

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Section 1 amends Section 30-16D-1 – “Unlawful Taking of a Motor Vehicle” – to delete the sentencing provision that makes the crime a fourth degree felony for a first offense, a third degree felony for a second offense, and a second degree felony for a third or subsequent offense.

Section 2 amends Section 30-16D-2 – “Embezzlement of a Motor Vehicle” – to delete the identical sentencing provision as noted above in Section 1.

Section 3 amends Section 30-16D-3 – “Fraudulently Obtaining a Vehicle or Motor Vehicle” – to delete the identical sentencing provision as noted above in Sections 1 and 2.

Section 4 amends Section 30-16D-4 – “Receiving or Transferring Stolen Vehicles or Motor Vehicles” – to delete the identical sentencing provision as noted above in Sections 1, 2, and 3.

Section 5 adds new material – Section 30-16D-5.1 “Penalties” – to provide the same sentencing structure (fourth degree felony for a first offense, third degree felony for a second offense, and second degree felony for a third or subsequent offense) for *any* of the four above crimes.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

None noted. It could potentially increase sentences on certain cases – now that a prosecutor can use other vehicle crimes to increase the penalty – but it doesn’t appear that it would increase prosecutions as the crimes and their elements remain the same.

SIGNIFICANT ISSUES

None noted. The criminal code contains the four crimes which all involve motor vehicle theft that can be committed in different ways; actual theft; embezzlement; fraudulently obtaining; and receiving or transferring. All four crimes currently have the same punishment. The bill would allow a prosecutor to use any one of these four motor vehicle crimes to increase the penalty for a subsequent offense for any one of these four crimes. For example, a prior conviction for embezzlement of a motor vehicle could be used as a prior offense to increase the sentence on a conviction for fraudulently obtaining a motor vehicle to a second offense.

PERFORMANCE IMPLICATIONS

Sentences might increase, given the greater flexibility to use other motor vehicle crimes to

increase the punishment for a subsequent offense.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

n/a