

41-1a-1314 Unauthorized control for extended time.

- (1) Except as provided in Subsection (3), it is a class A misdemeanor for a person to exercise unauthorized control over a motor vehicle that is not his own, without the consent of the owner or lawful custodian, and with the intent to temporarily deprive the owner or lawful custodian of possession of the motor vehicle.
- (2) The consent of the owner or legal custodian of a motor vehicle to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the motor vehicle by the same or a different person.
- (3) Violation of this section is a third degree felony if:
 - (a) the person does not return the motor vehicle to the owner or lawful custodian within 24 hours after the exercise of unlawful control; or
 - (b) regardless of the mental state or conduct of the person committing the offense:
 - (i) the motor vehicle is damaged in an amount of \$500 or more;
 - (ii) the motor vehicle is used to commit a felony; or
 - (iii) the motor vehicle is damaged in any amount to facilitate entry into it or its operation.
- (4) It is not a defense to Subsection (3)(a) that someone other than the person, or an agent of the person, returned the motor vehicle within 24 hours.
- (5) A violation of this section is a lesser included offense of theft under Section 76-6-404, when the theft is of an operable motor vehicle under Subsection 76-6-412(1)(a)(ii).

Amended by Chapter 71, 2005 General Session