

**Introduced by Senators Archuleta and Arreguín  
(Principal coauthors: Senators Cervantes, Grayson, Hurtado,  
Menjivar, Pérez, Reyes, Richardson, Stern, and Umberg)**

February 20, 2025

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*An act to amend Sections 451.5, 459, and 463 of, and to add Section 538i to, the Penal Code, relating to crimes.*

LEGISLATIVE COUNSEL'S DIGEST

SB 571, as amended, Archuleta. ~~Crimes. Looting.~~

~~Existing law defines any 2nd-degree burglary or grand theft, during and within an affected county in a state of emergency or local emergency, as specified, as looting, punishable by either imprisonment in a county jail for one year or as a felony.~~

*Existing law defines looting as the commission of certain offenses during and within an affected county in a state of emergency or local emergency, as specified. Existing law includes any 2nd-degree burglary or grand theft in the definition of looting, and makes looting based on those offenses punishable by either imprisonment in a county jail for one year or as a felony. Existing law requires a person convicted of these looting offenses who is granted probation to be confined to the county jail for a minimum of 180 days, but provides discretion to the court to reduce or eliminate that mandatory jail sentence, as specified.*

*This bill would instead make the above-described offenses punishable only as a felony and would remove the court's discretion to reduce or eliminate the mandatory jail sentence for an individual who is granted probation. The bill would additionally expand the definition of looting*

*to include the 180 days after the termination of a state of emergency or local emergency.*

Existing law prohibits credibly impersonating a peace officer, firefighter, or employee of a state or local government agency, or a search and rescue team, as specified. A violation of these prohibitions is punishable as a misdemeanor.

*This bill would make it a crime punishable as a misdemeanor or a felony for a person, other than a first responder to wear, exhibit, or use the uniform, insignia, emblem, device, label, certificate, card, or writing of a first responder with the intent of fraudulently impersonating a first responder within an area under an evacuation order, as specified. The bill would also make it a crime, punishable as a misdemeanor or a felony, to impersonate a first responder on the internet or by electronic means for the purpose of defrauding another, as specified.*

Existing law, until January 1, 2029, defines the offense of aggravated arson, and defines the aggravating factors for the offense as: the person has been previously convicted of arson on one or more occasions within the past 10 years, the fire caused property damage and other losses in excess of \$10,100,000, or the fire caused damage to, or the destruction of, 5 or more inhabited dwellings. Existing law, commencing January 1, 2029, deletes the aggravating factor of property damage and other losses in excess of \$10,100,000 from the definition of aggravated arson.

~~This bill would state the intent of the Legislature to enact legislation to strengthen penalties on looting during a state of emergency, impersonating first responders, and aggravated arson.~~

*This bill would state that it is the intent of the Legislature that amendments to the above-described dollar amounts are to be applied prospectively and shall not be interpreted to benefit any defendant who committed a crime or received a sentence before the effective date of the amendment.*

Existing law defines the crime of burglary as entering specified buildings, places, or vehicles with the intent to commit grand or petty theft or a felony. Existing law clarifies that a structure designed for habitation is being used for dwelling purposes, if at the time of the burglary it was not occupied solely because a disaster caused the occupants to leave the premises.

*This bill would specify that the fact that the structure entered has been damaged by a natural or other disaster shall not preclude conviction.*

*By creating a new crime and by increasing the punishment of specified crimes, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 451.5 of the Penal Code, as amended by  
2     Section 1 of Chapter 706 of the Statutes of 2023, is amended to  
3     read:

4     451.5. (a) A person who willfully, maliciously, deliberately,  
5     with premeditation, and with intent to cause injury to one or more  
6     persons, or to cause damage to property under circumstances likely  
7     to produce injury to one or more persons, or to cause damage to  
8     one or more structures or inhabited dwellings, sets fire to, burns,  
9     or causes to be burned, or aids, counsels, or procures the burning  
10    of any residence, structure, forest land, or property, is guilty of  
11    aggravated arson if one or more of the following aggravating  
12    factors exists:

13    (1) The defendant has been previously convicted of arson on  
14    one or more occasions within the past 10 years.

15    (2) (A) The fire caused property damage and other losses in  
16    excess of ten million one hundred thousand dollars (\$10,100,000),  
17    exclusive of damage to, or destruction of, inhabited dwellings.

18    (B) In calculating the total amount of property damage and other  
19    losses under subparagraph (A), the court shall consider the cost of  
20    fire suppression. It is the intent of the Legislature that this  
21    paragraph be reviewed within five years to consider the effects of  
22    inflation on the dollar amount stated herein.

23    (3) The fire caused damage to, or the destruction of, five or  
24    more inhabited dwellings.

