

711.3B Aggravated theft.

1. A person commits aggravated theft when the person commits an assault as defined in [section 708.1, subsection 2](#), paragraph “a”, that is punishable as a simple misdemeanor under [section 708.2, subsection 6](#), after the person has removed or attempted to remove property not exceeding three hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

2. *a.* A person who commits aggravated theft is guilty of an aggravated misdemeanor.

b. A person who commits aggravated theft, and who has previously been convicted of an aggravated theft, robbery in the first degree in violation of [section 711.2](#), robbery in the second degree in violation of [section 711.3](#), or extortion in violation of [section 711.4](#), is guilty of a class “D” felony.

3. In determining if a violation is a class “D” felony offense the following shall apply:

a. A deferred judgment entered pursuant to [section 907.3](#) for a violation of any offense specified in [subsection 2](#) shall be counted as a previous offense.

b. A conviction or the equivalent of a deferred judgment for a violation in any other states under statutes substantially corresponding to an offense specified in [subsection 2](#) shall be counted as a previous offense. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses specified in [this section](#) and can therefore be considered corresponding statutes.

4. Aggravated theft is not an included offense of robbery in the first or second degree.

[2019 Acts, ch 140, §4](#)

Referred to in [§808.12](#)

NEW section