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THEFT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

Committee Note:

The Judiciary, Law Enforcement, and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill modifies the Criminal Code by enhancing the penalty for multiple theft offenses.

Highlighted Provisions:

This bill:

▶ enhances the penalty for an individual who returns and commits retail theft again at a property where the individual has previously been prohibited from returning;

▶ amends the penalty for ~~§~~→ specified ←~~§~~ theft offenses if the defendant has committed two prior theft offenses within the prior 10 years;

▶ authorizes a merchant to prohibit an individual who has committed retail theft from reentering the property on which the individual committed retail theft; and

▶ specifies how a merchant may give written notice prohibiting an individual who has previously committed retail theft from reentering the property.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

H.B. 44



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **76-6-412**, as last amended by Laws of Utah 2010, Chapter 19331 **78B-3-108**, as enacted by Laws of Utah 2008, Chapter 332

33 *Be it enacted by the Legislature of the state of Utah:*34 Section 1. Section **76-6-412** is amended to read:35 **76-6-412. Theft -- Classification of offenses -- Action for treble damages.**

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

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

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

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

40 (iii) actor is armed with a dangerous weapon, as defined in Section 76-1-601, at the
41 time of the theft; [or]42 (iv) property is stolen from the person of another; ~~§~~ → or ← ~~§~~43 ~~§~~ → [(v) the value of the property or services is or exceeds \$1,500 but is less than \$5,00044 and the actor has been twice before convicted of any of the offenses listed in Subsection (2), if45 each prior offense was committed within 10 years of the date of the current conviction or the46 date of the offense upon which the current conviction is based; or47 ~~—— (vi) (A) the value of property or services is equal to or exceeds \$1,500;~~48 ~~—— (B) (v)(A) ← §~~ the theft occurs on a property where the offender has committed retail theft48a within49 the past five years; and50 ~~§~~ → [(C) (B) ← § the offender has received written notice from the merchant prohibiting the
50a offender51 from entering the property pursuant to Section 78B-3-108; or

52 (b) as a third degree felony if:

53 (i) the value of the property or services is or exceeds \$1,500 but is less than \$5,000 and
54 the theft is not an offense under Subsection (1)(a)(v);55 ~~[(ii) the actor has been twice before convicted of any of the offenses listed in this~~
56 ~~Subsection (1)(b)(ii), if each prior offense was committed within 10 years of the date of the~~
57 ~~current conviction or the date of the offense upon which the current conviction is based;]~~58 ~~[(A) theft, any robbery, or any burglary with intent to commit theft;]~~