



House of Representatives

General Assembly

File No. 238

January Session, 2003

Substitute House Bill No. 6586

House of Representatives, April 8, 2003

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THEFT OF SERVICES AND EQUIPMENT RENTAL BUSINESSES.

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

1 Section 1. Subdivision (7) of section 53a-119 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (7) Theft of services. A person is guilty of theft of services when: (A)
5 With intent to avoid payment for restaurant services rendered, or for
6 services rendered to [him] such person as a transient guest at a hotel,
7 motel, inn, tourist cabin, rooming house or comparable establishment,
8 [he] such person avoids such payment by unjustifiable failure or
9 refusal to pay, by stealth, or by any misrepresentation of fact which
10 [he] such person knows to be false; or (B) (i) with intent to obtain
11 railroad, subway, bus, air, taxi or any other public transportation
12 service without payment of the lawful charge therefor or to avoid
13 payment of the lawful charge for such transportation service which has

14 been rendered to him [, he] or her, such person obtains such service or
 15 avoids payment therefor by force, intimidation, stealth, deception or
 16 mechanical tampering, or by unjustifiable failure or refusal to pay, or
 17 (ii) with intent to obtain the use of equipment, including a motor
 18 vehicle or an item from a retail store engaged in the business of renting
 19 equipment, not including an item governed by a rent-to-own
 20 agreement under chapter 743i, without payment of the lawful charge
 21 therefor, or to avoid payment of the lawful charge for such use which
 22 has been permitted him [, he] or her, such person obtains such use or
 23 avoids such payment therefor by means of any false or fraudulent
 24 representation, failure to return such item to such retail store engaged
 25 in the business of renting equipment, not including an item governed
 26 by a rent-to-own agreement under chapter 743i, by a time specified in
 27 a written contract signed by such person at the time such person rents
 28 the item, fraudulent concealment, false pretense or personation, trick,
 29 artifice or device, including, but not limited to, a false representation as
 30 to [his] such person's name, residence, employment, or driver's license;
 31 or (C) obtaining or having control over labor in the employ of another
 32 person, or of business, commercial or industrial equipment or facilities
 33 of another person, knowing that [he] such person is not entitled to the
 34 use thereof, and with intent to derive a commercial or other substantial
 35 personal benefit [for himself] or benefit for a third person, [he] such
 36 person uses or diverts [to the use of himself or] for personal benefit or
 37 for the benefit of a third person such labor, equipment or facilities.

This act shall take effect as follows:	
Section 1	October 1, 2003

Statement of Legislative Commissioners:

The phrase "consumer rent-to-own agreements" was changed to "an item governed by a rent-to-own agreement" for accuracy.

GL *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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Correction, Dept.; Judicial Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Less than 50,000	Less than 50,000
Pub. Defender Serv. Com.; Criminal Justice, Div.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could make it easier to convict someone of larceny for theft of services by specifying: (1) the type of equipment covered; and (2) the time at which an offense has taken place. The extent to which the bill would enable the conviction of someone for theft of service is unknown. The potential cost of incarceration or probation would depend upon the degree of larceny for which someone was convicted.¹ There also could be a minimal revenue gain from fines. It is anticipated that any cost associated with handling criminal cases under the bill could be accomplished without the need for additional appropriations.

Background

In accordance with current law, the amount of fines levied and the likelihood of imprisonment are related to the value of the property that

¹ For instance, the maximum penalty for Sixth Degree Larceny (involving property valued at \$250 or less) is up to three months imprisonment. The cost of incarceration for three months is about \$7,600 on average, and the average cost of court monitoring for 3 months can range from \$11 to \$65, depending upon the type of community supervision needed.

was illegally obtained. (See below.)

Disposition of Larceny Offenses

Larceny	Offenses	Convictions	Fines Imposed (#)	Fines Imposed (\$)	DOC Custody *	DOC Custody / Offenses	Average Fine
First Degree	1,885	462	2	\$7,500	335	18%	\$3,750
Second Degree	1,669	657	3	6,000	347	21%	2,000
Third Degree	4,408	1,585	32	69,300	475	11%	2,166
Fourth Degree	2,524	1,329	83	42,945	60	2%	517
Fifth Degree	3,090	1,161	116	32,880	50	2%	283
Sixth Degree	13,956	4,533	896	139,132	184	1%	\$155
Total	27,532	9,727	1,132	\$297,757	1,451		

* As of March 1, 2003.

Note: all other statistics are FY 02 totals.

OLR Bill Analysis

sHB 6586

AN ACT CONCERNING THEFT OF SERVICES AND EQUIPMENT RENTAL BUSINESSES**SUMMARY:**

Under current law, a person commits the larceny offense of theft of services when, with the intent to do so, he (1) obtains the use of equipment without paying the lawful charge or (2) avoids paying for a use permitted to him by any false or fraudulent representation, fraudulent concealment, false pretense, personation, trick, artifice, or device.

This bill specifies that this offense covers items from a retail store engaged in the business of renting equipment other than items governed by the consumer rent-to-own agreement law. These rent-to-own agreements (1) involve personal property used primarily for personal, family, or household purposes; (2) do not have an initial period longer than four months; (3) are automatically renewable with each payment; and (4) permit the consumer to become the owner. The bill also specifies that an offender engages in the conduct of avoiding lawful payment by failing to return an item to the retail store by the time specified in a written contract he signed when he rented the item.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Rent-to-Own Agreement Law***

This law establishes certain requirements for rent-to-own agreements, including what must be included and what may not be included in the contract (CGS § 42-240-253).

Larceny

There are six different classifications of larceny, generally depending on the value of the property illegally obtained.

<i>Degree of Larceny</i>	<i>Value of Property Involved</i>	<i>Classification</i>
1 st Degree	over \$10,000	class B felony
2 nd Degree	over 5,000	class C felony
3 rd Degree	over 1,000	class D felony
4 th Degree	over 500	class A misdemeanor
5 th Degree	over 250	class B misdemeanor
6 th Degree	\$250 or less	class C misdemeanor

<i>Classification of Crime</i>	<i>Imprisonment</i>	<i>Fine</i>
class B felony	1 to 20 years	up to \$15,000
class C felony	1 to 10 years	up to 10,000
class D felony	1 to 5 years	up to 5,000
class A misdemeanor	up to 1 year	up to 2,000
class B misdemeanor	up to 6 months	up to 1,000
class C misdemeanor	up to 3 months	up to 500

COMMITTEE ACTION

General Law Committee

Joint Favorable Report
Yea 16 Nay 1