



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

## SACRAMENTO LEGISLATIVE OFFICE

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March 11, 2024

The Honorable Kevin McCarty  
Assembly Public Safety Committee, Chair  
1020 N Street, Room 111  
Sacramento, CA 95814

### **ASSEMBLY BILL 1802 (JONES-SAWYER) SPONSOR**

Dear Assembly Member McCarty:

The Los Angeles County District Attorney's Office is pleased to sponsor Assembly Bill 1802.

AB 1802 would eliminate the sunset date of California's Organized Retail Theft.

The increase in organized retail theft is not a uniquely California problem. Organized retail theft crimes at high end retail stores and shopping malls are routinely covered by the media across the nation. The closure of retail stores across the country, which is partially blamed on the increase in retail theft, are also heavily covered by the media.

A recent study by the National Retail Federation found that organized retail theft has increased by over 26% nationally since 2021.

Contrary to the opinion of some, organized retail theft is not a victimless crime. Organized retail theft harms our communities' sense of safety and security while shopping at retail stores and it harms the ability of local businesses to succeed which ultimately harms all Californians.

One of the most important tools we have to combat the problem of retail theft is California's Organized Retail Theft statute, Penal Code Section 490.4. California's Organized Retail Theft statute makes it a wobbler for an organized group of two or more persons to steal goods from a merchant with the intent to sell, exchange or return the goods for value.

Last year our Office filed over 500 cases using California's Organized Retail Theft statute in both the criminal and juvenile courts. The majority of these cases involved multiple defendants. In addition to prosecuting these cases, our Office has also worked with the Los Angeles County regional organized task force to recover millions of dollars in stolen goods which have been returned to retailers by law enforcement. For example, \$188,000 in merchandise has been returned to Saks Fifth Avenue in Beverly Hills, \$250,000 in recovered goods has been given

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back to Kevin Jewelers, and hundreds of thousands of dollars has been returned to Target and CVS.

The number of criminal prosecutions for organized retail theft have increased significantly since 2020. In 2020, our Office filed 95 criminal cases charging a violation of Penal Code Section 490.4 (78 felony filings and 17 misdemeanor filings). Last year the number of Penal Code Section 490.4 filings increased to 541 (434 felony filings and 107 misdemeanor filings).

Retail theft is a significant public policy problem as it not only negatively impacts California merchants but also for everyday Californians who feel less safe shopping in our communities but who are also harmed and inconvenienced by retail store closures in their local neighborhoods.

While organized retail theft at high end retailers like Yves Saint Laurent, Saks 5<sup>th</sup> Avenue and Nordstrom are regularly covered by the media, the National Retail Federation reported that over 80% of organized retail theft groups' target "everyday consumer goods" like laundry detergent, cosmetics and over the counter medications.

The thefts of everyday goods is the type of organized retail theft that directly and indirectly impacts most Californians by increasing the costs of goods (on top of the significant cost increases caused by high inflation) and the closure of many local convenience stores like Walgreens, CVS and Walmart.

It is imperative that law enforcement retains all of our existing tools in order to continue to combat the problem of organized retail theft in California.

For these reasons our Office is proud to sponsor AB 1802 (Jones-Sawyer).

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



**GEORGE GASCÓN**  
District Attorney

cc: Assembly Member Jones-Sawyer  
Counsel, Assembly Public Safety Committee  
Gary Olson, Assembly Republican Caucus