

Motor Vehicle Theft Update

Sentencing Reform Task Force

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**Preliminary concepts presented to the
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Remove Value Thresholds

Motor Vehicle Theft – New and Improved?

- If he or she **knowingly** obtains or exercises control over the motor vehicle of another without authorization or by threat or deception ...
- **Aggravators?**
- **Class 5 felony?**
- **Class 4 felony?**
- **Class 3 felony?**
- *If the defendant has been **once or twice** previously been **convicted**?*

Motor Vehicle Theft – Possible Aggravators

1. Attempts to alter or disguise/ alters or disguised VIN or appearance
2. Uses in the commission of another crime, not traffic
3. Causes damage in excess of 500 or 2000 dollars
4. Cause bodily injury to another person while in control of vehicle
5. Removes the MV from the state to avoid apprehension
6. Takes a handicapped vehicle with handicapped plates
7. Retains possession or control more than 24 hours
8. Uses unauthorized/stolen license plates
9. Is on bond for pending auto theft
10. ONE prior conviction for auto theft or TWO prior convictions

Possible Offense Levels

Class 3 Felony (4 – 12 years)

Class 4 Felony (2 – 6 years)

Class 5 Felony (1 – 3 years)

Misdemeanor (0 - 364 days)

What should the max sentence be for Auto Theft?

What about Auto Thefts with no aggravators present?

Create Misdemeanor Offense?

- Obtains, exercises control over, receives or retains vehicle without authorization AND
 - Does not commit any other offense other than traffic offense AND
 - The vehicle is returned to the owner, location, police ... **within 24 hours with no damage**
- Place to land for disposition purposes.

Working Group Discussion

- Class 3 for two prior convictions
- Class 4 with Aggravators:
 - Attempts to alter or disguise/ alters or disguised VIN or appearance of vehicle
 - Uses in the commission of another crime not traffic
 - Causes damage in excess of 2000 dollars
 - Cause bodily injury to another person while in control of vehicle
 - Removes the MV from the state to avoid apprehension
 - Displays other license plates
 - Takes a handicapped vehicle with handicapped plates
- Class 5 for MV without Aggravators
- Create new misdemeanor

Other Discussions

- Knowingly obtains, exercises control over, receives or retains vehicle and knows ***or reasonably should have known*** the act was without authorization
- Class 3 for one **or** two prior convictions
- Class 3 with some aggravators, Class 4 for other aggravators
- Class 5 for MV without Aggravators
- Create new misdemeanor or no misdemeanors

Path Ahead

