

THEFT AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill modifies Title 76, Utah Criminal Code, relating to the punishment for theft of property or services.

Highlighted Provisions:

This bill:

- ▶ provides that the penalty for a third theft conviction in 10 years becomes a third degree felony if one of the prior convictions was a class A misdemeanor;
- ▶ provides that the penalty for a third theft conviction in 10 years becomes a third degree felony if the value of the property in the current case is more than \$500 but less than \$1,500;
- ▶ provides that the penalty for a theft conviction is a third degree felony if that person has been previously convicted of felony theft; and
- ▶ changes the penalty from a felony to a class A misdemeanor for a person convicted of theft for a third time in 10 years.

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 2013, Chapter 278

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

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

32 **76-6-412. Theft -- Classification of offenses -- Action for treble damages.**

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

34 (a) as a second degree felony if the:

35 (i) value of the property or services is or exceeds \$5,000;

36 (ii) property stolen is a firearm or an operable motor vehicle;

37 (iii) actor is armed with a dangerous weapon, as defined in Section **76-1-601**, at the
38 time of the theft; or

39 (iv) property is stolen from the person of another;

40 (b) as a third degree felony if:

41 (i) the value of the property or services is or exceeds \$1,500 but is less than \$5,000;

42 (ii) the actor has been twice before convicted of any of the offenses listed in ~~this~~
43 ~~Subsection (1)(b)(ii)] Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C)~~, if each prior offense was
44 committed within 10 years of the date of the current conviction or the date of the offense upon
45 which the current conviction is based and at least one of those convictions is for a class A
46 misdemeanor:

47 (A) any theft, any robbery, or any burglary with intent to commit theft;

48 (B) any offense under Title 76, Chapter 6, Part 5, Fraud; or

49 (C) any attempt to commit any offense under Subsection (1)(b)(ii)(A) or (B);

50 (iii) in a case not amounting to a second degree felony, the property taken is a stallion,
51 mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine,
52 poultry, or a fur-bearing animal raised for commercial purposes; or

53 (iv) (A) the value of property or services is or exceeds \$500 but is less than \$1,500;

54 (B) the theft occurs on a property where the offender has committed any theft within
55 the past five years; and

56 (C) the offender has received written notice from the merchant prohibiting the offender
57 from entering the property pursuant to Section **78B-3-108**; ~~[or]~~

58 (v) the actor has been twice before convicted of any of the offenses listed in
59 Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10
60 years of the date of the current conviction or the date of the offense upon which the current
61 conviction is based and the value of the property stolen is or exceeds \$500 but is less than
62 \$1,500; or

63 (vi) the actor has been previously convicted of a felony violation of any of the offenses
64 listed in Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C);

65 (c) as a class A misdemeanor if:

66 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;

67 (ii) (A) the value of property or services is less than \$500;

68 (B) the theft occurs on a property where the offender has committed any theft within
69 the past five years; and

70 (C) the offender has received written notice from the merchant prohibiting the offender
71 from entering the property pursuant to Section 78B-3-108; or

72 (iii) the actor has been twice before convicted of any of the offenses listed in
73 Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10
74 years of the date of the current conviction or the date of the offense upon which the current
75 conviction is based; or

76 (d) as a class B misdemeanor if the value of the property stolen is less than \$500 and
77 the theft is not an offense under Subsection (1)(c).

78 (2) Any individual who violates Subsection 76-6-408(1) or Section 76-6-413, or
79 commits theft of property described in Subsection 76-6-412(1)(b)(iii), is civilly liable for three
80 times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and
81 reasonable attorney fees.