

Proposition 36 Fact Sheet - Thefts

From 2019 to 2023, shoplifting and retail theft rates in California showed continued increases with reported incidents 28% higher than in 2019.¹

California's Proposition 36, passed in November 2024, makes California communities safer by addressing rampant theft, drug trafficking, and drug addiction.

Key Provisions Benefiting Retailers

- **Felony Charges for Repeat Offenders:** Individuals with two or more prior theft convictions now face felony charges for subsequent thefts regardless of the amount stolen.
- **Enhanced Penalties for Smash-And-Grab Thefts:** Provides for an increased penalty when three or more individuals commit a smash and grab type theft together and damage or destroy property in the process.
- **Aggregation of Theft Amounts:** Allows the amount of property stolen in different thefts to be combined to meet the \$950 threshold for felony charges.
- **Retail Theft Restraining Order:** Pursuant to Penal Code Section 490.8, the court may issue an order restraining the defendant from entering the premises of a retail establishment (even other stores within that chain or franchise) at sentencing for up to 2 years.
- **Sentencing Enhancements:** Pursuant to Penal Code Section 12022.10 and 12022.6, large-scale exchange or resale of stolen property or high-value theft or damage or destruction of property can add additional prison time.

¹ [Commercial Burglaries Fell in 2023, but Shoplifting Continued to Rise - Public Policy Institute of California](#)