

Receiving Stolen Property

California Penal Code Section 496(a) PC: Receiving Stolen Property

Definition and Elements of the Crime

While many [theft offenses](#) make it illegal to unlawfully take or steal property from someone else, the person who [receives stolen property](#) can also be charged with a crime under the law. [Receiving stolen property](#) is a serious criminal offense under [California Penal Code Section 496\(a\) PC](#) that can result in a felony conviction.

To prove that the defendant is guilty of receiving stolen property, a prosecutor must be able to establish the following elements:

2. ~~AND defendant defendant received, sold or shielded the property or withheld property that has been stolen from another~~

The Penal Code establishes individual crimes for specific persons buying or receiving certain types of stolen property, including the following:

2. ~~Dealers or retailers of jewelry, metals, or hand materials in California Penal Code Section 496(a) PC~~ Penal Code Section 496(b) PC

A defendant who receives more than one item of stolen property on a single occasion commits only one offense of receiving stolen property. In addition, a person may not be convicted of stealing and receiving the same property. That means a person who steals a car and is caught with it can be prosecuted for [grand theft auto](#) under [California Penal Code Section 487\(d\)\(1\) PC](#) or [receiving stolen property](#) under [California Penal Code Section 496\(a\) PC](#), but not both.

Examples

A man finds a cell phone for sale over the Internet and arranges a meeting with the seller. The phone is offered at a reasonable price and the seller claims it belongs to him and he just got a new phone so he wanted to get rid of his old phone. The man buys the phone from the seller. It is later determined that the cell phone was actually stolen from the manufacturer. The buyer probably would not be guilty of receiving stolen property, as he did not know the phone was stolen nor were there circumstances that would lead a reasonable person to believe the property was stolen. However, if the phone was sold for far less than its value, if serial numbers were scratched

off, or there were other circumstances that seemed suspicious, the buyer could be criminally liable for receiving stolen property even if he was not specifically informed that the property was stolen.

Defenses to Receiving Stolen Property

As described above, a person who accidentally or unknowingly receives stolen property would not be criminally liable under statute. In these circumstances, the defendant would have a valid [accident](#) defense if charged with this offense.

Penalties

Receiving stolen property is a "wobbler" offense that can be charged as either a felony or a misdemeanor, depending on the factual circumstances of the case and the defendant's criminal history. If convicted of receiving stolen property as a misdemeanor, the defendant can be sentenced to up to a year in jail and costly court fines. If convicted as a felony, the maximum sentence is three years in prison. In addition, the victim of this offense would be entitled to collect three times the amount of his or her damages, in addition to attorney fees and costs.

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