

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 53

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THEFT; AMENDING SECTION 18-2407, IDAHO CODE, TO REVISE PROVISIONS REGARDING GRAND THEFT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

(1) Grand theft.

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

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

2. Cause damage to property; or

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

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

1. The value of the property taken exceeds one thousand eight hundred dollars ~~(\$1,000)~~ (\$1,800); ~~or~~

2. The property consists of a public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; ~~or~~

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

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

5. The property, regardless of its nature ~~and~~ or value, is obtained by extortion; ~~or~~

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

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

8. ~~When any~~ Any series of thefts, comprised of individual thefts having a value of one thousand eight hundred dollars ~~(\$1,000)~~

1 (\$1,800) or less, are part of a common scheme or plan, ~~the~~. The
2 thefts may be aggregated in one (1) count and the sum of the value
3 of all of the thefts shall be the value considered in determin-
4 ing whether the value exceeds one thousand eight hundred dollars
5 ~~(\$1,000)~~ (\$1,800); ~~or~~

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

11 10. The property is anhydrous ammonia.

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

15 SECTION 2. An emergency existing therefor, which emergency is hereby
16 declared to exist, this act shall be in full force and effect on and after
17 July 1, 2023.