

AMENDED IN ASSEMBLY JULY 17, 2025

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE MARCH 25, 2025

SENATE BILL

No. 571

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

February 20, 2025

An act to amend ~~Sections 451.5, 459, and 463~~ *Section 451.5* of, and to add ~~Section~~ *Sections 463.2 and 538i* to, the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 571, as amended, Archuleta. ~~Looting.~~ *Emergencies: crimes.*

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.~~ *authorize the court to consider the fact, if pled and proven, that the defendant committed the crime of looting while impersonating emergency personnel as a factor in aggravation.*

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 *during an evacuation order or within 30 days of its termination* 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 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.

This bill would make the operation of its provisions contingent upon the enactment of AB 468 of the 2025–26 Regular Session.

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

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

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

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10 and as of that date is repealed.

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

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

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

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

35 ~~463. (a) Every person who violates Section 459, punishable~~
36 ~~as a second-degree burglary pursuant to subdivision (b) of Section~~
37 ~~461, during and within an affected county in a “state of emergency”~~
38 ~~or a “local emergency,” or under an “evacuation order,” resulting~~
39 ~~from an earthquake, fire, flood, riot, or other natural or manmade~~
40 ~~disaster or within 180 days of the termination of a “state of~~

1 emergency,” “local emergency,” or “evacuation order,” is guilty
2 of the crime of looting, punishable pursuant to subdivision (h) of
3 Section 1170. Any person convicted under this subdivision who
4 is eligible for probation and who is granted probation shall, as a
5 condition thereof, be confined in a county jail for at least 180 days.
6 In addition to whatever custody is ordered, the court, in its
7 discretion, may require any person granted probation following
8 conviction under this subdivision to serve up to 240 hours of
9 community service in any program deemed appropriate by the
10 court, including any program created to rebuild the community.

11 For purposes of this subdivision, the fact that the structure
12 entered has been damaged by the earthquake, fire, flood, or other
13 natural or manmade disaster shall not, in and of itself, preclude
14 conviction.

15 (b) Every person who commits the crime of grand theft, as
16 defined in Section 487 or subdivision (a) of Section 487a, except
17 grand theft of a firearm, during and within an affected county in
18 a “state of emergency” or a “local emergency,” or under an
19 “evacuation order,” resulting from an earthquake, fire, flood, riot,
20 or other natural or unnatural disaster or within 180 days of the
21 termination of a “state of emergency,” “local emergency,” or
22 “evacuation order,” is guilty of the crime of looting, punishable
23 pursuant to subdivision (h) of Section 1170. Every person who
24 commits the crime of grand theft of a firearm, as defined in Section
25 487, during and within an affected county in a “state of emergency”
26 or a “local emergency” resulting from an earthquake, fire, flood,
27 riot, or other natural or unnatural disaster is guilty of the crime of
28 looting, punishable by imprisonment in the state prison, as set forth
29 in subdivision (a) of Section 489. Any person convicted under this
30 subdivision who is eligible for probation and who is granted
31 probation shall, as a condition thereof, be confined in a county jail
32 for at least 180 days. In addition to whatever custody is ordered,
33 the court, in its discretion, may require any person granted
34 probation following conviction under this subdivision to serve up
35 to 160 hours of community service in any program deemed
36 appropriate by the court, including any program created to rebuild
37 the community.

38 (c) Every person who commits the crime of petty theft, as
39 defined in Section 488, during and within an affected county in a
40 “state of emergency” or a “local emergency,” or under an

1 “evacuation order,” resulting from an earthquake, fire, flood, riot,
2 or other natural or manmade disaster is guilty of a misdemeanor,
3 punishable by imprisonment in a county jail for six months. Any
4 person convicted under this subdivision who is eligible for
5 probation and who is granted probation shall, as a condition thereof,
6 be confined in a county jail for at least 90 days, except that the
7 court may, in the case where the interest of justice would best be
8 served, reduce or eliminate that mandatory minimum jail sentence;
9 if the court specifies on the record and enters into the minutes the
10 circumstances indicating that the interest of justice would best be
11 served by that disposition. In addition to whatever custody is
12 ordered, the court, in its discretion, may require any person granted
13 probation following conviction under this subdivision to serve up
14 to 80 hours of community service in any program deemed
15 appropriate by the court, including any program created to rebuild
16 the community.

