

FEB 27 2004
Place On Calendar

HOUSE FILE 2399
BY COMMITTEE ON PUBLIC SAFETY
(SUCCESSOR TO HSB 572)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing a modified criminal penalty for certain thefts
2 within a seventy-two-hour time period.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2399

HOUSE FILE 2399

S-5063

1 Amend House File 2399, as passed by the House, as
2 follows:
3 1. Page 1, line 7, by striking the words
4 "seventy-two-hour time" and inserting the following:
5 "thirty-day".
6 2. Title page, by striking line 2 and inserting
7 the following: "from different locations within a
8 thirty-day period."

By BOB BRUNKHORST
KEITH A. KREIMAN

S-5063 FILED MARCH 9, 2004

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1 Section 1. Section 714.3, unnumbered paragraph 2, Code
2 2003, is amended to read as follows:

3 If money or property is stolen from the same person or
4 location by two or more acts, or from different persons by two
5 or more acts which occur in approximately the same location or
6 time period, or from different locations by two or more acts
7 within a seventy-two-hour time period, so that the thefts are
8 attributable to a single scheme, plan, or conspiracy, these
9 acts may be considered a single theft and the value may be the
10 total value of all the property stolen.

11 EXPLANATION

12 This bill allows a modified criminal penalty for certain
13 thefts from retailers.

14 The bill provides that if property is stolen from different
15 locations by two or more acts within a 72-hour time period and
16 the thefts are attributable to a person or a group of persons
17 acting together in a single scheme, plan, or conspiracy, these
18 acts may be considered a single theft and the value of the
19 thefts may be the total value of all property stolen.

20 Under current law in Code section 714.2, the penalty for
21 theft depends upon the value of property stolen.

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**SENATE AMENDMENT TO
HOUSE FILE 2399**

H-8242

1 Amend House File 2399, as passed by the House, as
2 follows:

3 1. Page 1, line 7, by striking the words
4 "seventy-two-hour time" and inserting the following:
5 "thirty-day".

6 2. Title page, by striking line 2 and inserting
7 the following: "from different locations within a
8 thirty-day period."

RECEIVED FROM THE SENATE

H-8242 FILED MARCH 15, 2004

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LSB 5768HV 80

**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

HF 2399 - Theft (LSB 5768 HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2399 provides that if property is stolen from different locations by two or more acts within a 72-hour time period and the thefts are attributable to a person or group of persons acting together, these acts may be considered a single theft and the value of the thefts may be the total value of all of the property stolen. Current law provides a graduated system of penalties for theft, ranging from a simple misdemeanor to a Class C felony, depending on the value of the property.

Assumptions

11. According to the Justice Data Warehouse, there were 14,910 convictions for theft during FY 2003. Information concerning how many of these convictions were for theft from retailers is not available.
12. Enhancing existing penalties increases the demand for resources in the criminal justice system. This includes costs in the Judicial Branch, Community-Based Corrections (CBC), the State prison system and indigent defense.
13. State cost for a simple misdemeanor conviction ranges from \$14 to \$300.
14. State cost for a serious misdemeanor conviction ranges from \$100 to \$5,000.
15. State cost for an aggravated misdemeanor conviction ranges from \$1,100 to \$5,000.
16. State cost for a Class D felony conviction ranges from \$2,000 to \$8,000.
17. State cost for a Class C felony conviction ranges from \$3,000 to \$11,000.
18. The cost for a conviction of a serious or aggravated misdemeanor and a Class D or C felony will be incurred over multiple fiscal years as the offender serves time in the correctional system. The costs stated above include the Judicial Branch holding a trial; indigent defense; and supervision while on probation, parole, or prison, if applicable.

Correctional Impact

There is a potential for convictions to be enhanced from a current simple misdemeanor to a serious or aggravated misdemeanor or Class D felony conviction under HF 2399. The potential exists for a current serious misdemeanor conviction to be enhanced to an aggravated misdemeanor or Class D felony conviction. A current aggravated misdemeanor conviction may result in a Class D felony conviction under HF 2399. There is no readily available information to predict the increased number of enhanced convictions under the Bill. The impact on correctional resources may be significant.

Fiscal Impact

The State's increased cost for one conviction for the enhanced penalties is:

- From a simple to a serious misdemeanor conviction, the range is \$86 to \$4,700.
- From a simple to an aggravated misdemeanor conviction, the range is \$1,100 to \$4,700.
- From a simple misdemeanor to a Class D felony conviction, the range is \$2,000 to \$7,700.
- From a serious to an aggravated misdemeanor conviction, the cost is \$1,000.
- From a serious misdemeanor to a Class D felony conviction, the range is \$1,900 to \$3,000.
- From an aggravated misdemeanor to a Class D felony, the range is \$900 to \$3,000.

Chambers, ch.

Orbach

Shoultz

SUBSTITUTED
SF 2399

HSB 572

PUBLIC SAFETY

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing a modified criminal penalty for certain thefts
2 from retailers.

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

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1 Section 1. NEW SECTION. 714.3A THEFT FROM A RETAILER --
2 ENHANCEMENT.

3 If property is stolen from a retailer or retailers from the
4 same location or from different locations by three or more
5 acts within a seventy-two-hour time period and the thefts are
6 attributable to a person or a group of persons acting together
7 in a single scheme, plan, or conspiracy, these acts may be
8 considered a single theft punishable as a class "D" felony,
9 notwithstanding section 714.2. As used in this section,
10 "retailer" means any business engaged in the business of
11 selling goods, merchandise, or wares.

12 EXPLANATION

13 This bill allows a modified criminal penalty for certain
14 thefts from retailers.

15 The bill provides that if property is stolen from a
16 retailer or retailers from the same location or from different
17 locations by three or more acts within a 72-hour time period
18 and the thefts are attributable to a person or a group of
19 persons acting together in a single scheme, plan, or
20 conspiracy, these acts may be considered a single theft
21 punishable as a class "D" felony.

22 Under current law in Code section 714.2, the penalty for
23 theft depends upon the value of property stolen.

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acts may be considered a single theft and the value may be the total value of all the property stolen.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2399, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor

HOUSE FILE 2399

AN ACT

ALLOWING A MODIFIED CRIMINAL PENALTY FOR CERTAIN THEFTS FROM DIFFERENT LOCATIONS WITHIN A THIRTY-DAY PERIOD.

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

Section 1. Section 714.3, unnumbered paragraph 2, Code 2003, is amended to read as follows:

If money or property is stolen from the same person or location by two or more acts, or from different persons by two or more acts which occur in approximately the same location or time period, or from different locations by two or more acts within a thirty-day period, so that the thefts are attributable to a single scheme, plan, or conspiracy, these