

FEB 24 1972  
Place On Calendar

HOUSE FILE 1254  
By COMMITTEE ON LAW ENFORCEMENT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the dollar amount necessary for the  
2 commission of a felony.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section seven hundred nine point two (709.2),  
2 Code 1971, is amended to read as follows:

3 709.2 PUNISHMENT. When the value of the property stolen  
4 exceeds twenty one hundred dollars, he shall be punished by  
5 imprisonment in the penitentiary not more than five years,  
6 or in the county jail not more than one year, or by fine of  
7 not more than one thousand dollars, or by both such fine and  
8 imprisonment; when the value does not exceed twenty one hundred  
9 dollars, by fine not exceeding one hundred dollars, or  
10 imprisonment in the county jail not exceeding thirty days.

11 Sec. 2. Section seven hundred nine point four (709.4),  
12 Code 1971, is amended to read as follows:

13 709.4 LARCENY IN NIGHTTIME. If any person in the night-  
14 time commit larceny in any dwelling house, store, or any  
15 public or private building, or other construction of any type  
16 or character, or in any boat, vessel, or watercraft, or in  
17 any motor vehicle and/or trailer, when the value of the  
18 property stolen exceeds the sum of twenty one hundred dollars,  
19 he shall be imprisoned in the penitentiary not exceeding ten  
20 years; and when the value of the property stolen does not  
21 exceed twenty one hundred dollars, be fined not exceeding  
22 three hundred dollars and imprisoned in the county jail not  
23 exceeding one year.

24 Sec. 3. Section seven hundred nine point five (709.5),  
25 Code 1971, is amended to read as follows:

26 709.5 LARCENY IN DAYTIME. If any person in the daytime  
27 commit larceny as defined in section 709.4, and the value  
28 of the property stolen exceeds twenty one hundred dollars,  
29 he shall be imprisoned in the penitentiary not more than five  
30 years; and when the value of the property stolen does not  
31 exceed twenty one hundred dollars, be fined not exceeding  
32 two hundred dollars and imprisoned in the county jail not  
33 exceeding one year.

34 Sec. 4. Section seven hundred nine point nine (709.9),  
35 Code 1971, is amended to read as follows:

1     709.9 TAKING GOODS FROM OFFICER. If any person, knowingly  
 2 and without authority of law, take, carry away, secrete, or  
 3 destroy any goods or chattels while the same are lawfully  
 4 in the custody of any sheriff, county medical examiner,  
 5 marshal, constable, or other officer, and held by such officer  
 6 by virtue of execution, writ of attachment, or other legal  
 7 process, he shall be guilty of larceny, and, when the value  
 8 of the property so taken, carried away, secreted, or destroyed  
 9 exceeds the sum of twenty one hundred dollars, be imprisoned  
 10 in the penitentiary not more than one year; and when it does  
 11 not exceed twenty one hundred dollars, be fined not exceeding  
 12 one hundred dollars, or imprisoned in the county jail not  
 13 more than thirty days.

14     Sec. 5. Section seven hundred nine point twenty (709.20),  
 15 Code 1971, is amended to read as follows:

16     709.20 SHOPLIFTING. Whoever shall willfully take  
 17 possession of any goods, wares, or merchandise offered for  
 18 sale by any store or other mercantile establishment, with  
 19 the intention of converting the same to his own use without  
 20 paying the purchase price thereof, shall be guilty of  
 21 shoplifting and, when the value of the property so taken into  
 22 possession exceeds the sum of twenty one hundred dollars,  
 23 he shall be punished by imprisonment in the penitentiary not  
 24 more than five years, or in the county jail not more than  
 25 one year, or by fine of not more than one thousand dollars,  
 26 or by both such fine and imprisonment; when the value does  
 27 not exceed twenty one hundred dollars, by fine not exceeding  
 28 one hundred dollars, or imprisonment in the county jail not  
 29 exceeding thirty days.

