
Criminal Justice & Corrections Committee

HB 2507

Brief Description: Increasing penalties for taking a motor vehicle without permission.

Sponsors: Representatives Lovick, Ballasiotes, O'Brien, Ahern, Kirby, Jackley, Kessler, Schmidt, McIntire, Conway, Santos, Ruderman, Van Luven, Edwards, Hurst, Fromhold, Upthegrove, Kenney, Eickmeyer, Miloscia, Simpson, Grant, Chase, Dunshee, Cody, Morris, Wood, Campbell, Veloria, Rockefeller, Darneille, McDermott, Schual-Berke and Berkey.

Brief Summary of Bill

- Divides the crime of taking a motor vehicle without permission into two degrees.
- Requires "double-scoring" of an offender's prior convictions involving taking a motor vehicle without permission for purposes of calculating his or her offender score.

Hearing Date: 1/29/02

Staff: Yvonne Walker (786-7841).

Background:

Under the Sentencing Reform Act (SRA), an adult offender convicted of a felony receives a standard sentence range that is based on the seriousness of the offense and the offender's prior felony convictions. The number of points an offender receives for current and prior felonies varies according to certain rules. For example, if the offender is convicted for a drug offense, three points are added for each adult prior felony drug offense conviction and two points are added for each prior juvenile drug offense. The effect of receiving an additional point means that the standard sentence range is longer.

The penalties for theft violations are generally based on the value of the property stolen.

Theft in the first degree occurs when a person commits theft of property or services valued in excess of \$1,500. Theft in the first degree is a seriousness level II, class B felony. A class B felony carries a maximum sentence of 10 years of incarceration, a fine of \$20,000,

or both.

Theft in the second degree occurs when a person commits theft of property or services valued in excess of \$250, but not exceeding \$1,500. Theft in the second degree is a seriousness level I, class C felony. A class C felony carries a maximum sentence of five years of incarceration, a fine of \$10,000, or both.

Theft in the third degree occurs when a person commits theft of property or services valued less than \$250. Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year in jail, a fine of \$5,000, or both.

The theft of a motor vehicle is generally penalized based upon the value of the vehicle that was stolen.

Intentionally taking a motor vehicle without permission, or voluntarily riding in a vehicle knowing it was taken without permission, is a class C felony, which carries a maximum term of five years, or a fine of up to \$10,000, or both. It is ranked as a seriousness level I crime under the SRA which, for a first time offender has a standard sentence range of 0-60 days.

Juveniles who commit criminal offenses are also sentenced under a determinate sentencing model, which for an offense committed on or after July 1, 1998, is based on the seriousness of the offense and the number of prior adjudications. Taking a motor vehicle without permission is ranked as an offense category C crime which, for a first-time offender involves local sanctions. Local sanctions can include any combination of the following: 0-30 days confinement; 0-12 months community supervision; 0-150 hours community service; and a fine of \$0 to \$500.

Summary of Bill:

The crime of taking a motor vehicle without permission is divided into two degrees. The current elements of the crime -intentionally taking the vehicle without permission or voluntarily riding in it knowing it was taken without permission- becomes a second degree motor vehicle theft. Taking a motor vehicle in the second degree is a seriousness level II, class C felony.

Taking a motor vehicle in the first degree is created and is committed if a person intentionally takes a motor vehicle without permission and he or she:

- 1) Alters the vehicle to change its appearance or identification numbers;
- 2) Removes parts from the vehicle with the intent to sell the parts;
- 3) Exports or attempts to export the vehicle out-of-state or out of the country for profit;
- 4) Intends to sell the vehicle; or
- 5) Is engaged in a conspiracy the object of which is the theft of motor vehicles for sale to others for profit.

Taking a motor vehicle in the first degree is a seriousness level V, class B felony.

It is a B+ offense for any juvenile adjudicated of taking a motor vehicle in the first degree.

The sentence for a first time offender is 15-36 weeks in a Juvenile Rehabilitation Administration facility. It is a B offense for any juvenile adjudicated of taking a motor vehicle in the second degree. The sentence for a first time offender is a local sanction.

An adult offender convicted of taking a motor vehicle without permission in the first degree will have two points added to his or her offender score for each prior adult and juvenile conviction for this offense.

Appropriation: None.

Fiscal Note: Requested on January 28, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.