

Senate File 2197 - Introduced

SENATE FILE 2197

BY SMITH

A BILL FOR

1 An Act relating to theft of motor vehicles subsequently used in
2 the commission of a felony, and providing penalties.

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

1 Section 1. NEW SECTION. 714.2A Motor vehicle theft —
2 subsequent commission of felony.

3 1. The theft of a motor vehicle as defined in chapter 321
4 that is subsequently used in the commission of a forcible
5 felony as defined in section 702.11 is a class "B" felony.

6 2. The theft of a motor vehicle as defined in chapter 321
7 exceeding ten thousand dollars in value that is subsequently
8 used in the commission of a felony is a class "B" felony.

9 3. The theft of a motor vehicle as defined in chapter
10 321 not exceeding ten thousand dollars in value that is
11 subsequently used in the commission of a felony is a class
12 "C" felony. However, for purposes of this subsection, "motor
13 vehicle" does not include a motorized bicycle as defined in
14 section 321.1, subsection 40, paragraph "b".

15 Sec. 2. NEW SECTION. 714.7A Operating a motor vehicle
16 without owner's consent — subsequent commission of felony.

17 1. Any person who takes possession or control of another
18 person's motor vehicle as defined in chapter 321 without
19 the consent of the owner of such, but without the intent to
20 permanently deprive the owner thereof, and the vehicle is
21 subsequently used in the commission of a forcible felony as
22 defined in section 702.11, shall be guilty of a class "C"
23 felony.

24 2. Any person who takes possession or control of another
25 person's motor vehicle as defined in chapter 321 without
26 the consent of the owner of such, but without the intent to
27 permanently deprive the owner thereof, and the vehicle is
28 subsequently used in the commission of a felony, shall be
29 guilty of a class "D" felony.

30 3. A violation of this section may be proved as a lesser
31 included offense on an indictment or information charging
32 theft.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill provides enhanced criminal penalties for motor
2 vehicle theft when the vehicle is subsequently used in the
3 commission of a felony. Under current law, a class "B" felony
4 is punishable by imprisonment for no more than 25 years. A
5 class "C" felony is punishable by imprisonment for no more
6 than 10 years and a fine of at least \$1,000 but not more than
7 \$10,000. A class "D" felony is punishable by imprisonment for
8 no more than five years and a fine of at least \$750 but not more
9 than \$7,500.

10 The bill provides that theft of any motor vehicle,
11 regardless of value, subsequently used in the commission of a
12 forcible felony is a class "B" felony. A forcible felony is
13 defined under Code section 702.11 to be any felonious child
14 endangerment, assault, murder, sexual abuse, kidnapping,
15 robbery, human trafficking, arson in the first degree, or
16 burglary in the first degree, with certain exceptions.

17 Under current law, theft of a motor vehicle exceeding
18 \$10,000 in value is a class "C" felony. The bill provides that
19 if the vehicle is subsequently used in the commission of a
20 felony, the theft is a class "B" felony.

21 Under current law, theft of a motor vehicle not exceeding
22 \$10,000 in value is a class "D" felony. The bill provides
23 that if the vehicle is subsequently used in the commission
24 of a felony, the theft is a class "C" felony. Consistent
25 with current law, motorized bicycles are excluded from this
26 provision.

27 Under current law, taking possession or control of a
28 railroad vehicle, self-propelled vehicle, aircraft, or
29 motor boat without the consent of the owner, but without
30 the intent to permanently deprive the owner of the railroad
31 vehicle, self-propelled vehicle, aircraft, or motor boat, is
32 an aggravated misdemeanor. The bill provides that taking
33 possession or control of a motor vehicle without the consent of
34 the owner, but without the intent to permanently deprive the
35 owner of the vehicle, and the vehicle is subsequently used in

S.F. 2197

1 the commission of a forcible felony, is a class "C" felony. If
2 the vehicle is subsequently used in the commission of a felony,
3 the violation is a class "D" felony. Consistent with current
4 law, a violation of these provisions may be proved as a lesser
5 included offense on an indictment or information charging
6 theft.