



House of Representatives

File No. 894

General Assembly

January Session, 2013

(Reprint of File No. 731)

Substitute House Bill No. 6677
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 1, 2013

**AN ACT EXCLUDING SCHOOL ACCOMMODATIONS FROM
SERVICES THAT ARE SUBJECT TO THE LARCENY STATUTES.**

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

1 Section 1. Subsection (a) of section 53a-118 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) The following definitions are applicable to this part: (1)
5 "Property" means any money, personal property, real property, thing
6 in action, evidence of debt or contract, or article of value of any kind.
7 Commodities of a public utility nature such as gas, electricity, steam
8 and water constitute property, but the supplying of such a commodity
9 to premises from an outside source by means of wires, pipes, conduits
10 or other equipment shall be deemed a rendition of a service rather than
11 a sale or delivery of property. (2) "Obtain" includes, but is not limited
12 to, the bringing about of a transfer or purported transfer of property or
13 of a legal interest therein, whether to the obtainer or another. (3) To
14 "deprive" another of property means (A) to withhold it or cause it to be

15 withheld from him permanently or for so extended a period or under
16 such circumstances that the major portion of its economic value or
17 benefit is lost to him, or (B) to dispose of the property in such manner
18 or under such circumstances as to render it unlikely that an owner will
19 recover such property. (4) To "appropriate" property of another to
20 oneself or a third person means (A) to exercise control over it, or to aid
21 a third person to exercise control over it, permanently or for so
22 extended a period or under such circumstances as to acquire the major
23 portion of its economic value or benefit, or (B) to dispose of the
24 property for the benefit of oneself or a third person. (5) An "owner"
25 means any person who has a right to possession superior to that of a
26 taker, obtainer or withholder. (6) To "receive" means to acquire
27 possession, control or title, or to lend on the security of the property.
28 (7) "Service" includes, but is not limited to, labor, professional service,
29 public utility and transportation service, the supplying of hotel
30 accommodations, restaurant services, entertainment, and the
31 supplying of equipment for use, but does not include school
32 accommodations provided by a school district to (A) a child or an
33 emancipated minor, or (B) a pupil eighteen years of age or older who
34 was a homeless person, as defined in subdivision (3) of section 8-355,
35 at the time of the offense. (8) "Check" means any check, draft or similar
36 sight order for the payment of money which is not postdated with
37 respect to the time of issuance. (9) "Drawer" of a check means a person
38 whose name appears thereon as the primary obligor, whether the
39 actual signature be that of himself or of a person purportedly
40 authorized to draw the check in his behalf. (10) "Representative
41 drawer" means a person who signs a check as drawer in a
42 representative capacity or as agent of the person whose name appears
43 thereon as the principal drawer or obligor. (11) A person "issues" a
44 check when, as a drawer or representative drawer thereof, he delivers
45 it or causes it to be delivered to a person who thereby acquires a right
46 against the drawer with respect to such check. One who draws a check
47 with intent that it be so delivered is deemed to have issued it if the
48 delivery occurs. (12) A person "passes" a check when, being a payee,
49 holder or bearer of a check which previously has been or purports to

50 have been drawn and issued by another, he delivers it, for a purpose
51 other than collection, to a third person who thereby acquires a right
52 with respect thereto. (13) "Funds" means money or credit. (14) A
53 drawer has "insufficient funds" with a drawee to cover a check when
54 he has no funds or account whatever, or funds in an amount less than
55 that of the check; and a check dishonored for "no account" shall also be
56 deemed to have been dishonored for "insufficient funds". (15) "Credit"
57 means an arrangement or understanding with a bank or depository for
58 the payment of a check, draft or order in full on presentation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53a-118(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Loss	See Below	See Below

Municipal Impact: None

Explanation

The bill adds a provision that may decrease the number of a specific type of larceny. There have been no offenses under this statute for the past three fiscal years and therefore any impact is anticipated to be minimal.

House "A" strikes the language of the underlying bill and replaces it with language that results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6677 (as amended by House "A")******AN ACT CONCERNING THE IMPOSITION OF A COMMUNITY SERVICE REQUIREMENT UPON A MINOR WHO PURCHASES TOBACCO PRODUCTS.*****SUMMARY:**

By law, a person generally commits larceny when he or she wrongfully takes, obtains, or withholds, among other things, services from an owner. This bill excludes from the definition of "services" school accommodations provided by a school district to (1) a child, (2) an emancipated minor, or (3) a student who is at least 18 years old and homeless. Thus, a child, an emancipated minor, or a homeless student who is at least 18 years old who wrongfully takes such services is not guilty of larceny. A person is homeless if he or she does not have overnight shelter or sufficient income or resources to secure such shelter.

*House Amendment "A" strikes the underlying bill and replaces it with the exception to larceny.

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)