

No on SB-82

As a California State Legislator, I oppose Senate Bill SB-82. It is a legislator's duty to ensure safety and justice for the community. SB-82 fails to address the gravity of crime by dismissing it as "petty theft," in which property stolen under the value of \$950 is cast as a misdemeanor and punished less severely. The contentions I will lay forth is that this bill would threaten the safety of communities, fail in stopping crime, and mistreat victims.

There is evidence that easing the consequences of crime will injure the community. In November of 2014, California Proposition 47 was passed (a statute that, like SB-82, dismissed certain crimes as misdemeanors). Following the proposition's passing, Target, Rite Aid, and CVS pharmacies all reported a 15% increase in shoplifting.¹ Yet, the possibility of charging shoplifting as a felony was ended, thus hurting retailers. Moreover, it is reported that larceny theft (e.g., pick pocketing, purse snatching, motor theft) dramatically increased with the rise of monthly property crimes after Proposition 47.² If we employ SB-82 to classify unlawful actions, spikes in crime would undoubtedly increase in our communities.

SB-82 fails to prevent the action of crime. Once again referring back to Proposition 47, it was reported that on one account, a thief in San Bernardino County had been caught shoplifting with a calculator, all to ensure he did not steal over \$950. On another account, one criminal stole appliances 13 different times over the course of three months, each misdemeanor followed by a

¹ "Spike In Shoplifting Blamed On California Prop 47's Reduced Penalties," *CBS*, May 2016, accessed August 17, 2021, <https://sanfrancisco.cbslocal.com/2016/05/14/shoplifting-california-prop-47-reduced-penalties/>.

² Public Policy Institute of California, "The Impact of Proposition 47 on Crime and Recidivism," *The Impact of Proposition 47 on Crime and Recidivism*, https://www.ppic.org/wp-content/uploads/r_0618mbr.pdf.

quick release.³ The very action of crime will still occur, yet SB-82 utilizes the label of “petty theft” to leave such cases virtually unaccounted for. As Shelley Zimmerman, San Diego’s former police chief, put it: “It’s a slap on the wrist the first time and the third time and the 30th time, so it’s a virtual get-out-of-jail-free card.”⁴ SB-82 will not halt the cycle of crime. To obtain high efficacy in crime prevention, we must maintain a serious stance when it comes to punishment.

Mr. Justice Brewer, former Associate Justice of the Supreme Court of the United States, proclaimed that, “The word ‘crime’ of itself includes every offense, from the highest to the lowest in the grade of offenses...”.⁵ We can not draw the veil over “petty theft.” SB-82 ignores the fact that *all* crime must be prevented. In a study by Daniel Kessler and Steven Levitt about the outcome of California’s Proposition 8 (a bill that lengthened the sentences of certain repeat offenders), it was found that after harsher punishments were implemented, crimes such as robbery and burglary fell by 20 percent.⁶ In stripping away penalties for “petty theft,” we would fail at our job of deterring crime.

SB-82 also fails to acknowledge victims. It is vital to consider the mental injuries that occur in cases of theft. In a research at King’s College London, it was reported that of 106 victims of robbery related crimes, a third experienced symptoms of PTSD, while two thirds experienced

³ Eli Saslow, "A 'virtual get-out-of-jail-free card,'" The Washington Post, October 10, 2015, accessed August 17, 2021, <https://www.washingtonpost.com/sf/national/2015/10/10/prop47/>.

⁴ Saslow, "A 'virtual.'"

⁵ Michigan Law Review, "What Is a 'Crime' within the Meaning of the Constitution?," Michigan Law Review, https://www.jstor.org/stable/1273257?seq=3#metadata_info_tab_contents.

⁶ David R. Francis, "Sentence Enhancements Reduce Crime," National Bureau of Economic Research, <https://www.nber.org/digest/oct98/sentence-enhancements-reduce-crime>.

symptoms of paranoia.⁷ SB-82 claims that if the value of stolen items does not exceed \$950, the crime is non-serious, but the trauma that victims experience can not be measured by some monetary value.

During the rise of anti-Asian hate amidst the pandemic, for example, it was found in The Stop AAPI Hate survey that out of 413 individuals who reported racist incidents to the platform, 71.7% reported anti-Asian *crime* as their greatest source of stress.⁸ SB-82 ignores these critical factors of mental health. When we consider crime only by monetary value, its detrimental impact on emotional wellbeing is downplayed. It was not just stress, but also symptoms of anxiety, depression, and even physical symptoms that punctured the Asian-American community. By opposing SB-82, we are standing in allyship with these communities that suffer and with future generations who can trust that their emotional wellbeing is to be valued in cases of crime.

The enactment of SB-82 would prompt the question: what type of community is being imposed? Mayor of Yorba Linda, Peggy Huang, affirmed in an Open-Mic, “I do not know anywhere else in the world...where criminals have more rights than victims...It is the most backward thinking.”⁹ This bill values criminals over victims. While criminals thrive under SB-82 with diminished repercussions, vacated sentences, and possible reimbursements, victims are abused by this corrupt idea of justice.

⁷ Brian Krans, "Paranoia and PTSD Common in Mugging Victims, Researchers Find," healthline, accessed August 19, 2021, <https://www.healthline.com/health-news/mental-crime-victims-feel-paranoia-months-later-032713>.

⁸ Lia Zhu, "Reports: Asian Americans more stressed by racism than pandemic," China Daily, accessed September 7, 2021, <http://global.chinadaily.com.cn/a/202106/01/WS60b59a16a31024ad0bac2c41.html>.

⁹ "對話黃瑞雅(2): SB82重新定義偷竊和搶劫的危險 | Peggy Huang On 'Petty Theft' California Senate Bill 82," March 2021, in 開放麥 Open Mic - 美國華人政治脫口秀, podcast, video transcript, 19:41, accessed August 17, 2021, <https://www.youtube.com/watch?v=Y5RA2U0oxN4>.

Opposing SB-82 is the most dutiful measure I can take as a legislator. If this bill were to be passed, the value of laws would be wrongly skewed away from citizens; we would live in a world where crime is neither impeded nor punished. If we oppose SB-82, criminal activity is correctly recognized and handled. We must withstand this bill to uphold our righteous community principles: safety and justice for citizens.

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