

RECEIVING STOLEN PROPERTY

Stolen Goods • Charge of Possession • Arrest
California Law • Penalties

BUYING, ACQUIRING, POSSESSING or CONCEALING stolen property is a CRIME.

The crime of receiving stolen property occurs when a person **buys or possesses property that has been stolen** through theft, fraud, deceit, embezzlement, or taken by any other unlawful means by someone else.

The receiver of stolen property could be convicted if he or she **knew the goods were stolen** at the time of receipt and was **intending to aid the thief**. Here are some examples:

- A person buys a luxury watch from a street vendor at a surprisingly low price
- A person suddenly acquires an expensive TV, car and/or other high-priced items without having the financial means to do so
- A person offers his or her garage for storing unlawfully acquired items
- A person receives a copy of an unlawfully acquired private or unpublished document, transcript, deed, or other form of intellectual property

California Law

According to California Penal Code Section 496, conviction can apply to "Every person who buys or receives any property that has been stolen, knowing the property to be so stolen or obtained..." or if a person "conceals, sells, withholds, or helps to conceal, sell, or withhold any property from the owner."

Depending on the value of the property in question and the discretion of the district attorney, **this crime could be charged as a misdemeanor or a felony in California** (also known as a "wobbler.")

Penalties for Receiving Stolen Property

A typical **misdemeanor conviction**, for property valued at under \$400, is punishable **by paying a fine and/or spending up to one year in county jail** depending on how the judge classifies this punishment "in the interests of justice." The penalty for a misdemeanor conviction can also be increased if the defendant has any prior theft convictions.

A **felony conviction** for receiving stolen property or aiding a thief could result in being **sent to state prison or county jail for up to 1 year**. The prison term is based on the severity of the crime: the value of the stolen property and the defendant's prior criminal record.

How to Avoid Criminal Charges

If you're charged with possessing stolen property, **a prosecutor must prove that you knew the property you received was stolen** and/or you intended to aid the thief by buying or holding the stolen property. A defense that can be used on your behalf is that the possession was the result of **an honest mistake in the belief that the property was not stolen**. There are defenses to this crime that an experienced attorney can discuss with you.

Depending on the value of the property and other conditions, it is possible to avoid conviction, fines and/or jail completely. **Your attorney can be the greatest single factor in determining the outcome of your conviction.**

Frequently Asked Questions

1. Does mere possession of stolen property constitute Receiving Stolen Property?

No. Possession accompanied by suspicious circumstances may lead to an inference that the property was received with knowledge that it had been stolen. Among the circumstances coupled with possession of stolen property that may lead to a conviction include:

- Sale of property under a false name
- Sale or purchase of property without proper and legitimate receipts or documentation
- Warehousing or storage of a large quantity of property on your premises by a stranger or an unknown acquaintance

2. How does the prosecutor PROVE that a person knew the property was stolen?

Proving knowledge is often reflected by the circumstances surrounding the receipt of the property.

For example, the California Penal Code 496 states that a person whose business it is to acquire property from others (such as a seller at a swap meet or a used book dealer) must ensure that "the person from whom the property was bought or received had the legal right to sell or deliver it." If this proof can't be delivered, this may constitute stolen property.

Unexplained possession of recently-stolen goods is another way to indicate that they were received illegally.

Or, the person who brings forth a complaint of stolen property may provide proof of knowledge.

3. What do I do if I've been charged with possession of stolen property but I didn't know it was stolen at the time?

To protect yourself, you should contact an experienced lawyer who can review your situation and advise you on the best course of action. Do not attempt to talk your way out of the situation. Anything you say can be used against you in a court of law.