

Effective 5/7/2025

76-6-407 Theft of lost, mislaid, or mistakenly delivered property.

- (1) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits theft of lost, mislaid, or mistakenly delivered property if the actor:
 - (a) obtains another person's property and knows the property to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return the property to the owner; and
 - (b) has the purpose to deprive the owner of the property when the actor obtains the property or at any time before taking the measures described in Subsection (2)(a).
- (3) A violation of Subsection (2) is:
 - (a) a second degree felony if the:
 - (i) value of the property is or exceeds \$5,000;
 - (ii) property stolen is a firearm or an operable motor vehicle; or
 - (iii) property is stolen from the person of another;
 - (b) a third degree felony if:
 - (i) the value of the property is or exceeds \$1,500 but is less than \$5,000;
 - (ii) the property is:
 - (A) a catalytic converter as defined under Section 76-6-1402; or
 - (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less than \$5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;
 - (iii) the value of the property is or exceeds \$500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
 - (A) any theft, any robbery, or any burglary with intent to commit theft;
 - (B) any offense under Part 5, Fraud;
 - (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or
 - (D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);
 - (iv)
 - (A) the value of property is or exceeds \$500 but is less than \$1,500;
 - (B) the theft occurs on a property where the offender has committed any theft within the past five years; and
 - (C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
 - (v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
 - (c) a class A misdemeanor if:
 - (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;
 - (ii)
 - (A) the value of property is less than \$500;
 - (B) the theft occurs on a property where the offender has committed any theft within the past five years; and

- (C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
- (iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
or
- (d) a class B misdemeanor if the value of the property stolen is less than \$500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 178, 2025 General Session