

HB0313S01 compared with HB0313

~~text~~ shows text that was in HB0313 but was deleted in HB0313S01.

text shows text that was not in HB0313 but was inserted into HB0313S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Derrin R. Owens proposes the following substitute bill:

SUSPECT METAL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Colin W. Jack

Senate Sponsor: ~~_____~~ Derrin R. Owens

LONG TITLE

General Description:

This bill concerns the theft of certain types of property.

Highlighted Provisions:

This bill:

- ▶ provides an increased penalty for certain metal thefts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

HB0313S01 compared with HB0313

76-6-412, as last amended by Laws of Utah 2022, Chapter 201

Utah Code Sections Affected by Coordination Clause:

76-6-404, as enacted by Laws of Utah 1973, Chapter 196

76-6-404.5, as last amended by Laws of Utah 2001, Chapter 48

76-6-405, as last amended by Laws of Utah 2012, Chapter 156

76-6-406, as last amended by Laws of Utah 2022, Chapter 164

76-6-407, as enacted by Laws of Utah 1973, Chapter 196

76-6-408, as last amended by Laws of Utah 2022, Chapter 201

76-6-410, as enacted by Laws of Utah 1973, Chapter 196

76-6-602, as enacted by Laws of Utah 1979, Chapter 78

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:

(i) value of the property or services 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) as a third degree felony if:

(i) the value of the property or services 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;

unless if the value of is less than \$5,000 and the suspect metal item is made of or contains aluminum or copper and is for exceeds \$5,000 not a lead battery;

(iii) the value of the property or services 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:

HB0313S01 compared with HB0313

- (A) any theft, any robbery, or any burglary with intent to commit theft;
- (B) any offense under Title 76, Chapter 6, Part 5, Fraud; or
- (C) any attempt to commit any offense under Subsection (1)(b)(iii)(A) or (B);
- (iv) (A) the value of property or services 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 (1)(b)(iii)(A) through (1)(b)(iii)(C), 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) as 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 or services 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 (1)(b)(iii)(A) through (1)(b)(iii)(C), 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) as a class B misdemeanor if the value of the property stolen is less than \$500 and the theft is not an offense under Subsection (1)(c).

(2) Any individual who violates Subsection 76-6-408(2) or 76-6-413(1), or commits theft of a stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, poultry, or a fur-bearing animal raised for commercial purposes, or a livestock guardian dog, is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Section 2. **Coordinating H.B. 313 with H.B. 46 -- Substantive and technical**

HB0313S01 compared with HB0313

amendments.

If this H.B. 313 and H.B. 46, Criminal Code Recodification and Cross References, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by amending:

(1) Subsection 76-6-404(3)(b)(ii) in H.B. 46 to read:

"(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~~;~~

~~unless~~ ~~if~~ the value ~~of~~ ~~is less than \$5,000 and~~ the suspect metal ~~item~~ ~~is made of or contains aluminum or copper and~~ is ~~for exceeds \$5,000~~ ~~not a lead battery~~:";

(2) Subsection 76-6-404.5(3)(b)(ii) in H.B. 46 to read:

"(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~~;~~

~~unless~~ ~~if~~ the value ~~of~~ ~~is less than \$5,000 and~~ the suspect metal ~~item~~ ~~is made of or contains aluminum or copper and~~ is ~~for exceeds \$5,000~~ ~~not a lead battery~~:";

(3) Subsection 76-6-405(3)(b)(ii) in H.B. 46 to read:

"(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~~;~~

~~unless~~ ~~if~~ the value ~~of~~ ~~is less than \$5,000 and~~ the suspect metal ~~item~~ ~~is made of or contains aluminum or copper and~~ is ~~for exceeds \$5,000~~ ~~not a lead battery~~:";

(4) Subsection 76-6-406(3)(b)(ii) in H.B. 46 to read:

"(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~~;~~

~~unless~~ ~~if~~ the value ~~of~~ ~~is less than \$5,000 and~~ the suspect metal ~~item~~ ~~is made of or contains aluminum or copper and~~ is ~~for exceeds \$5,000~~ ~~not a lead battery~~:";

(5) Subsection 76-6-407(3)(b)(ii) in H.B. 46 to read:

"(ii) the property is:

(A) a catalytic converter as defined under Section 76-6-1402; or

HB0313S01 compared with HB0313

(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402;
unless if the value of is less than \$5,000 and the suspect metal item is made of or contains
aluminum or copper and is for exceeds \$5,000 not a lead battery;";

(6) Subsection 76-6-408(3)(b)(ii) in H.B. 46 to read:

"(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;
unless if the value of is less than \$5,000 and the suspect metal item is made of or contains
aluminum or copper and is for exceeds \$5,000 not a lead battery;";

(7) Subsection 76-6-410(3)(b)(ii) in H.B. 46 to read:

"(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;
unless if the value of is less than \$5,000 and the suspect metal item is made of or contains
aluminum or copper and is for exceeds \$5,000 not a lead battery;"; and

(8) Subsection 76-6-602(3)(b)(ii) in H.B. 46 to read:

"(ii) the merchandise 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;
unless if the value of is less than \$5,000 and the suspect metal item is made of or contains
aluminum or copper and is for exceeds \$5,000 not a lead battery;".