

5-2/15/00 Do Pass  
H-3/6/00 Judiciary

FILED FEB 2 2000

SENATE FILE

2078

BY MADDOX

Passed Senate, Date 3/2/00 Passed House, Date \_\_\_\_\_  
Vote: Ayes 47 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

(p.514)

A BILL FOR

1 An Act relating to the definition of theft.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2078  
JUDICIARY

1 Section 1. Section 714.1, subsection 4, Code 1999, is  
2 amended to read as follows:

3 4. Exercises control over stolen property, knowing such  
4 property to have been stolen, or having reasonable cause to  
5 believe that such property has been stolen, unless the  
6 person's purpose is to promptly restore it to the owner or to  
7 deliver it to an appropriate public officer. The fact that the  
8 person is found in possession of property which has been  
9 stolen from two or more persons on separate occasions, or that  
10 the person is a dealer or other person familiar with the value  
11 of such property and has acquired it for a consideration which  
12 is far below its reasonable value, shall be evidence from  
13 which the court or jury may infer that the person knew or  
14 believed that the property had been stolen. Exercising  
15 control over stolen property is a continuous and ongoing act  
16 until the property is relinquished or abandoned.

17 EXPLANATION

18 This bill relates to the definition of the crime of theft.

19 The bill provides that if a person exercises control over  
20 stolen property and knows that the property is stolen, the  
21 person commits a continuous ongoing criminal act. Under  
22 existing law, if a person exercises control over stolen  
23 property, the act is considered complete and the statute of  
24 limitations starts to accrue when the act of obtaining the  
25 property is complete.

26 The statute of limitations for most degrees of theft is  
27 three years.

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**SENATE FILE 2078  
FISCAL NOTE**

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The estimate for **Senate File 2078** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 2078 clarifies the definition of control over stolen property so that the statute of limitations starts to run when the property is relinquished or abandoned.

**CORRECTIONAL IMPACT**

Senate File 2078 is not expected to have a significant correctional impact.

**FISCAL IMPACT**

Senate File 2078 is not expected to have a significant fiscal impact.

**SOURCES**

Criminal and Juvenile Justice Planning Division, Department of Human Rights  
Office of the Public Defender

(LSB 5206XS, MDF)

FILED FEBRUARY 21, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR