

**THEFT AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: Paul Ray

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**LONG TITLE**

**General Description:**

This bill amends the Utah Criminal Code regarding the penalty for theft.

**Highlighted Provisions:**

This bill:

- ▶ removes certain provisions relating to circumstances when theft is classified as a third degree felony; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-412**, as last amended by Laws of Utah 2017, Chapter 347

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

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

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

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

(a) as a second degree felony if the:



- 28 (i) value of the property or services is or exceeds \$5,000;
- 29 (ii) property stolen is a firearm or an operable motor vehicle; or
- 30 (iii) property is stolen from the person of another;
- 31 (b) as a third degree felony if:
  - 32 (i) the value of the property or services is or exceeds \$1,500 but is less than \$5,000;
  - 33 (ii) the value of the property or services is or exceeds \$500 and the actor has been twice
  - 34 before convicted of any of the following offenses [~~listed in Subsections (1)(b)(ii)(A) through~~
  - 35 ~~(1)(b)(ii)(C)~~], if each prior offense was committed within 10 years of the date of the current
  - 36 conviction or the date of the offense upon which the current conviction is based and at least
  - 37 one of those convictions is for a class A misdemeanor:
    - 38 (A) any theft, any robbery, or any burglary with intent to commit theft;
    - 39 (B) any offense under Title 76, Chapter 6, Part 5, Fraud; or
    - 40 (C) any attempt to commit any offense under Subsection (1)(b)(ii)(A) or (B);
    - 41 (iii) in a case not amounting to a second degree felony, the property taken is a stallion,
    - 42 mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine,
    - 43 poultry, or a fur-bearing animal raised for commercial purposes; or
    - 44 (iv) (A) the value of property or services is or exceeds \$500 but is less than \$1,500;
    - 45 (B) the theft occurs on a property where the offender has committed any theft within
    - 46 the past five years; and
    - 47 (C) the offender has received written notice from the merchant prohibiting the offender
    - 48 from entering the property pursuant to [Section] Subsection 78B-3-108(4);
    - 49 [~~(v) the actor has been twice before convicted of any of the offenses listed in~~
    - 50 ~~Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10~~
    - 51 ~~years of the date of the current conviction or the date of the offense upon which the current~~
    - 52 ~~conviction is based and the value of the property stolen is or exceeds \$500 but is less than~~
    - 53 ~~\$1,500; or]~~
    - 54 [~~(vi)] (v) the actor has been previously convicted of a felony violation of any of the~~
    - 55 offenses listed in Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C);
    - 56 (c) as a class A misdemeanor if:
      - 57 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;
      - 58 (ii) (A) the value of property or services is less than \$500;

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

61 (C) the offender has received written notice from the merchant prohibiting the offender  
62 from entering the property pursuant to [Section] Subsection 78B-3-108(4); or

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

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

69 (2) Any individual who violates Subsection 76-6-408(1) or [Section] Subsection  
70 76-6-413(1), or commits theft of property described in Subsection 76-6-412(1)(b)(iii), is civilly  
71 liable for three times the amount of actual damages, if any sustained by the plaintiff, and for  
72 costs of suit and reasonable attorney fees.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**