

Understanding California's Effort to Combat Shoplifting: AB 2943 Explained

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How did AB 2943 change the law regarding shoplifting?

The law, passed in August of 2024, amended several sections of the Penal Code, changing how theft is categorized. Prosecutors may now add up the value of multiple thefts, even if committed over time and in different jurisdictions, to see whether the aggregate amounts to \$950 or more. This allows prosecutors to charge repeat offenders with grand theft, even if the value of each individual theft is less than \$950. As such, it is now easier for prosecutors to charge the theft as a felony. It also permits prosecutors to charge individuals who don't personally engage in theft, but facilitate such organized theft operations. This focus on organized crime rings constitutes a significant shift in how the State addresses retail theft.

Why was AB 2943 enacted?

Most Californians are well-aware that the State has seen a major increase in "smash-and-grab" retail theft, often by large groups of individuals working collectively. This crime surge has negatively impacted business owners, community confidence and safety, and economic

stability. With the hope of combating shoplifting and organized retail crime more effectively, AB 2943 was passed with bipartisan support.

How does AB 2943 affect law enforcement?

The law grants law enforcement increased authority to arrest individuals suspected of stealing by no longer requiring officers to have *personally witnessed* the alleged theft. Officers may now respond quickly to reports of theft and conduct warrantless arrests of suspects without the restriction of having to have personally observed the crime occurring.

Prosecutors are now empowered to charge suspected shoplifters by including acts the suspects may have committed against multiple victims, and/or in multiple counties. It permits a felony charge for thieves who, individually or with others, steal more than \$950 worth of property, through one or more acts of shoplifting, theft or burglary, from a retail business with the intent to "sell, exchange, or return the merchandise for value."

The law permits courts to consider evidence that the same defendant or defendants committed crimes of a substantially similar nature, and, if so, impose enhanced punishment.

Bottom Line:

A warrantless misdemeanor arrest, without need to personally observe the crime, is yet another tool that officers may use in an effort to enforce the law, and to combat quality of life crimes which heretofore have been largely unenforced.

Stay Safe and Informed!