

FINAL BILL REPORT

HB 2605

C 97 L 02

Synopsis as Enacted

Brief Description: Changing provisions relating to aggregating value for purposes of determining the degree of theft.

Sponsors: By Representatives O'Brien, Morell, Jackley and Lovick.

House Committee on Criminal Justice & Corrections

House Committee on Appropriations

Senate Committee on Judiciary

Background:

A person commits theft if he or she:

- wrongfully obtains or exerts unauthorized control over the property or services of another with the intent to deprive the other person of the property or services;
- by color or aid of deception, obtains control over the property or services of another with the intent to deprive the other person of the property or services; or
- appropriates lost or misdelivered property or services of another with the intent to deprive the other person of the property or services.

The degree and punishment for the theft can depend on the type of property or service stolen or the circumstances under which the property or service was stolen. The degree and punishment can also depend on the value of the property or service stolen.

- If the property or service stolen has a value of over \$1,500, the crime is theft in the first degree. Theft in the first degree is a class B felony with a seriousness level of II.
- If the property or service stolen has a value of over \$250, but not exceeding \$1,500, the crime is theft in the second degree. Theft in the second degree is a class C felony with a seriousness level of I.
- If the property or service stolen has a value of \$250 or less, the crime is theft in the third degree. Theft in the third degree is a gross misdemeanor.

If a series of thefts in a common scheme or plan would be considered third degree thefts separately, the thefts can be aggregated to determine the value of the theft. Courts have allowed aggregation when the thefts were from the same victim over a period of time or when the thefts were from different victims at the same time and place. However, thefts involving different victims in different places cannot be statutorily aggregated.

Summary:

A series of separate third degree thefts can be aggregated if they are part of a criminal episode. A criminal episode occurs if the three or more thefts are committed by the same person from one or more mercantile establishments within a five-day period.

Votes on Final Passage:

House 98 0

Senate 46 0

Effective: June 13, 2002