



Joint Press Release

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FOR IMMEDIATE RELEASE

Date: January 14, 2025

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Los Angeles County District Attorney Nathan Hochman, Orange County District Attorney Todd Spitzer Urge Governor Newsom to Amend Special Legislative Session to Make Looting a Felony Punishable by State Prison Sentence

SANTA ANA, Calif. – Looting during a local emergency would become a felony punishable by a state prison sentence and make it a strike under California's Three Strikes Law under proposed legislation by Los Angeles County District Attorney Nathan Hochman and Orange County District Attorney Todd Spitzer, sending a strong regional message to opportunistic thieves that these crimes will not be tolerated, and that justice will be swift and it will be decisive.

District Attorneys Hochman and Spitzer are calling on California Governor Gavin Newsom to amend his prior proclamation to convene special session of the state Legislature in order to enact urgency legislation that would increase the punishment for looting, send defendants convicted of looting to state prison, require suspected looters to go before a judge instead of being allowed to be cited and released, and make looting ineligible for diversion, which under current law allows defendants to have their crimes erased from their record as if the arrest never occurred.

The District Attorneys' proposed legislation would also create a new looting offense of trespass with intent to commit larceny, which closes a loophole in existing law to allow prosecutors to punish thieves who are sifting through the ashes of burned homes searching for valuables, which is not a crime under current California law.

“There is a special place in jail for those who exploit the vulnerable in the wake of deadly fires,” said Los Angeles County District Attorney Nathan Hochman. “As hundreds of thousands of families face the unimaginable anguish of fleeing their homes, uncertain whether they’ll ever return, the last thing they should fear is the added trauma of criminals preying on their misfortune. Opportunistic burglars and looters who target fire victims in their time of crisis are not only breaking the law—they are further deepening the suffering of those already facing unimaginable loss. These criminals deserve the harshest penalties, and current laws simply do not go far enough to ensure they are held fully accountable. I stand alongside Orange County District Attorney Todd Spitzer in demanding stronger penalties for looting during disasters. We call on Governor Newsom and the Legislature to act swiftly and decisively to protect fire victims in Los Angeles County and send a clear and unyielding message: We will not tolerate looting in our state, and we will always prioritize the safety and dignity of our communities over the greed of criminals.”

The District Attorneys’ proposed legislation language was submitted to the Legislative Council on Monday.

“Last week, thousands of people across Los Angeles left their homes on a windy day not knowing that a few hours later everything they own would be reduced to a pile of ash and the clothes on their back,” said Orange County District Attorney Todd Spitzer. “Dozens more perished, unable to escape the flames whipped into a fury by devil winds. And yet, in the darkest hours of the darkest days of their lives, while bodies are still sitting in graves of ash, criminals are circling like vultures they are to pick through the ashes looking to steal anything of value. Current law falls woefully short for punishing these scavengers who are nothing more than graverobbers, stealing the last remaining possessions from those who have already lost everything, including their own lives. Our homes are not just buildings made of wood and glass, they are built with memories and laughter and sweat and tears. And now that so many of those walls have burned to the ground, leaving their owners with just their memories and their tears, we must demand accountability, and we must demand punishment, for those who are seizing the opportunity to plunder what little remains. We are urging Governor Newsom and the state Legislature to enact this urgency legislation and help hold these criminals accountable for their crimes.”

The legislation proposed by District Attorneys Spitzer and Hochman would:

- Increase punishment for looting (PC 463) to 2 year-3 year-4-year state prison felony (from 16 months-2 year-3-year county jail wobbler).
- Create new felony looting offense of trespass with intent to commit larceny, 2 year-3 year-4-year state prison felony.
- Create new looting enhancement, adding 1-2-3 years for any felony offense committed during a local emergency.
- Requires judicial review prior to release of anyone arrested for looting (i.e., no cite and release).
- Designates looting (PC 463) as a serious offense under California’s Three Strikes law.
- Excludes looting from eligibility for diversion.