



Senate

General Assembly

File No. 183

January Session, 2001

Substitute Senate Bill No. 1249

Senate, April 10, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FAILURE TO PAY FOR GASOLINE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) Any person who drives a motor vehicle from the
2 premises of a retail service station where gasoline or special fuel
3 offered for sale was delivered into the tank of such motor vehicle and
4 fails to pay for the fuel so delivered shall be subject to penalties for
5 larceny under sections 53a-122 to 53a-125b, inclusive, of the general
6 statutes, depending on the amount involved.

7 (b) For the purposes of this section, proof of the registration number
8 of any motor vehicle involved in a violation of subsection (a) of this
9 section, shall be prima facie evidence that the owner was the operator
10 thereof, except in the case of a leased or rented motor vehicle, such
11 proof shall be prima facie evidence that the lessee was the operator
12 thereof.

JUD *JOINT FAVORABLE SUBST.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Minimum Revenue Gain

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

Explanation

State Impact:

The bill could make it easier to convict someone of larceny for driving away from a service station without paying for dispensed fuel. Offenders under the bill would in most cases be subject to the penalties for Larceny in the 6th Degree, which is punishable by up to three months imprisonment and up to a \$500 fine. The extent to which the bill would enable the conviction of someone for driving away from a service station without paying for dispensed fuel is not known. The cost of 3 months imprisonment is about \$7,600 on average. Other costs related to adjudication, were they to occur, can be absorbed within the budgetary resources of the criminal justice system.

Background

Larceny in the 6th Degree is the most common form of Larceny and accounts for 60% of all larceny offenses. During 2000 about 14,000 of these offenses occurred and the state collected \$182,000 in fines. At any time during 2000, there were about 180 people incarcerated related

to this crime. The cost of incarcerating 180 people for a year is, on average, about \$5.48 million including fringe benefits.

OLR Bill Analysis

sSB 1249

AN ACT CONCERNING FAILURE TO PAY FOR GASOLINE.**SUMMARY:**

This bill specifies that someone who drives away from a retail service station without paying for gasoline or special fuel he put into the tank of his motor vehicle can be punished for larceny. The punishment for larceny depends on the value of the property taken.

The bill makes proof of the vehicle's registration number prima facie evidence that its owner or lessee (where the vehicle is rented or leased) was the operator at the time it drove off from a retail gas service station. Prima facie evidence is evidence which on its face, and absent contradictory evidence, is sufficient to establish a fact.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Larceny***

A person is guilty of larceny when he wrongfully takes property from its owner with the intent of depriving him of the property or appropriating it to himself or another. The punishment depends on the value of the property taken, ranging from a class C misdemeanor (up to \$500 fine, up to three months in prison, or both) when the value of the property taken is less than \$250 to a class B felony (up to \$15,000 fine, 1-20 years in prison, or both) when the value of the property taken is over \$10,000.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 2