

Senate Study Bill 3070 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to theft and making penalties applicable.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714.2, Code 2014, is amended to read as
2 follows:

3 **714.2 Degrees of theft.**

4 1. The theft of property exceeding ~~ten~~ one hundred thousand
5 dollars in value, or the theft of property from the person of
6 another, or from a building which has been destroyed or left
7 unoccupied because of physical disaster, riot, bombing, or the
8 proximity of battle, or the theft of property which has been
9 removed from a building because of a physical disaster, riot,
10 bombing, or the proximity of battle, is theft in the first
11 degree. Theft in the first degree is a class "C" felony.

12 2. The theft of property exceeding ~~one~~ ten thousand dollars
13 but not exceeding ~~ten~~ one hundred thousand dollars in value
14 or theft of a motor vehicle as defined in chapter 321 not
15 exceeding ~~ten~~ one hundred thousand dollars in value, is theft
16 in the second degree. Theft in the second degree is a class
17 "D" felony. However, for purposes of this subsection, "*motor*
18 *vehicle*" does not include a motorized bicycle as defined in
19 section 321.1, subsection 40, paragraph "b".

20 3. The theft of property exceeding ~~five hundred~~ one thousand
21 dollars but not exceeding ~~one thousand~~ ten thousand dollars in
22 value, or the theft of any property not exceeding ~~five hundred~~
23 one thousand dollars in value by one who has before been twice
24 convicted of theft, is theft in the third degree. Theft in the
25 third degree is an aggravated misdemeanor.

26 4. The theft of property exceeding two hundred dollars
27 in value but not exceeding ~~five hundred~~ one thousand dollars
28 in value is theft in the fourth degree. Theft in the fourth
29 degree is a serious misdemeanor.

30 5. The theft of property not exceeding two hundred dollars
31 in value is theft in the fifth degree. Theft in the fifth
32 degree is a simple misdemeanor.

33 Sec. 2. Section 715A.8, Code 2014, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 2A. Notwithstanding subsection 2, a

1 person of the applicable age indicated in this subsection who
2 knowingly takes, purchases, manufactures, records, possesses,
3 uses, or attempts to take, purchase, manufacture, record,
4 possess, or use identification information of another person
5 or entity for the following purposes may be considered to have
6 violated the applicable statute or ordinance governing such
7 purposes but shall not be considered to have committed any
8 offense of identity theft under this section:

9 *a.* Possession or purchase of alcohol by a person under the
10 age of twenty-one.

11 *b.* Entry by a person under the age of twenty-one onto the
12 premises of an establishment where one may purchase alcoholic
13 beverages as defined in section 123.3 for consumption on the
14 premises and in which the serving of food is only incidental to
15 the consumption of those beverages.

16 *c.* Entry by a person under the age of seventeen onto the
17 premises of a motion picture theater for the viewing of a
18 motion picture which is prohibited to be viewed by persons
19 under the age of seventeen.

20 *d.* Possession or purchase of cigarettes or tobacco products
21 by a person under the age of eighteen.

22 *e.* Entry by a person under the age of twenty-one onto the
23 premises of a racetrack, excursion boat, or gambling structure.

24 *f.* Entry by a person under the age of eighteen onto
25 the premises of a business establishment other than an
26 establishment identified in paragraph "b", "c", or "e" where
27 such entry is prohibited by persons under the age of eighteen.

28 *g.* Obtaining employment in violation of chapter 92.

29 Sec. 3. Section 715A.8, subsection 3, Code 2014, is amended
30 by striking the subsection and inserting in lieu thereof the
31 following:

32 3. A person who violates this section commits a class "D"
33 felony.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to theft.

3 The bill increases the monetary thresholds based on value
4 for the first, second, third, and fourth degrees of theft.

5 The base and upper thresholds for theft in the fifth degree
6 remain unchanged at \$0 to \$200.

7 The base threshold for theft in the fourth degree remains
8 over \$200. The upper threshold for theft in the fourth degree
9 is increased from \$500 to \$1,000.

10 The base threshold for theft in the third degree is increased
11 from over \$500 to over \$1,000. The upper threshold for theft
12 in the third degree is increased from \$1,000 to \$10,000.

13 The base threshold for theft in the second degree is
14 increased from over \$1,000 to over \$10,000. The upper
15 threshold for theft in the second degree is increased from
16 \$10,000 to \$100,000.

17 The base threshold for theft in the first degree is increased
18 from over \$10,000 to over \$100,000. Theft of property that was
19 destroyed or left unoccupied because of a physical disaster,
20 riot, bombing, or battle remains a theft in the first degree.

21 The bill also relates to the offense of identity theft by
22 providing that persons of specified ages who knowingly take,
23 purchase, manufacture, record, possess, or use identification
24 information, or who attempt to do so, for a designated list
25 of offenses may be considered to have violated the applicable
26 statute or ordinance relating to that offense, but shall not be
27 considered to have committed identify theft under Code section
28 715A.8. The offenses in general relate to underage possession
29 of alcohol, underage entry onto premises where alcohol is
30 served, underage entry onto the premises of a motion picture,
31 underage possession or purchase of tobacco, underage entry
32 onto the premises of a gambling establishment, underage entry
33 onto the premises of any other business establishment with age
34 restrictions attached, and obtaining employment in violation of
35 child labor laws specified in Code chapter 92.

1 The bill additionally states that a violation of the
2 identity theft provisions in Code section 715A.8 constitutes
3 a class "D" felony. Currently, the Code section specifies
4 that if the value of credit, property, or services for which
5 identity theft was utilized exceeds \$1,000, the violation
6 constitutes a class "D" felony, and if below that amount the
7 violation constitutes an aggravated misdemeanor. A class "D"
8 felony is punishable by confinement for no more than five years
9 and a fine of at least \$750 but not more than \$7,500.