

LARCENY OFFENSES: THEFT

House Bill 5005

Sponsor: Rep. Michael E. Nye

Committee: Judiciary

Complete to 12-9-91

A SUMMARY OF HOUSE BILL 5005 AS INTRODUCED 6-27-91

The bill would amend the Michigan Penal Code to revise the law on larceny along the lines recommended by the Second Revised Criminal Code, a revision of the criminal law proposed in 1979 by a special committee of the State Bar of Michigan. The bill would define five degrees of theft and specify penalties for each. Various existing provisions on larceny and false pretenses would be repealed. A more detailed explanation follows.

First-degree theft would be theft of property worth more than \$20,000, or the theft of property of any value taken from the person of another. It would be a felony punishable by a maximum prison term of 10 years and/or a maximum fine of \$20,000 or three times the value of the property stolen, whichever was greater.

Second-degree theft would be theft of property worth more than \$5,000. It would be a felony punishable by a maximum prison term of 5 years, and/or a maximum fine of \$10,000 or three times the value of the property stolen, whichever was greater.

Third-degree theft would be theft of property worth more than \$1,000, or theft of property of any value (other than retail fraud, a crime that includes shoplifting or tag-switching) if the property was taken from a building, motor vehicle, or coin machine. ("Coin machine" would include vending machines and turnstiles.) The offense would be a felony punishable by imprisonment for up to 2 years, and/or a maximum fine of \$5,000 or three times the value of the property stolen, whichever was greater.

Fourth-degree theft would be theft of property worth more than \$250. It would be a misdemeanor punishable by up to one year in jail, and/or a maximum fine of \$2,000 or three times the value of the property stolen, whichever was greater.

Fifth-degree theft would be any theft of property, other than retail fraud. It would be a misdemeanor punishable by up to 90 days in jail, and/or a maximum fine of \$500 or three times the value of the property stolen, whichever was greater.

Aggregation. The value of property stolen in thefts committed under a single scheme or course of conduct, whether the thefts were from one or several persons, could be aggregated in determining the degree of the offense.

Defenses. It would be a defense in any prosecution for theft that the person acted under an honest claim of right to the property involved or an honest belief that the person had a right to acquire or dispose of the property as he or she did.

Repealers. The bill would repeal sections of law on false pretenses (bad check writing), larceny, larceny from motor vehicles or trailers, larceny from a person, larceny from a building or vessel, larceny by embezzlement, and larceny by false personation. Under these sections, it generally is a misdemeanor to steal something worth \$100 or less, and a felony to steal something worth more than \$100. Larceny from a person, however, is a felony carrying a maximum term of ten years, irrespective of the value of property involved. Other larceny felonies to be repealed carry prison terms of four to ten years, and maximum fines of \$1,000 to \$5,000.

MCL 750.356c, et al.