

See Judiciary 3/30/83

Senate File 505

Judiciary and Law Enforcement: McIntee, Chair; Holveck and Miller.

SENATE FILE 505

Do Pass 2/23/84 (p. 575)

BY COMMITTEE ON JUDICIARY
Approved 3/21/83 (p. 980)
(FORMERLY SSB 193)

FILED MAR 21 1984

Passed Senate, Date 3-25-83 (p. 958) Passed House, Date 3-28-84 (p. 1403)

Vote: Ayes 43 Nays 0 Vote: Ayes 99 Nays 0

Approved April 30, 1984

A BILL FOR

1 An Act relating to the value of property for purposes of
2 certain crimes and certain penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 505

1 Section 1. Section 714.3, Code 1983, is amended to read
2 as follows:

3 714.3 VALUE. The value of property is its ~~normal-market~~
4 ~~or-exchange-value-within-the-community~~ highest value by any
5 reasonable standard at the time that it is stolen. Reasonable
6 standard includes but is not limited to market value within
7 the community, actual value, or replacement value.

8 PARAGRAPH DIVIDED. If money or property is stolen by a
9 ~~series-of~~ two or more acts from the same person or location,
10 or from different persons by a ~~series-of~~ two or more acts
11 which occur in approximately the same location or time period
12 so that the thefts are attributable to a single scheme, plan
13 or conspiracy, ~~such~~ these acts may be considered a single
14 theft and the value may be the total value of all the property
15 stolen.

16 Sec. 2. Section 714.14, Code 1983, is amended to read
17 as follows:

18 714.14 VALUE FOR PURPOSES OF FRAUDULENT PRACTICES. The
19 value of property or service is its ~~normal-market-or-exchange~~
20 ~~value-if-any,-within-the-community~~ highest value by any
21 reasonable standard at the time the fraudulent practice is
22 committed. Reasonable standard includes but is not limited
23 to market value within the community, actual value, or
24 replacement value.

25 If money or property or service is obtained by a ~~series~~
26 ~~of~~ two or more acts from the same person or location, or from
27 different persons by a ~~series-of~~ two or more acts which occur
28 in approximately the same location or time period so that
29 the fraudulent practices are attributable to a single scheme,
30 plan, or conspiracy, ~~such~~ these acts may be considered as
31 a single fraudulent practice and the value may be the total
32 value of all money, property, and service involved.

33 EXPLANATION

34 This bill amends the method of determining the value of
35 property or services in the crimes of theft and fraudulent

1 practice.

2 The bill also provides that for an aggregation of value
3 under the sections only two or more acts are necessary. The
4 Iowa supreme court in the case of State v. Amsden, (300 N.W.2d
5 882) interpreted "series (of acts)" to mean a "group of three
6 or more" events.

7 The bill would take effect July 1 following its enactment.

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S-3301

1 Amend Senate File 505 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Chapter 714, Code 1983, is amended
5 by adding the following new section:

6 NEW SECTION. CABLE TELEVISION SERVICE OFFENSES.

7 1. As used in this section "cable television
8 service" means any and all services provided by or
9 through the facilities of a cable television system
10 or closed circuit coaxial cable communication system,
11 or a microwave or similar transmission service used
12 in connection with any cable television system or
13 similar closed circuit coaxial cable communication
14 system.

15 2. A person shall not knowingly obtain or use
16 cable television service without the authorization
17 of or compensation paid to the operator of the service.
18 The existence of a connection, wire, conductor, or
19 other device whatsoever, which affects the use of
20 cable television service by a person without the use
21 being specifically authorized by, or compensation
22 paid to the operator of the cable television service
23 may be considered as evidence of intent to violate
24 this section.

25 3. A person shall not, with intent to defraud
26 a cable television operator, assist or instruct another
27 person in obtaining cable television service.

28 4. A person shall not, with intent to defraud
29 a cable television operator, sell or rent, or offer
30 to sell or rent an instrument, apparatus, equipment
31 or device, or plans, specifications or instructions
32 for making or assembling any instrument, apparatus,
33 equipment or device to a person with knowledge that
34 the person to whom the item is sold or offered intends
35 to use it to make unauthorized use of cable television
36 service.

37 5. Violation of any subsection of this section
38 is a simple misdemeanor."

39 2. By renumbering to conform to this amendment.

S-3301 FILED

BY EDGAR H. HOLDEN

MARCH 23, 1983

Revised version of order 2/25/83 (p. 957)

SENATE FILE 505

AN ACT
RELATING TO THE VALUE OF PROPERTY FOR PURPOSES OF CERTAIN
CRIMES AND CERTAIN PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 714.3, Code 1983, is amended to read as follows:

714.3 VALUE. The value of property is its ~~normal-market or-exchange-value-within-the-community~~ highest value by any reasonable standard at the time that it is stolen. Reasonable standard includes but is not limited to market value within the community, actual value, or replacement value.

~~PARAGRAPH DIVIDED.~~ If money or property is stolen by a ~~series of two or more~~ acts from the same person or location, or from different persons by a ~~series of two or more~~ acts which occur in approximately the same location or time period so that the thefts are attributable to a single scheme, plan or conspiracy, such these acts may be considered a single theft and the value may be the total value of all the property stolen.

Sec. 2. Section 714.14, Code 1983, is amended to read as follows:

714.14 VALUE FOR PURPOSES OF FRAUDULENT PRACTICES. The value of property or service is its ~~normal-market-or-exchange value--if-any--within-the-community~~ highest value by any reasonable standard at the time the fraudulent practice is committed. Reasonable standard includes but is not limited to market value within the community, actual value, or replacement value.

If money or property or service is obtained by a ~~series~~ of two or more acts from the same person or location, or from different persons by a ~~series of two or more~~ acts which occur

in approximately the same location or time period so that the fraudulent practices are attributable to a single scheme, plan, or conspiracy, such these acts may be considered as a single fraudulent practice and the value may be the total value of all money, property, and service involved.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 505, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved _____, 1984

TERRY E. BRANSTAD
Governor

S.F. 505