25    (b) A person who is convicted under subdivision (a) shall be  
26    punished by imprisonment in the state prison for 10 years to life.

(c) A person who is sentenced under subdivision (b) shall not be eligible for release on parole until 10 calendar years have elapsed.

(d) *It is the intent of the Legislature that amendments to the threshold dollar amount set forth in this section are to be applied prospectively only and shall not be interpreted to benefit any defendant who committed any crime or received any sentence before the effective date of the threshold.*

~~(d)~~

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 2. *Section 459 of the Penal Code is amended to read:*

459. (a) Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, as defined in Section 21 of the Harbors and Navigation Code, floating home, as defined in subdivision (d) of Section 18075.55 of the Health and Safety Code, railroad car, locked or sealed cargo container, whether or not mounted on a vehicle, trailer coach, as defined in Section 635 of the Vehicle Code, any house car, as defined in Section 362 of the Vehicle Code, inhabited camper, as defined in Section 243 of the Vehicle Code, vehicle as defined by the Vehicle Code, when the doors are locked, aircraft as defined by Section 21012 of the Public Utilities Code, or mine or any underground portion thereof, with intent to commit grand or petit larceny or any felony is guilty of burglary. As used in this chapter, “inhabited” means currently being used for dwelling purposes, whether occupied or not. A house, trailer, vessel designed for habitation, or portion of a building is currently being used for dwelling purposes if, at the time of the burglary, it was not occupied solely because a natural or other disaster caused the occupants to leave the premises.

(b) *The fact that the structure entered has been damaged to any extent by a natural or other disaster shall not, in and of itself, preclude conviction.*

SEC. 3. *Section 463 of the Penal Code is amended to read:*

463. (a) Every person who violates Section 459, punishable as a second-degree burglary pursuant to subdivision (b) of Section 461, during and within an affected county in a “state of emergency” or a “local emergency,” or under an “evacuation order,” resulting from an earthquake, fire, flood, riot, or other natural or manmade

1 disaster *or within 180 days of the termination of a “state of*  
2 *emergency,” “local emergency,” or “evacuation order,”* shall be  
3 guilty of the crime of looting, punishable ~~by imprisonment in a~~  
4 ~~county jail for one year or~~ pursuant to subdivision (h) of Section  
5 1170. Any person convicted under this subdivision who is eligible  
6 for probation and who is granted probation shall, as a condition  
7 thereof, be confined in a county jail for at least 180 days, ~~except~~  
8 ~~that the court may, in the case where the interest of justice would~~  
9 ~~best be served, reduce or eliminate that mandatory jail sentence,~~  
10 ~~if the court specifies on the record and enters into the minutes the~~  
11 ~~circumstances indicating that the interest of justice would best be~~  
12 ~~served by that disposition.~~ *days.* In addition to whatever custody  
13 is ordered, the court, in its discretion, may require any person  
14 granted probation following conviction under this subdivision to  
15 serve up to 240 hours of community service in any program  
16 deemed appropriate by the court, including any program created  
17 to rebuild the community.

18 For purposes of this subdivision, the fact that the structure  
19 entered has been damaged by the earthquake, fire, flood, or other  
20 natural or manmade disaster shall not, in and of itself, preclude  
21 conviction.

22 (b) Every person who commits the crime of grand theft, as  
23 defined in Section 487 or subdivision (a) of Section 487a, except  
24 grand theft of a firearm, during and within an affected county in  
25 a “state of emergency” or a “local emergency,” or under an  
26 “evacuation order,” resulting from an earthquake, fire, flood, riot,  
27 or other natural or unnatural disaster *or within 180 days of the*  
28 *termination of a “state of emergency,” “local emergency,” or*  
29 *“evacuation order,”* shall be guilty of the crime of looting,  
30 ~~punishable by imprisonment in a county jail for one year or~~  
31 pursuant to subdivision (h) of Section 1170. Every person who  
32 commits the crime of grand theft of a firearm, as defined in Section  
33 487, during and within an affected county in a “state of emergency”  
34 or a “local emergency” resulting from an earthquake, fire, flood,  
35 riot, or other natural or unnatural disaster shall be guilty of the  
36 crime of looting, punishable by imprisonment in the state prison,  
37 as set forth in subdivision (a) of Section 489. Any person convicted  
38 under this subdivision who is eligible for probation and who is  
39 granted probation shall, as a condition thereof, be confined in a  
40 county jail for at least 180 days, ~~except that the court may, in the~~

1 ~~case where the interest of justice would best be served, reduce or~~  
2 ~~eliminate that mandatory jail sentence, if the court specifies on the~~  
3 ~~record and enters into the minutes the circumstances indicating~~  
4 ~~that the interest of justice would best be served by that disposition.~~  
5 *days.* In addition to whatever custody is ordered, the court, in its  
6 discretion, may require any person granted probation following  
7 conviction under this subdivision to serve up to 160 hours of  
8 community service in any program deemed appropriate by the  
9 court, including any program created to rebuild the community.

