

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON AGRICULTURE
Esmeralda Soria, Chair
AB 312 (Alanis) – As Introduced January 23, 2025

SUBJECT: Agricultural theft prevention: retention and sale of agricultural commodity: holding and deposit of proceeds

SUMMARY: Under current law, a county agricultural commissioner (CAC), or any peace officer to hold or seize Ag commodities that are stolen and requires the commodity to be turned over to the custody of the CAC. Furthermore a CAC, if for any reason, the commodity is not released to the rightful owner after being in the custody of the CAC is authorized to sell the commodity and hold all of the proceeds derived from the sale of the commodity for a period of not less than 6 months. After the 6 months, if the rightful owner cannot be found the funds will be transferred to the county's general fund. Specifically *this bill*:

- 1) Would require the CAC to hold the proceeds of the sale of a commodity for at least 3 months.

EXISTING LAW:

- 1) Authorizes, upon reasonable belief that a person is in unlawful possession of an agricultural commodity, as specified, the Secretary of Food and Agriculture (CDFA), a CAC, or any peace officer to hold or seize the commodity and requires the commodity to be turned over to the custody of the CAC. (*Food and Agriculture Cod (FAC) 884*)
- 2) Authorizes the CAC if, for any reason, the commodity is not released to the rightful owner after being in the custody of the CAC, to sell the commodity and hold all of the proceeds derived from the sale of the commodity for a period of not less than 6 months, during which time the lawful owner of the commodity may submit satisfactory proof of ownership and obtain possession of the proceeds. (*FAC 884*)
- 3) Requires if, after retention of the proceeds for a period of at least 6 months, no demand is made or if proof of ownership is not supplied, the CAC to deposit the proceeds of the sale of the commodity into the general fund of the county. (*FAC 884*)

FISCAL EFFECT: Unknown

COMMENTS: Current law states that when an unlawfully possessed agricultural commodity is seized, that product is temporarily managed by the CAC. If those seized commodities are not released to the rightful owner within a specified amount of time, the county agricultural commissioner may sell the agricultural product. However, the sale proceeds must be held for 6 months, during which time the lawful owner of the commodity may submit satisfactory proof of ownership and obtain possession of the proceeds.

With the rapid advancement of online bulletins, social media platforms, and electronic communications, information now spreads faster than through traditional print and magazines. Therefore, three months is a sufficient period of time for the rightful owner of agricultural commodities to provide satisfactory proof of ownership and personal identification in order to

claim the proceeds. This bill proposes that the commissioner holds the proceeds from the sale of a commodity for three months instead of six months before depositing them into the county's general fund. Reducing the holding period to three months will enable the funds to be utilized more quickly.

According to the author, agricultural commodity theft is a serious issue in farming regions, especially in my district and the greater Central Valley. *“From my experience in law enforcement, I’ve seen firsthand how this affects businesses.”* While law enforcement and state personnel work hard to return seized goods to their rightful owners, situations that last more than 48 hours or involve perishable commodities may require the CAC to sell the items. This can be done through a public auction or a private sale at fair market value to a commercial packer.

This bill is a measure to simplify the process of depositing funds from the sale of confiscated agricultural commodities when the owner doesn’t claim them within three months. The sale proceeds would go into the county general fund, which helps support ongoing agricultural inspections and enforcement efforts.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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