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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **755**

February 12, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

February 26, 2009

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 crime; adding felony theft to the racketeering statute; adding identity
1.3 theft to the enhanced penalty for theft; amending Minnesota Statutes 2008,
1.4 sections 609.52, subdivision 3; 609.902, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2008, 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 \$5,000, or if
1.14 the property stolen was an article representing a trade secret, an explosive or incendiary
1.15 device, or a controlled substance listed in schedule I or II pursuant to section 152.02
1.16 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 more
1.18 than \$10,000, or both, if any of the following circumstances exist:

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

2.1 under this section, section 256.98; 268.182; 609.24; 609.245; 609.527; 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 \$1,000, and any of
2.8 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 \$500 but
2.22 not more than \$1,000; or

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

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
2.33 committed on or after that date.

2.34 Sec. 2. Minnesota Statutes 2008, section 609.902, subdivision 4, is amended to read:

3.1 Subd. 4. **Criminal act.** "Criminal act" means conduct constituting, or a conspiracy
3.2 or attempt to commit, a felony violation of chapter 152, or a felony violation of section
3.3 297D.09; 299F.79; 299F.80; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205;
3.4 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27;
3.5 609.322; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495;
3.6 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under
3.7 subdivision 3, clause (3)(b) or clause 3(d)(v) or (vi); section 609.52, subdivision 2,
3.8 clause (1) or (4); 609.527, if the crime is punishable under subdivision 3, clause (4);
3.9 609.528, if the crime is punishable under subdivision 3, clause (4); 609.53; 609.561;
3.10 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 609.67;
3.11 609.687; 609.713; 609.86; 609.894, subdivision 3 or 4; 609.895; 624.713; 624.7191; or
3.12 626A.02, subdivision 1, if the offense is punishable under section 626A.02, subdivision
3.13 4, paragraph (a). "Criminal act" also includes conduct constituting, or a conspiracy or
3.14 attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4),
3.15 (15), or (16), if the violation involves an insurance company as defined in section 60A.02,
3.16 subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C,
3.17 a health maintenance organization regulated under chapter 62D, or a fraternal benefit
3.18 society regulated under chapter 64B.

3.19 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
3.20 committed on or after that date.