

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 543

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THEFT; AMENDING SECTION 18-2407, IDAHO CODE, TO REVISE PROVI-  
2 SIONS REGARDING GRAND THEFT AND TO PROVIDE FOR THE CRIME OF GRAND THEFT  
3 IN CERTAIN INSTANCES; AMENDING SECTION 18-2408, IDAHO CODE, TO PROVIDE  
4 A CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
5 DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 18-2407, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 18-2407. GRADING OF THEFT. Theft is divided into two (2) degrees,  
11 grand theft and petit theft.

12 (1) Grand theft.

13 (a) A person is guilty of grand theft when he commits a theft as defined  
14 in this chapter and when the property, regardless of its nature ~~and~~ or  
15 value, is obtained by extortion committed by instilling in the victim a  
16 fear that the actor or another person will:

17 1. Cause physical injury to some person in the future; ~~or~~

18 2. Cause damage to property; or

19 3. Use or abuse his position as a public servant by engaging in  
20 conduct within or related to his official duties, or by failing or  
21 refusing to perform an official duty, in such manner as to affect  
22 some person adversely.

23 (b) A person is guilty of grand theft when he commits a theft as defined  
24 in this chapter and when:

25 1. The value of the property taken exceeds ~~one~~ two thousand five  
26 hundred dollars (\$1,0002,500); ~~or~~

27 2. The property consists of a public record, writing, l or instru-  
28 ment kept, filed, l or deposited according to law with or in the  
29 keeping of any public office or public servant; ~~or~~

30 3. The property consists of a check, draft or order for the payment  
31 of money upon any bank, or a check, draft or order account number,  
32 or a financial transaction card or financial transaction card ac-  
33 count number as those terms are defined in section 18-3122, Idaho  
34 Code; ~~or~~

35 4. The property, regardless of its nature or value, is taken from  
36 the person of another; ~~or~~

37 5. The property, regardless of its nature ~~and~~ or value, is ob-  
38 tained by extortion; ~~or~~

39 6. The property consists of one (1) or more firearms, rifles or  
40 shotguns; ~~or~~

41 7. The property taken or deliberately killed is livestock or any  
42 other animal exceeding one hundred fifty dollars (\$150) in value; ;

1           8. ~~When a~~Any series of thefts, comprised of individual thefts hav-  
 2           ing a value of ~~one~~ two thousand five hundred dollars (\$~~1,000~~2,500)  
 3           or less, are part of a common scheme or plan, ~~the~~. The thefts  
 4           may be aggregated in one (1) count and the sum of the value of  
 5           all of the thefts shall be the value considered in determining  
 6           whether the value exceeds ~~one~~ two thousand five hundred dollars  
 7           (\$~~1,000~~2,500); ~~or~~

8           9. The property has an aggregate value over fifty dollars (\$50.00)  
 9           and is stolen during three (3) or more incidents of theft during a  
 10          criminal episode. For purposes of this subparagraph, a "criminal  
 11          episode" shall mean a series of unlawful acts committed over a pe-  
 12          riod of up to three (3) days; or

13          10. The property is anhydrous ammonia.

14          (c) Any person who previously has pled guilty to or been found guilty  
 15          of a violation of this subsection, or of any substantially conforming  
 16          foreign criminal violation involving the unlawful taking of property,  
 17          notwithstanding the form of the judgment or withheld judgment, within  
 18          seven (7) years of the first conviction is guilty of grand theft when:

19           1. The value of the property taken exceeds one thousand dollars  
 20           (\$1,000); or

21           2. Any series of thefts, comprised of individual thefts having a  
 22           value of one thousand dollars (\$1,000) or less, are part of a com-  
 23           mon scheme or plan. The thefts may be aggregated in one (1) count  
 24           and the sum of the value of all of the thefts shall be the value con-  
 25           sidered in determining whether the value exceeds one thousand dol-  
 26           lars (\$1,000).

27          (2) Petit theft. A person is guilty of petit theft when he commits a  
 28          theft as defined in this chapter and his actions do not constitute grand  
 29          theft.

30          SECTION 2. That Section 18-2408, Idaho Code, be, and the same is hereby  
 31          amended to read as follows:

32          18-2408. PUNISHMENT FOR THEFT. (1) Grand theft committed in a manner  
 33          prescribed in subsection (1) (a) of section 18-2407, Idaho Code, is a felony  
 34          punishable by fine not exceeding ten thousand dollars (\$10,000) or imprison-  
 35          ment in the state prison for not less than one (1) year nor more than twenty  
 36          (20) years, or by both such fine and imprisonment.

37          (2) (a) Grand theft committed in a manner prescribed in subsection  
 38          (1) (b) 1., 2., 3., 4., 5., 6., 8., 9., or 10. or (1) (c) of section  
 39          18-2407, Idaho Code, or a felony committed in a manner prescribed in  
 40          section 18-2415, Idaho Code, is a felony punishable by a fine not ex-  
 41          ceeding five thousand dollars (\$5,000), or by imprisonment in the state  
 42          prison for not less than one (1) year nor more than fourteen (14) years,  
 43          or by both such fine and imprisonment.

44          (b) Grand theft committed in a manner prescribed in subsection (1) (b) 7.  
 45          of section 18-2407, Idaho Code, is a felony punishable by a fine of not  
 46          less than one thousand dollars (\$1,000) nor more than five thousand dol-  
 47          lars (\$5,000), and the minimum fine shall not be suspended or withheld,  
 48          or by imprisonment in the state prison for not less than one (1) year nor  
 49          more than fourteen (14) years, or by both such fine and imprisonment. In

1           addition, the court shall assess civil damages as provided in section  
2           25-1910, Idaho Code.

3           (3) Petit theft is a misdemeanor punishable by a fine not exceeding one  
4           thousand dollars (\$1,000), or by imprisonment in the county jail not exceed-  
5           ing one (1) year or by both.

6           SECTION 3. An emergency existing therefor, which emergency is hereby  
7           declared to exist, this act shall be in full force and effect on and after  
8           July 1, 2022.