



House of Representatives

General Assembly

File No. 635

January Session, 2009

House Bill No. 6576

House of Representatives, April 15, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING LARCENY.

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

1 Section 1. Section 53a-122 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) A person is guilty of larceny in the first degree when he commits
4 larceny, as defined in section 53a-119, and: (1) The property or service,
5 regardless of its nature and value, is obtained by extortion, (2) the
6 value of the property or service exceeds [ten] twenty thousand dollars,
7 (3) the property consists of a motor vehicle, the value of which exceeds
8 [ten] twenty thousand dollars, or (4) the property is obtained by
9 defrauding a public community, and the value of such property
10 exceeds two thousand dollars.

11 (b) For purposes of this section, "motor vehicle" means any motor
12 vehicle, construction equipment, agricultural tractor or farm
13 implement or major component part of any of the above. In any
14 prosecution under subdivision (3) of subsection (a) of this section,

15 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
16 alteration, mutilation or removal of a vehicle identification number
17 shall be prima facie evidence (A) that the person in control or
18 possession of such motor vehicle knows or should have known that
19 such motor vehicle is stolen, and (B) that such person possesses such
20 motor vehicle with larcenous intent.

21 (c) Larceny in the first degree is a class B felony.

22 Sec. 2. Section 53a-123 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2009*):

24 (a) A person is guilty of larceny in the second degree when he
25 commits larceny, as defined in section 53a-119, and: (1) The property
26 consists of a motor vehicle, the value of which exceeds [five] ten
27 thousand dollars, (2) the value of the property or service exceeds [five]
28 ten thousand dollars, (3) the property, regardless of its nature or value,
29 is taken from the person of another, (4) the property is obtained by
30 defrauding a public community, and the value of such property is two
31 thousand dollars or less, or (5) the property, regardless of its nature or
32 value, is obtained by embezzlement, false pretenses or false promise
33 and the victim of such larceny is sixty years of age or older or is blind
34 or physically disabled, as defined in section 1-1f.

35 (b) For purposes of this section, "motor vehicle" means any motor
36 vehicle, construction equipment, agricultural tractor or farm
37 implement or major component part of any of the above. In any
38 prosecution under subdivision (1) of subsection (a) of this section,
39 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
40 alteration, mutilation or removal of a vehicle identification number
41 shall be prima facie evidence (A) that the person in control or
42 possession of such motor vehicle knows or should have known that
43 such motor vehicle is stolen, and (B) that such person possesses such
44 motor vehicle with larcenous intent.

45 (c) Larceny in the second degree is a class C felony.

46 Sec. 3. Section 53a-124 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2009*):

48 (a) A person is guilty of larceny in the third degree when he
49 commits larceny, as defined in section 53a-119, and: (1) The property
50 consists of a motor vehicle, the value of which is [five] ten thousand
51 dollars or less; (2) the value of the property or service exceeds [one]
52 two thousand dollars; (3) the property consists of a public record,
53 writing or instrument kept, held or deposited according to law with or
54 in the keeping of any public office or public servant; or (4) the property
55 consists of a sample, culture, microorganism, specimen, record,
56 recording, document, drawing or any other article, material, device or
57 substance which constitutes, represents, evidences, reflects or records a
58 secret scientific or technical process, invention or formula or any phase
59 or part thereof. A process, invention or formula is "secret" when it is
60 not, and is not intended to be, available to anyone other than the
61 owner thereof or selected persons having access thereto for limited
62 purposes with his consent, and when it accords or may accord the
63 owner an advantage over competitors or other persons who do not
64 have knowledge or the benefit thereof.

65 (b) For purposes of this section, "motor vehicle" means any motor
66 vehicle, construction equipment, agricultural tractor or farm
67 implement or major component part of any of the above. In any
68 prosecution under subdivision (1) of subsection (a) of this section,
69 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
70 alteration, mutilation or removal of a vehicle identification number
71 shall be prima facie evidence (A) that the person in control or
72 possession of such motor vehicle knows or should have known that
73 such motor vehicle is stolen, and (B) that such person possesses such
74 motor vehicle with larcenous intent.

75 (c) Larceny in the third degree is a class D felony.

76 Sec. 4. Section 53a-125 of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2009*):

78 (a) A person is guilty of larceny in the fourth degree when he
79 commits larceny as defined in section 53a-119 and the value of the
80 property or service exceeds [five hundred] one thousand dollars.

81 (b) Larceny in the fourth degree is a class A misdemeanor.

82 Sec. 5. Section 53a-125a of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2009*):

84 (a) A person is guilty of larceny in the fifth degree when he commits
85 larceny as defined in section 53a-119 and the value of the property or
86 service exceeds [two hundred fifty] five hundred dollars.

87 (b) Larceny in the fifth degree is a class B misdemeanor.

88 Sec. 6. Section 53a-125b of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2009*):

90 (a) A person is guilty of larceny in the sixth degree when he
91 commits larceny as defined in section 53a-119 and the value of the
92 property or service is [two hundred fifty] five hundred dollars or less.

