

CLASSIFICATION OF THEFT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the theft statute.

Highlighted Provisions:

This bill:

► removes the element of "armed with a dangerous weapon" from the second degree felony classification; and

► requires that the value of property taken in a third offense be valued at \$500 or more.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-412, as last amended by Laws of Utah 2014, Chapter 255

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-412** is amended to read:

76-6-412. Theft -- Classification of offenses -- Action for treble damages.

(1) Theft of property and services as provided in this chapter is punishable:



- 28 (a) as a second degree felony if the:
- 29 (i) value of the property or services is or exceeds \$5,000;
- 30 (ii) property stolen is a firearm or an operable motor vehicle; or
- 31 ~~[(iii) actor is armed with a dangerous weapon, as defined in Section 76-1-601, at the~~
- 32 ~~time of the theft; or]~~
- 33 [(iv)] (iii) property is stolen from the person of another;
- 34 (b) as a third degree felony if:
- 35 (i) the value of the property or services is or exceeds \$1,500 but is less than \$5,000;
- 36 (ii) the value of the property or services is or exceeds \$500 and the actor has been twice
- 37 before convicted of any of the offenses listed in Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C),
- 38 if each prior offense was committed within 10 years of the date of the current conviction or the
- 39 date of the offense upon which the current conviction is based and at least one of those
- 40 convictions is for a class A misdemeanor:
- 41 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 42 (B) any offense under Title 76, Chapter 6, Part 5, Fraud; or
- 43 (C) any attempt to commit any offense under Subsection (1)(b)(ii)(A) or (B);
- 44 (iii) in a case not amounting to a second degree felony, the property taken is a stallion,
- 45 mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine,
- 46 poultry, or a fur-bearing animal raised for commercial purposes; or
- 47 (iv) (A) the value of property or services is or exceeds \$500 but is less than \$1,500;
- 48 (B) the theft occurs on a property where the offender has committed any theft within
- 49 the past five years; and
- 50 (C) the offender has received written notice from the merchant prohibiting the offender
- 51 from entering the property pursuant to Section 78B-3-108;
- 52 (v) the actor has been twice before convicted of any of the offenses listed in
- 53 Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10
- 54 years of the date of the current conviction or the date of the offense upon which the current
- 55 conviction is based and the value of the property stolen is or exceeds \$500 but is less than
- 56 \$1,500; or
- 57 (vi) the actor has been previously convicted of a felony violation of any of the offenses
- 58 listed in Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C);

- 59 (c) as a class A misdemeanor if:
- 60 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;
- 61 (ii) (A) the value of property or services is less than \$500;
- 62 (B) the theft occurs on a property where the offender has committed any theft within
- 63 the past five years; and
- 64 (C) the offender has received written notice from the merchant prohibiting the offender
- 65 from entering the property pursuant to Section 78B-3-108; or
- 66 (iii) the actor has been twice before convicted of any of the offenses listed in
- 67 Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10
- 68 years of the date of the current conviction or the date of the offense upon which the current
- 69 conviction is based; or
- 70 (d) as a class B misdemeanor if the value of the property stolen is less than \$500 and
- 71 the theft is not an offense under Subsection (1)(c).
- 72 (2) Any individual who violates Subsection 76-6-408(1) or Section 76-6-413, or
- 73 commits theft of property described in Subsection 76-6-412(1)(b)(iii), is civilly liable for three
- 74 times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and
- 75 reasonable attorney fees.

Legislative Review Note
Office of Legislative Research and General Counsel