



Property Crimes vs. Great Bodily Injury

CA Penal Code Definitions:

Theft

CPC 484. (a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his or her wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft.

CPC 487. Grand theft is theft committed in any of the following cases: (a) When the money, labor, or real or personal property taken is of a value exceeding nine hundred fifty dollars (\$950), except as provided in subdivision (b).

CPC 488. Theft in other cases is petty theft.

Robbery – Not a Property Crime

CPC 211. Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.
212. The fear mentioned in Section 211 may be either: 1. The fear of an unlawful injury to the person or property of the person robbed, or of any relative of his or member of his family; or, 2. The fear of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed at the time of the robbery.

Discussion:

With property crimes, there is no realistic fear of great bodily injury or death to the victim. For example, a man stealing an apple from a street vendor cart and running away, would not normally result in the vendor fearing for his/her life. In this case, this is a property crime, and there is no legal cause to use physical force to defend one's self.

In the same example as above, if the man grabbed an apple and then produced a knife to threaten the vendor, then that is no longer a property crime, but robbery. Depending on the circumstances of the crime, the victim may, in some cases, have bare fear of great bodily or death, and then may use available legal options for self-defense.

Refer to *California CCW Handbook – Self-Defense Options*