93 (b) Larceny in the sixth degree is a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	53a-122
Sec. 2	<i>October 1, 2009</i>	53a-123
Sec. 3	<i>October 1, 2009</i>	53a-124
Sec. 4	<i>October 1, 2009</i>	53a-125
Sec. 5	<i>October 1, 2009</i>	53a-125a
Sec. 6	<i>October 1, 2009</i>	53a-125b

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-Effect	FY 10 \$	FY 11 \$
Judicial Dpt (Probation); Correction, Dept.	GF - Savings	Potential Significant	Potential Significant
Judicial Dept.	GF - Revenue Loss	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the threshold amounts for classes of larceny. Based on this adjustment, offenders would face lower maximum penalties than provided under current law. For example, any person convicted of stealing \$1,000 worth of goods or services may receive a prison term of up to 5 years under current law whereas the bill provides for a maximum prison term of 1 year for such a theft. See “Background” for more details.

To the extent that these changes decrease the maximum criminal penalties to which larceny offenders are exposed, a potential savings related to probation supervision and incarceration (in addition to a potential revenue loss from criminal fines) exists. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

Background

Statute Number	Type	Class	Name	Estimated Convictions cases per year	Jail Time		Fine		Value of Goods and Services	
					MIN	MAX	MIN	MAX	current law	bill
53a-122	F	B	LARCENY 1ST DEG	221	1 Y	20 Y	\$0	\$15,000	\$ 10,000	\$ 20,000
53a-123 *	F	C	LARCENY 2ND DEG	289	1 Y	10 Y	\$0	\$10,000	\$ 5,000	\$ 10,000
53a-124	F	D	LARCENY 3RD DEG	741	1 Y	5 Y	\$0	\$5,000	\$ 1,000	\$ 2,000
53a-125	M	A	LARCENY 4TH DEG	795	0 Y	1 Y	\$0	\$2,000	\$ 500	\$ 1,000
53a-125a	M	B	LARCENY 5TH DEG	450	0 M	6 M	\$0	\$1,000	\$ 250	\$ 500
53a-125b	M	C	LARCENY 6TH DEG	1,763	0 M	3 M	\$0	\$500	up to \$250	up to \$500

* Carries a mandatory minimum of 2 yrs if the victim is elderly, blind or disabled. See 53a-60b.

The Out Years

The annualized ongoing savings identified above would continue into the future subject to inflation; the annualized ongoing revenue loss would remain constant since fine amounts are set by statute.

Source: Judicial Department's Criminal / Motor Vehicle System Quarterly Reports

OLR Bill Analysis**HB 6576*****AN ACT CONCERNING LARCENY.*****SUMMARY:**

By law, a person can commit larceny in a number of different ways and the law provides six degrees of larceny crimes, with penalties varying in most instances based on the value of the property taken. This bill doubles most, but not all, of the values of the property which must be taken to commit each of the six degrees of larceny crimes.

It also affects other statutes that refer to the larceny statutes for the penalties for taking property, including health insurance fraud (CGS § 53-443) and collecting fees for medical discount plan membership without providing promised benefits (CGS § 38a-479qq).

EFFECTIVE DATE: October 1, 2009

1ST DEGREE LARCENY

Under current law, a person commits 1st degree larceny by taking (1) property or service over \$10,000 or (2) a motor vehicle valued at over \$10,000. The bill increases the minimum value of the property, service, or motor vehicle required to \$20,000.

By law, a person also commits 1st degree larceny by taking (1) property or service of any value by extortion or (2) property over \$2,000 by defrauding a public community.

By law, 1st degree larceny is a class B felony punishable by up to 20 years in prison, a fine of up to \$15,000, or both.

2ND DEGREE LARCENY

Under current law, a person commits 2nd degree larceny by taking

(1) property or service over \$5,000 or (2) a motor vehicle valued at over \$5,000. The bill increases the minimum value of the property, service, or motor vehicle required to \$10,000.

By law, a person also commits 2nd degree larceny by taking (1) property of any nature or value from someone's person; (2) property valued at \$2,000 or less by defrauding a public community; and (3) property of any value by embezzlement, false pretenses, or false promise when the victim is age 60 or older, blind, or physically disabled.

By law, 2nd degree larceny is a class C felony punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

3RD DEGREE LARCENY

Under current law, a person commits 3rd degree larceny by taking (1) property or service over \$1,000 or (2) a motor vehicle valued at \$5,000 or less. The bill increases the required minimum value of the property or service to \$2,000 and the maximum value of the motor vehicle to \$10,000.

By law, a person also commits 3rd degree larceny by taking (1) a public record or instrument from a public office or public servant or (2) a sample, microorganism, record, drawing, material, device, or substance related to a secret scientific or technical process, invention, or formula.

By law, 3rd degree larceny is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

4TH DEGREE LARCENY

The bill increases the minimum value of property or service that must be taken to commit 4th degree larceny from \$500 to \$1,000.

By law, 4th degree larceny is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

5TH DEGREE LARCENY

The bill increases the minimum value of property or service that must be taken to commit 5th degree larceny from \$250 to \$500.

By law, 5th degree larceny is a class B misdemeanor punishable by up to six months in prison, a fine of up to \$1,000, or both.

6TH DEGREE LARCENY

The bill increases the maximum value of property or service that must be taken to commit 6th degree larceny from \$250 to \$500.

By law, 6th degree larceny is a class C misdemeanor punishable by up to three months in prison, a fine of up to \$500, or both.

BACKGROUND

Related Bill

SB 1128, favorably reported by the Judiciary Committee, makes taking wire, cable, or other telecommunications service equipment and causing an interruption in emergency telecommunications service 2nd degree larceny regardless of the value of the property.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/27/2009)