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**THEFT AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: Paul Ray

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**LONG TITLE**

**Committee Note:**

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

**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



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **76-6-412**, as last amended by Laws of Utah 2013, Chapter 278



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

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

34 **76-6-412. Theft -- Classification of offenses -- Action for treble damages.**

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

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

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

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

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

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

42 (b) as a third degree felony if:

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

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

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

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

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

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

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

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

58 (C) the offender has received written notice from the merchant prohibiting the offender

59 from entering the property pursuant to Section 78B-3-108; [or]

60 (v) the actor has been twice before convicted of any of the offenses listed in  
61 Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10  
62 years of the date of the current conviction or the date of the offense upon which the current  
63 conviction is based and the value of the property stolen is or exceeds \$500 but is less than  
64 \$1,500; or

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

67 (c) as a class A misdemeanor if:

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

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

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

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

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

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

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

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**Legislative Review Note**  
as of 6-20-13 6:58 AM

**Office of Legislative Research and General Counsel**