

1 SB413
2 96643-2
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 21-FEB-08

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8 SYNOPSIS: Under existing law, the definition of theft
9 of property for the purposes of committing theft of
10 property includes knowingly obtaining or exerting
11 control over property in the custody of a law
12 enforcement agency that was represented by an agent
13 of the agency as being stolen and knowingly
14 obtaining or exerting control over donated property
15 of a charitable organization such as property left
16 at a charity drop box.

17 This bill will amend the crimes of theft of
18 property in the first, second, or third degree to
19 specify that theft of property under the above
20 conditions is included in each offense.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to theft of property; to amend Sections
27 13A-8-3, 13A-8-4, and 13A-8-5, Code of Alabama 1975, providing

1 for the crimes of theft of property in the first degree,
2 second degree, and third degree; to further specify that theft
3 of property in the custody of a law enforcement agency which
4 was explicitly represented to a person by an agent of the law
5 enforcement agency as being stolen and the theft of donated
6 property of a charitable organization is included in each
7 offense.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 13A-8-3, 13A-8-4, and 13A-8-5,
10 Code of Alabama 1975, are amended to read as follows:

11 "§13A-8-3.

12 "(a) The theft of property which exceeds two
13 thousand five hundred dollars (\$2,500) in value, including
14 property in the custody of a law enforcement agency which was
15 explicitly represented to a person by an agent of the law
16 enforcement agency as being stolen or any donated item or
17 items left on the property of a charitable organization or in
18 a drop box or trailer, or within 30 feet of a drop box or
19 trailer, belonging to a charitable organization, or property
20 of any value taken from the person of another, constitutes
21 theft of property in the first degree.

22 "(b) The theft of a motor vehicle, regardless of its
23 value, constitutes theft of property in the first degree.

24 "(c) (1) The theft of property which involves all of
25 the following constitutes theft of property in the first
26 degree:

1 "a. The theft is a common plan or scheme by one or
2 more persons; and

3 "b. The object of the common plan or scheme is to
4 sell or transfer the property to another person or business
5 that buys the property with knowledge or reasonable belief
6 that the property is stolen; and

7 "c. The aggregate value of the property stolen is at
8 least one thousand dollars (\$1,000) within a 180-day period.

9 "(2) If the offense under this subsection involves
10 two or more counties, prosecution may be commenced in any one
11 of those counties in which the offense occurred or in which
12 the property was disposed.

13 "(d) Theft of property in the first degree is a
14 Class B felony.

15 "§13A-8-4.

16 "(a) The theft of property which exceeds five
17 hundred dollars (\$500) in value but does not exceed two
18 thousand five hundred dollars (\$2,500) in value, including
19 property in the custody of a law enforcement agency which was
20 explicitly represented to a person by an agent of the law
21 enforcement agency as being stolen or any donated item or
22 items left on the property of a charitable organization or in
23 a drop box or trailer, or within 30 feet of a drop box or
24 trailer, belonging to a charitable organization, and which is
25 not taken from the person of another, constitutes theft of
26 property in the second degree.

1 "(b) Theft of property in the second degree is a
2 Class C felony.

3 "(c) The theft of a credit card or a debit card,
4 regardless of its value, constitutes theft of property in the
5 second degree.

6 "(d) The theft of a firearm, rifle, or shotgun,
7 regardless of its value, constitutes theft of property in the
8 second degree.

9 "(e) The theft of any substance controlled by
10 Chapter 2 of Title 20 or any amendments thereto, regardless of
11 value, constitutes theft of property in the second degree.

12 "(f) The theft of any livestock which includes
13 cattle, swine, equine or equidae, or sheep, regardless of
14 their value, constitutes theft of property in the second
15 degree.

16 "(g) Notwithstanding subsection (a), the theft of
17 property which exceeds two hundred fifty dollars (\$250) in
18 value but does not exceed two thousand five hundred dollars
19 (\$2,500) in value, and which is not taken from the person of
20 another, where the defendant has previously been convicted of
21 a theft of property in the first or second degree or receiving
22 stolen property in the first or second degree, constitutes
23 theft of property in the second degree.

24 "§13A-8-5.

25 "(a) The theft of property which does not exceed
26 five hundred dollars (\$500) in value, including property in
27 the custody of a law enforcement agency which was explicitly

1 represented to a person by an agent of the law enforcement
2 agency as being stolen or any donated item or items left on
3 the property of a charitable organization or in a drop box or
4 trailer, or within 30 feet of a drop box or trailer, belonging
5 to a charitable organization, and which is not taken from the
6 person of another constitutes theft of property in the third
7 degree.

8 " (b) Theft of property in the third degree is a
9 Class A misdemeanor."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.