



# House of Representatives

General Assembly

**File No. 415**

January Session, 2019

Substitute House Bill No. 7107

*House of Representatives, April 4, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE THEFT OF WASTE VEGETABLE OIL OR ANIMAL FATS.***

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

1 Section 1. Section 53a-125 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) A person is guilty of larceny in the fourth degree when he  
4 commits larceny as defined in section 53a-119, and: (1) The property  
5 consists of waste vegetable oil or animal fats; or (2) the value of the  
6 property or service exceeds one thousand dollars.

7 (b) For purposes of this section, "waste vegetable oil or animal fats"  
8 means used vegetable oil or animal fats stored by a school, restaurant,  
9 institutional cafeteria or other institution or business for the purpose of  
10 collection and recycling of such oil or fats, including the conversion of  
11 such oil or fats into a biodiesel blend, as defined in section 16a-21b.

12 ~~[(b)]~~ (c) Larceny in the fourth degree is a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	53a-125

**JUD**      *Joint Favorable Subst.*

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 20 \$	FY 21 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill classifies theft of waste vegetable oil or animal fats as larceny in the 4th, a class A misdemeanor (fine up to \$1,000), and results in potential cost for incarceration and revenue gain from increased fines. It is currently larceny in the 6th degree, a class C misdemeanor (fine up to \$500). On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

**The Out Years**

The annualized ongoing fiscal impact identified above would

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

continue into the future subject to the number of violations.

**OLR Bill Analysis****sHB 7107*****AN ACT CONCERNING THE THEFT OF WASTE VEGETABLE OIL OR ANIMAL FATS.*****SUMMARY**

This bill increases the penalty for the theft of waste vegetable oil or animal fats valued at \$1,000 or less. It does so by classifying the theft of these products as 4<sup>th</sup> degree larceny, which is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

Currently, (1) the theft of up to \$500 of these products is 6<sup>th</sup> degree larceny, a class C misdemeanor punishable by up to three months in prison, a fine of up to \$500, or both, and (2) the theft of over \$500 and up to \$1,000 is 5<sup>th</sup> degree larceny, a class B misdemeanor punishable by up to six months in prison, a fine of up to \$1,000, or both. Under existing law and unchanged by the bill, the theft of these products valued at over \$1,000 and up to \$2,000 is already 4<sup>th</sup> degree larceny.

Currently, theft of over \$2,000 of these products ranges from 3<sup>rd</sup> degree larceny (a class D felony) to 1<sup>st</sup> degree larceny (a class B felony). Under the bill, it is unclear whether this continues to apply or if any theft of these products is classified as 4<sup>th</sup> degree larceny.

Under the bill, “waste vegetable oil or animal fats” means used vegetable oil or animal fats being stored by a school, restaurant, institutional cafeteria, or other institution or business for collection and recycling, including conversion into a biodiesel blend.

EFFECTIVE DATE: October 1, 2019

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (03/20/2019)