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

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

27 (3) For purposes of this section, a “state of emergency” shall
28 exist from the time of the proclamation of the condition of the
29 emergency until terminated pursuant to Section 8629 of the
30 Government Code. For purposes of this section only, a “local
31 emergency” shall exist from the time of the proclamation of the
32 condition of the emergency by the local governing body until
33 terminated pursuant to Section 8630 of the Government Code.

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

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

4 *SEC. 2. Section 463.2 is added to the Penal Code, to read:*

5 *463.2. (a) In sentencing a person convicted of a violation of*
6 *Section 463, the court may consider the fact, if pled and proven,*
7 *that the defendant committed the crime while impersonating*
8 *emergency personnel as a factor in aggravation in sentencing.*

9 *(b) For purposes of this section, the following terms have the*
10 *following meanings:*

11 *(1) "Emergency personnel" means a peace officer, an officer*
12 *or member of a fire department or a deputy state fire marshal, an*
13 *employee of a public utility or district, state, county, city, or special*
14 *district, a city and county officer or employee, an officer or member*
15 *of a governmental agency-managed or -affiliated search and rescue*
16 *unit or team, an officer or member of the Armed Forces of the*
17 *United States, the California National Guard, the State Guard,*
18 *the Naval Militia, the national guard of any other state, or any*
19 *other reserve component of the Armed Forces of the United States,*
20 *or an emergency medical technician, as defined in Division 2.5*
21 *(commencing with Section 1797) of the Health and Safety Code.*

22 *(2) "Impersonating" means willfully wearing, exhibiting, or*
23 *using of an authorized uniform, insignia, emblem, device, label,*
24 *certificate, card, or writing of emergency personnel with the intent*
25 *of fraudulently inducing the belief that they are emergency*
26 *personnel.*

27 ~~*SEC. 4.*~~

28 *SEC. 3. Section 538i is added to the Penal Code, to read:*

29 *538i. (a) Any person, other than a first responder, who willfully*
30 *wears, exhibits, or uses the uniform, insignia, emblem, device,*
31 *label, certificate, card, or writing of a first responder with the intent*
32 *of fraudulently impersonating a first responder in an area subject*
33 *to an evacuation order as defined in Section 463, or who willfully*
34 *and credibly impersonates a first responder on an internet website,*
35 *or by other electronic means, during an evacuation order or within*
36 *30 days of its termination, for purposes of defrauding another,*
37 *shall be punished either by imprisonment in a county jail not to*
38 *exceed one year, by a fine not to exceed \$20,000, two thousand*
39 *dollars (\$2,000) or by both that imprisonment and fine, or by*

1 imprisonment pursuant to subdivision (h) of Section 1170 and by
2 a fine not to exceed ~~\$20,000~~; *twenty thousand dollars (\$20,000)*.

3 (b) For purposes of this section, ~~“first the following terms have~~
4 *the following meanings:*

5 (1) “Evacuation order” has the same meaning as in Section
6 463.

7 (2) “First responder” means a first responder as defined under
8 Section 8562 of the Government Code, or any employee of the
9 Federal Emergency Management Agency under Section 313 of
10 Subchapter V of Chapter 1 of Title 6 of the United States Code.

11 ~~SEC. 5.~~

12 *SEC. 4.* No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 *SEC. 5.* *This act shall become operative only if Assembly Bill*
22 *468 of the 2025–2026 Regular Session is enacted and becomes*
23 *effective on or before January 1, 2026.*