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THEFT BY DECEPTION AMENDMENT

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies Title 76, Chapter 6, Offenses Against Property, by clarifying the definition of theft by deception.

Highlighted Provisions:

This bill:

- ▶ defines the term "puffing;"
- ▶ states that theft by deception requires that an actor deceive a person with the intent to deprive the person of property;
- ▶ states that the deception and deprivation described above do not need to occur at the same time; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-405, as enacted by Laws of Utah 1973, Chapter 196

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



28 Section 1. Section **76-6-405** is amended to read:

29 **76-6-405. Theft by deception.**

30 (1) As used in this section, "puffing" means an exaggerated commendation of wares or
31 worth in a communication addressed to an individual, group, or the public.

32 [(+)] (2) (a) A person commits theft if [he] the person obtains or exercises control over
33 property of another person:

34 (i) by deception; and

35 (ii) with a purpose to deprive [him thereof.] the other person of property.

36 (b) The deception described in Subsection (2)(a)(i) and the deprivation described in
37 Subsection (2)(a)(ii) may occur at separate times.

38 [(2)] (3) Theft by deception does not occur[; however,] when there is only:

39 (a) falsity as to matters having no pecuniary significance[;]; or

40 (b) puffing by statements unlikely to deceive an ordinary [persons] person in the group
41 addressed. ["Puffing" means an exaggerated commendation of wares or worth in
42 communications addressed to the public or to a class or group.]

Legislative Review Note
as of 1-27-12 11:00 AM

Office of Legislative Research and General Counsel