30     Sec. 6. Section seven hundred twelve point one (712.1),  
 31 Code 1971, is amended to read as follows:

32     712.1 PUNISHMENT. If any person buy, receive, or aid  
 33 in concealing any stolen money, goods, or property the stealing  
 34 of which is larceny, or property obtained by robbery or  
 35 burglary, knowing the same to have been so obtained, he shall,

1 when the value of the property so bought, received, or  
2 concealed by him exceeds the sum of twenty one hundred dollars,  
3 be imprisoned in the penitentiary not more than five years,  
4 or be fined not exceeding five hundred dollars and imprisoned  
5 in the county jail not more than one year; and when the value  
6 of the property so bought, received, or concealed by him does  
7 not exceed the sum of twenty one hundred dollars, be fined  
8 not exceeding one hundred dollars, or imprisoned in the county  
9 jail not exceeding thirty days.

10 Sec. 7. Section seven hundred thirteen point three (713.3),  
11 Code 1971, is amended to read as follows:

12 713.3 FALSE DRAWING OR UTTERING OF CHECKS. Any person  
13 who with fraudulent intent shall make, utter, draw, deliver,  
14 or give any check, draft, or written order upon any bank,  
15 person, or corporation and who secures money, credit, or thing  
16 of value therefor, and who knowingly shall not have an  
17 arrangement, understanding, or funds with such bank, person,  
18 or corporation sufficient to meet or pay the same, shall be  
19 guilty of a felony, if such check, draft, or written order  
20 shall be for the sum of twenty one hundred dollars or more,  
21 and shall on conviction thereof be punished as in section  
22 713.1; and if such check, draft, or written order be for less  
23 than twenty one hundred dollars, such person shall be guilty  
24 of a misdemeanor, and upon conviction thereof, shall be  
25 punished by a fine of not to exceed one hundred dollars or  
26 by imprisonment in the county jail not to exceed thirty days;  
27 provided, however, that if such person has been three times  
28 convicted of such offense, he shall on the fourth and all  
29 subsequent convictions, be sentenced to the county jail or  
30 penitentiary at the discretion of the court, for a period  
31 of not to exceed one year.

32 Sec. 8. Section seven hundred forty-seven point one  
33 (747.1), Code 1971, is amended to read as follows:

34 747.1 THIRD CONVICTION OF FELONY. Whenever any person  
35 has been twice convicted of either of the crimes of burglary,

1 robbery, forgery, counterfeiting, larceny where the value  
2 of the property stolen exceeded twenty one hundred dollars,  
3 or of breaking and entering, with intent to commit a public  
4 offense, any dwelling house, office, shop, store, warehouse,  
5 railroad car, boat, vessel, or building, in which goods,  
6 merchandise, or valuable things, were kept for use, sale,  
7 or deposit, or has been convicted of two or more of said  
8 crimes, and shall thereafter be convicted of any one of such  
9 crimes, committed after such conviction, he shall be imprisoned  
10 in the penitentiary for any term not more than forty years.

11 Sec. 9. Section seven hundred forty-seven point two  
12 (747.2), Code 1971, is amended to read as follows:

13 747.2 FOURTH CONVICTION OF PETTY LARCENY. Any person  
14 over the age of eighteen years who has been three times  
15 convicted of larceny where the value of the property stolen  
16 did not exceed twenty one hundred dollars, upon being convicted  
17 the fourth time of said offense shall be imprisoned in the  
18 penitentiary not exceeding three years.

19 Sec. 10. Section seven hundred seventy-three point thirty-  
20 five (773.35), unnumbered paragraphs thirty-two (32) and  
21 forty-two (42), Code 1971, are amended to read as follows:

22 Larceny--A. B. stole from C. D. a horse worth more than  
23 twenty one hundred dollars.

24 Receiving stolen property--A. B. received a stolen watch  
25 belonging to C.D. and worth more than twenty one hundred  
26 dollars, knowing that it had been stolen.

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EXPLANATION

28 This bill provides that the amount necessary for the  
29 commission of a felony is increased from \$20 to \$100.

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