not physically present at the scene of the sideshow.

Major Provisions

- 1) Specified that a person who organizes, facilitates, or instigates a side show may be charged with aiding or abetting a motor vehicle speed contest or a motor vehicle exhibition of speed, as specified, even if they are not physically present at the scene of the sideshow.
- 2) Clarified that this bill does not abrogate or otherwise modify the legal elements that must be proven to find an individual guilty of aiding and abetting a crime as established in the California Supreme Court's decision in *People v. Beeman* (1984) 35 Cal.3d 547.

According to the Author

"Criminals are using advanced key programming devices to steal vehicles in seconds - fueling crime and putting the public at risk. AB 486 updates California law to treat these devices as burglary tools when possessed without a lawful purpose, giving law enforcement a critical tool to combat rising auto theft. This bill updates our laws to keep pace with this evolving threat, and takes additional steps to keep Californians safe."

Arguments in Support

According to the *California State Sheriffs' Association*, "Existing law makes the possession of specific instruments or tools with the intent to break into any building, railroad car, vessel, or vehicle a misdemeanor. Unfortunately, current statutes are dated and do not contemplate modern cars with smart entry technologies, which are easy targets for hackers. As automobiles are becoming increasingly remote, thieves have created several techniques to hack the keyless entry system."

"This legislative proposal recognizes the advancement of wireless technologies that have developed drastically over the last few decades, offering the public the convenience of using keyless go systems. AB 486 offers a necessary clarification in existing statute to safeguard properties and ensure criminals who take advantage of these useful tools and use them nefariously are held accountable."

Arguments in Opposition

According to *Initiate Justice*, "AB 486 adds to a problematic portion of the Penal Code. The bill adds to the Penal Code Section 466's list of "burglary tools" which can land someone a misdemeanor conviction for possessing the tool with criminal intent – a list that includes "screwdriver[s]". No law should criminalize possession based solely on what police or prosecutors believe is happening in the owner's mind. Moreover, no person should face criminal liability for their thoughts alone."

"AB 486 is unnecessary to address the threat of carjacking. It is important to note that even if the entirety of PC 466 was removed, police would still have a tool to prevent carjackings. Namely, where an individual had criminal intent and made an act toward the commission of burglary or theft, they could be prosecuted for the crime of attempted burglary or attempted theft. Unlike PC 466, California's attempt laws provide prosecutors with a tool that doesn't rely solely on prosecutors' attempts to read a person's mind."

"Expanding the PC 466 list will invite biased policing. Much like the rest of the PC 466 list, key programming devices, key duplicating devices, and signal extenders are often possessed by innocent actors, such as car mechanics and locksmiths. While PC 466's criminal intent standard might preclude some innocent actors from being convicted under AB 486, the intent standard does not prevent police from arresting and searching innocent actors. AB 486 invites police to harass car mechanics and locksmiths. Given general trends in policing, this would likely disproportionately affect people of color and less wealthy Californians."

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 crimes created by 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 costs (local funds, General Fund) to the counties to incarcerate people for the crime created by 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).

VOTES:

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 73-0-6

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

ABS, ABST OR NV: Bryan, Caloza, Lee, Ortega, Celeste Rodriguez, Zbur

SENATE FLOOR: 39-0-1

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, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

UPDATED

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