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ELEMENTS OF THEFT

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Petty theft, per PC 484 and PC 488, is the unlawful taking of property worth \$950 or less.

The elements of this crime are spelled out in California Criminal Jury Instruction “CALCRIM” 1800. For you to be convicted of petty theft, prosecutors must prove beyond a reasonable doubt the following five elements:

1. **you took possession of property owned by someone else,**
2. **the property is valued at \$950 or less,**
3. **you took the property without the owner’s consent,**
4. **when you took the property, you intended to deprive the owner of it permanently, and**
5. **you moved the property, even a small distance, and kept it for any period of time, however brief.**

Aspects of these elements are discussed in more detail below.

Owner vs. Possessor

The theft victim does not have to be the owner of the property.³ It is enough if the victim is just in possession (“control”) of the property

Intent to Deprive

For prosecutors to prove you intended to deprive an owner permanently of their property, it is enough to show that:

- you intended to deprive an owner of the main value of their property, and
- this intent was for a given time.⁵

You may try to defend against a theft accusation by showing that you intended to return the property you took. However, you must return the property within a reasonable time of taking it.

A judge or jury will decide what is a “reasonable time” by examining the facts of the case

Moving of Property

For a completed theft crime, you must have moved the property or carried it away.⁷ This is called “asportation” and must include three things:

1. the property in question is severed from the possession of the owner or possessor,
2. the goods are in your complete possession, and
3. the property is moved, however slightly

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