10 (c) Every person who commits the crime of petty theft, as  
11 defined in Section 488, during and within an affected county in a  
12 “state of emergency” or a “local emergency,” or under an  
13 “evacuation order,” resulting from an earthquake, fire, flood, riot,  
14 or other natural or manmade disaster shall be guilty of a  
15 misdemeanor, punishable by imprisonment in a county jail for six  
16 months. Any person convicted under this subdivision who is  
17 eligible for probation and who is granted probation shall, as a  
18 condition thereof, be confined in a county jail for at least 90 days,  
19 except that the court may, in the case where the interest of justice  
20 would best be served, reduce or eliminate that mandatory minimum  
21 jail sentence, if the court specifies on the record and enters into  
22 the minutes the circumstances indicating that the interest of justice  
23 would best be served by that disposition. In addition to whatever  
24 custody is ordered, the court, in its discretion, may require any  
25 person granted probation following conviction under this  
26 subdivision to serve up to 80 hours of community service in any  
27 program deemed appropriate by the court, including any program  
28 created to rebuild the community.

29 (d) (1) For purposes of this section, “state of emergency” means  
30 conditions that, by reason of their magnitude, are, or are likely to  
31 be, beyond the control of the services, personnel, equipment, and  
32 facilities of any single county, city and county, or city and require  
33 the combined forces of a mutual aid region or regions to combat.

34 (2) For purposes of this section, “local emergency” means  
35 conditions that, by reason of their magnitude, are, or are likely to  
36 be, beyond the control of the services, personnel, equipment, and  
37 facilities of any single county, city and county, or city and require  
38 the combined forces of a mutual aid region or regions to combat.

39 (3) For purposes of this section, a “state of emergency” shall  
40 exist from the time of the proclamation of the condition of the

1 emergency until terminated pursuant to Section 8629 of the  
2 Government Code. For purposes of this section only, a “local  
3 emergency” shall exist from the time of the proclamation of the  
4 condition of the emergency by the local governing body until  
5 terminated pursuant to Section 8630 of the Government Code.

6 (4) For purposes of this section, “evacuation order” means an  
7 order from the Governor, or a county sheriff, chief of police, or  
8 fire marshal, under which persons subject to the order are required  
9 to relocate outside of the geographic area covered by the order due  
10 to an imminent danger resulting from an earthquake, fire, flood,  
11 riot, or other natural or manmade disaster.

12 ~~(5)~~

13 (e) Consensual entry into a commercial structure with the intent  
14 to commit a violation of Section 470, 476, 476a, 484f, or 484g  
15 shall not be charged as a violation under this section.

16 *SEC. 4. Section 538i is added to the Penal Code, to read:*

17 *538i. (a) Any person, other than a first responder, who willfully*  
18 *wears, exhibits, or uses the uniform, insignia, emblem, device,*  
19 *label, certificate, card, or writing of a first responder with the*  
20 *intent of fraudulently impersonating a first responder in an area*  
21 *subject to an evacuation order as defined in Section 463, or who*  
22 *willfully and credibly impersonates a first responder on an internet*  
23 *website, or by other electronic means, for purposes of defrauding*  
24 *another, shall be punished either by imprisonment in a county jail*  
25 *not to exceed one year, by a fine not to exceed \$20,000, or by both*  
26 *that imprisonment and fine, or by imprisonment pursuant to*  
27 *subdivision (h) of Section 1170 and by a fine not to exceed \$20,000.*

28 *(b) For purposes of this section, “first responder” means a first*  
29 *responder as defined under Section 8562 of the Government Code,*  
30 *or any employee of the Federal Emergency Management Agency*  
31 *under Section 313 of Subchapter V of Chapter 1 of Title 6 of the*  
32 *United States Code.*

33 *SEC. 5. No reimbursement is required by this act pursuant to*  
34 *Section 6 of Article XIII B of the California Constitution because*  
35 *the only costs that may be incurred by a local agency or school*  
36 *district will be incurred because this act creates a new crime or*  
37 *infraction, eliminates a crime or infraction, or changes the penalty*  
38 *for a crime or infraction, within the meaning of Section 17556 of*  
39 *the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*  
2 *Constitution.*

3 ~~SECTION 1. It is the intent of the Legislature to enact~~  
4 ~~legislation to strengthen penalties on all of the following:~~

5 ~~(a) Looting during a state of emergency.~~

6 ~~(b) Impersonating first responders, including firefighters and~~  
7 ~~federal emergency management aid workers.~~

8 ~~(c) Aggravated arson.~~

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