



Senate

General Assembly

File No. 65

January Session, 2003

Senate Bill No. 854

Senate, March 25, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the 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 Section 1. (NEW) (*Effective October 1, 2003*) (a) Any person who
2 drives a motor vehicle from the premises of a retail service station
3 where gasoline or special fuel offered for sale was delivered into the
4 tank of such motor vehicle and fails to pay for the gasoline or special
5 fuel so delivered shall be subject to the penalties for larceny under
6 sections 53a-122 to 53a-125b, inclusive, of the general statutes,
7 depending on the value of such gasoline or special fuel involved.

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

15 operator thereof.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

JUD *Joint Favorable*

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 \$
Judicial Dept.; Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Less than \$50,000	Less than \$50,000
Criminal Justice, Div.; Pub. Defender Serv. Com.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

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 unknown. The cost of 3 months imprisonment is about \$7,600 on average. Alternatively, the average cost of monitoring by the court for 3 months can range from \$11 to \$65, depending upon the type of community supervision needed for offenders under the bill.

Background

Larceny in the 6th degree is the most common form of Larceny and accounts for 60% of all larceny offenses. During FY 02 about 14,000 of these offenses occurred and the state imposed \$139,000 in fines.¹ At any time during FY 03 (through March 1st), there were about 200

¹ An average of \$155 per imposed fine.

people incarcerated related to larceny in the 6th degree.² The percentage of the 200 offenders that are incarcerated for failure to pay for gasoline is unknown. To the extent that passage of the bill results in greater numbers being placed in DOC custody, a potential cost would result.

It is anticipated that any cost associated with handling criminal cases under the bill could be accomplished without the need for additional appropriations.

² The cost of incarcerating 200 people for a year is, on average, about \$6 million including fringe benefits.

OLR Bill Analysis

SB 854

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

This bill specifies that someone who drives away from a retail gas service station without paying for gasoline or special fuel that was 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 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, 2003

BACKGROUND***Larceny***

A person is guilty of larceny when he wrongfully takes property from its owner with the intent of depriving the owner 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 to 20 years in prison, or both) when the value of the property taken is over \$10,000.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 3