

This Document can be made available in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 821

February 12, 2007

Authored by Smith and Hilstrom

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to crimes; adjusting the monetary thresholds for certain property
1.3 offenses; amending Minnesota Statutes 2006, sections 609.52, subdivision 3;
1.4 609.535, subdivision 2a; 609.595, subdivisions 1, 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 609.52, subdivision 3, is amended to read:

1.7 Subd. 3. Sentence. Whoever commits theft may be sentenced as follows:

1.8 (1) to imprisonment for not more than 20 years or to payment of a fine of not more
1.9 than \$100,000, or both, if the property is a firearm, or the value of the property or services
1.10 stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause
1.11 (3), (4), (15), or (16); or

1.12 (2) to imprisonment for not more than ten years or to payment of a fine of not more
1.13 than \$20,000, or both, if the value of the property or services stolen exceeds \$2,500
1.14 \$5,000, or if the property stolen was an article representing a trade secret, an explosive or
1.15 incendiary device, or a controlled substance listed in schedule I or II pursuant to section
1.16 152.02 with the exception of marijuana; or

1.17 (3) to imprisonment for not more than five years or to payment of a fine of not
1.18 more than \$10,000, or both, if:

1.19 (a) the value of the property or services stolen is more than \$500 \$1,000 but not
1.20 more than \$2,500 \$5,000; or

1.21 (b) the property stolen was a controlled substance listed in schedule III, IV, or V
1.22 pursuant to section 152.02; or

1.23 (c) the value of the property or services stolen is more than \$250 \$500 but not more
1.24 than \$500 \$1,000 and the person has been convicted within the preceding five years for an

2.1 offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582,  
2.2 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another  
2.3 state, the United States, or a foreign jurisdiction, in conformity with any of those sections,  
2.4 and the person received a felony or gross misdemeanor sentence for the offense, or a  
2.5 sentence that was stayed under section 609.135 if the offense to which a plea was entered  
2.6 would allow imposition of a felony or gross misdemeanor sentence; or

2.7 (d) the value of the property or services stolen is not more than ~~\$500~~ \$1,000, and  
2.8 any of the following circumstances exist:

2.9 (i) the property is taken from the person of another or from a corpse, or grave or  
2.10 coffin containing a corpse; or

2.11 (ii) the property is a record of a court or officer, or a writing, instrument or record  
2.12 kept, filed or deposited according to law with or in the keeping of any public officer or  
2.13 office; or

2.14 (iii) the property is taken from a burning, abandoned, or vacant building or upon its  
2.15 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,  
2.16 or the proximity of battle; or

2.17 (iv) the property consists of public funds belonging to the state or to any political  
2.18 subdivision or agency thereof; or

2.19 (v) the property stolen is a motor vehicle; or

2.20 (4) to imprisonment for not more than one year or to payment of a fine of not more  
2.21 than \$3,000, or both, if the value of the property or services stolen is more than ~~\$250~~ \$500  
2.22 but not more than ~~\$500~~ \$1,000; or

2.23 (5) in all other cases where the value of the property or services stolen is ~~\$250~~  
2.24 \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not  
2.25 more than \$1,000, or both, provided, however, in any prosecution under subdivision 2,  
2.26 clauses (1), (2), (3), (4), and (13), the value of the money or property or services received  
2.27 by the defendant in violation of any one or more of the above provisions within any  
2.28 six-month period may be aggregated and the defendant charged accordingly in applying  
2.29 the provisions of this subdivision; provided that when two or more offenses are committed  
2.30 by the same person in two or more counties, the accused may be prosecuted in any county  
2.31 in which one of the offenses was committed for all of the offenses aggregated under  
2.32 this paragraph.

2.33 Sec. 2. Minnesota Statutes 2006, section 609.535, subdivision 2a, is amended to read:

2.34 Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check  
2.35 under subdivision 2 may be sentenced as follows:

3.1 (1) to imprisonment for not more than five years or to payment of a fine of not more  
 3.2 than \$10,000, or both, if the value of the dishonored check, or checks aggregated under  
 3.3 paragraph (b), is more than ~~\$500~~ \$1,000;

3.4 (2) to imprisonment for not more than one year or to payment of a fine of not more  
 3.5 than \$3,000, or both, if the value of the dishonored check, or checks aggregated under  
 3.6 paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

3.7 (3) to imprisonment for not more than 90 days or to payment of a fine of not more  
 3.8 than \$1,000, or both, if the value of the dishonored check, or checks aggregated under  
 3.9 paragraph (b), is not more than ~~\$250~~ \$500.

3.10 (b) In a prosecution under this subdivision, the value of dishonored checks issued  
 3.11 by the defendant in violation of this subdivision within any six-month period may be  
 3.12 aggregated and the defendant charged accordingly in applying this section. When two or  
 3.13 more offenses are committed by the same person in two or more counties, the accused  
 3.14 may be prosecuted in any county in which one of the dishonored checks was issued for all  
 3.15 of the offenses aggregated under this paragraph.

3.16 Sec. 3. Minnesota Statutes 2006, section 609.595, subdivision 1, is amended to read:

3.17 Subdivision 1. **Criminal damage to property in the first degree.** Whoever  
 3.18 intentionally causes damage to physical property of another without the latter's consent  
 3.19 may be sentenced to imprisonment for not more than five years or to payment of a fine of  
 3.20 not more than \$10,000, or both, if:

3.21 (1) the damage to the property caused a reasonably foreseeable risk of bodily  
 3.22 harm; or

3.23 (2) the property damaged belongs to a common carrier and the damage impairs the  
 3.24 service to the public rendered by the carrier; or

3.25 (3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured  
 3.26 by the cost of repair and replacement; or

3.27 (4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured  
 3.28 by the cost of repair and replacement and the defendant has been convicted within the  
 3.29 preceding three years of an offense under this subdivision or subdivision 2.

3.30 In any prosecution under clause (3), the value of any property damaged by the  
 3.31 defendant in violation of that clause within any six-month period may be aggregated and  
 3.32 the defendant charged accordingly in applying the provisions of this section; provided that  
 3.33 when two or more offenses are committed by the same person in two or more counties, the  
 3.34 accused may be prosecuted in any county in which one of the offenses was committed for  
 3.35 all of the offenses aggregated under this paragraph.

4.1 Sec. 4. Minnesota Statutes 2006, section 609.595, subdivision 2, is amended to read:

4.2 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as  
4.3 otherwise provided in subdivision 1a, whoever intentionally causes damage to another  
4.4 person's physical property without the other person's consent may be sentenced to  
4.5 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,  
4.6 or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not  
4.7 more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

4.8 (b) Whoever intentionally causes damage to another person's physical property  
4.9 without the other person's consent because of the property owner's or another's actual or  
4.10 perceived race, color, religion, sex, sexual orientation, disability as defined in section  
4.11 363A.03, age, or national origin may be sentenced to imprisonment for not more than one  
4.12 year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the  
4.13 value of the property by not more than ~~\$250~~ \$500.

4.14 (c) In any prosecution under paragraph (a), the value of property damaged by the  
4.15 defendant in violation of that paragraph within any six-month period may be aggregated  
4.16 and the defendant charged accordingly in applying this section. When two or more  
4.17 offenses are committed by the same person in two or more counties, the accused may  
4.18 be prosecuted in any county in which one of the offenses was committed for all of the  
4.19 offenses aggregated under this paragraph.