

1 H.224

2 Representative LaLonde of South Burlington moves that the bill be  
3 amended by striking out all after the enacting clause and inserting in lieu  
4 thereof the following:

5 Sec. 1. 13 V.S.A. § 15 is added to read:

6 § 15. MONETARY THRESHOLD; MISDEMEANORS AND FELONIES

7 Whenever a section of Vermont Statute contains a provision referring to this  
8 section for purposes of establishing a monetary threshold for determining the  
9 appropriate penalty for the violation, the monetary threshold shall be:

10 (1) \$2,000.00; or

11 (2) \$3,000.00.

12 Sec. 2. 13 V.S.A. § 2501 is amended to read:

13 § 2501. GRAND LARCENY

14 A person who steals from the actual or constructive possession of another,  
15 other than from his or her person, money, goods, chattels, bank notes, bonds,  
16 promissory notes, bills of exchange or other bills, orders, or certificates, or a  
17 book of accounts for or concerning money, or goods due or to become due or  
18 to be delivered, or a deed or writing containing a conveyance of land, or any  
19 other valuable contract in force, or a receipt, release or defeasance, writ,  
20 process, or public record, shall be imprisoned for not more than 10 years or  
21 fined not more than \$5,000.00, or both, if the value of the money or other

1 property stolen ~~exceeds \$900.00 in value~~ is equal to or greater than the  
2 monetary threshold set forth in subdivision 15(1) of this title.

3 Sec. 3. 13 V.S.A. § 2502 is amended to read:

4 § 2502. PETIT LARCENY

5 For offenses mentioned in section 2501 of this title where the value of the  
6 money or other property stolen ~~does not exceed \$900.00 in value~~ is less than  
7 the monetary threshold set forth in subdivision 15(1) of this title, the ~~Court~~  
8 court may sentence the person convicted to imprisonment for not more than  
9 one year or to pay a fine of not more than \$1,000.00, or both.

10 Sec. 4. 13 V.S.A. § 2577 is amended to read:

11 § 2577. PENALTY

12 (a) A person convicted of the offense of retail theft of merchandise having  
13 a retail value ~~not in excess of \$900.00~~ that is less than the monetary threshold  
14 set forth in subdivision 15(1) of this title shall be punished by a fine of not  
15 more than \$500.00 or imprisonment for not more than six months, or both.

16 (b) A person convicted of the offense of retail theft of merchandise having  
17 a retail value ~~in excess of \$900.00~~ that is equal to or greater than the monetary  
18 threshold set forth in subdivision 15(2) of this title shall be punished by a fine  
19 of not more than \$1,000.00 or imprisonment for not more than 10 years,  
20 or both.

21 \* \* \*

1 Sec. 5. 13 V.S.A. § 2582 is amended to read:

2 § 2582. THEFT OF SERVICES

3 (a) A person who purposely obtains services ~~which~~ that he or she knows  
4 are available only for compensation, by deception or threat; or ~~by~~ false token  
5 or other means to avoid payment for the service shall:

6 (1) ~~if the value of the services exceed \$900.00 in value~~ is equal to or  
7 greater than the monetary threshold set forth in subdivision 15(1) of this title,  
8 be imprisoned for not more than 10 years or fined not more than \$5,000.00,  
9 or both;

10 (2) ~~Otherwise, a person who violates a provision of this subsection shall~~  
11 if the value of the services is less than the monetary threshold set forth in  
12 subdivision 15(1) of this title, be imprisoned for not more than one year or  
13 fined not more than \$1,000.00, or both.

14 (b) ~~Where~~ For the purposes of subsection (a) of this section, if  
15 compensation for service is ordinarily paid immediately upon the rendering of  
16 such service, as in the case of hotels, restaurants, and transportation, refusal to  
17 pay or absconding without payment or offer to pay gives rise to a rebuttable  
18 presumption that the service was obtained by deception as to intention to pay.

19 (b)(c) A person who, having control over the disposition of services of  
20 others, to which he or she is not entitled, knowingly diverts such services to the  
21 person's own benefit or to the benefit of another not entitled thereto shall:

1           (1) if the value of the services exceed \$900.00 in value is equal to or  
2           greater than the monetary threshold set forth in subdivision 15(1) of this title,  
3           be imprisoned for not more than 10 years or fined not more than \$5,000.00,  
4           or both;

5           (2) ~~Otherwise a person who violates a provision of this subsection shall~~  
6           if the value of the services is less than the monetary threshold set forth in  
7           subdivision 15(1) of this title, be imprisoned for not more than one year or  
8           fined not more than \$1,000.00, or both.

9           Sec. 6. 13 V.S.A. § 2591 is amended to read:

10          § 2591. THEFT OF RENTED PROPERTY

11          (a) A person who converts to his or her own use any personal property,  
12          other than a motor vehicle leased or rented pursuant to a written agreement  
13          ~~which~~ that has been entrusted to the person under an agreement in writing  
14          ~~which~~ that provides for the delivery of that personal property to a particular  
15          person or place or at a particular time, abandons it, or refuses or neglects to  
16          deliver it to the person or place and at the time specified in the written  
17          agreement, or who destroys, secretes, appropriates, converts, sells, or attempts  
18          to sell all or any part of it, or who removes or permits or causes it to be  
19          removed from this ~~state~~ State, without the consent of its owner, shall be:

1 (1) if the value of the property involved is ~~\$900.00 or less~~ is less than  
2 the monetary threshold set forth in subdivision 15(1) of this title, imprisoned  
3 for not more than six months or fined not more than \$500.00, or both; or

4 (2) if the value of the property involved exceeds \$900.00 in value is  
5 equal to or greater than the monetary threshold set forth in subdivision 15(1) of  
6 this title:

7 (A) imprisoned for not more than two years or fined not more than  
8 \$1,000.00, or both; or

9 (B) imprisoned for not more than five years or fined not more than  
10 \$5,000.00 if the person has been previously convicted of a violation of this  
11 subdivision (a)(2) of this section.

12 \* \* \*

13 Sec. 7. 13 V.S.A. § 3110 is amended to read:

14 § 3110. RAILROAD VANDALISM

15 \* \* \*

16 (d) Penalty for vandalism of railroad property.

17 (1) A person who violates subsection (c) of this section shall be fined  
18 not more than \$500.00 or imprisoned for not more than six months, or both, if  
19 the violation results in property damage ~~of \$900.00 or less~~ that is less than the  
20 monetary threshold set forth in subdivision 15(1) of this title.

1 (2) A person who violates subsection (c) of this section shall be fined  
2 not more than \$1,000.00 or imprisoned for not more than one year, or both, if  
3 the violation results in bodily injury to another person or property damage of  
4 ~~greater than \$900.00~~ that is equal to or greater than the monetary threshold set  
5 forth in subdivision 15(1) of this title.

6 (3) A person who violates subsection (c) of this section shall be fined  
7 not more than \$20,000.00 or imprisoned for not more than 15 years, or both, if  
8 the violation results in death or serious bodily injury to another person.

9 \* \* \*

10 Sec. 9. 13 V.S.A. § 3701 is amended to read:

11 § 3701. UNLAWFUL MISCHIEF

12 (a) A person who, with intent to damage property, and having no right to  
13 do so or any reasonable ground to believe that he or she has such a right, does  
14 any damage to any property ~~which~~ that is valued in an amount ~~exceeding~~  
15 ~~\$1,000.00~~ equal to or greater than the monetary threshold set forth in  
16 subdivision 15(1) of this title shall be imprisoned for not more than five years  
17 or fined not more than \$5,000.00, or both.

18 (b) A person who, with intent to damage property, and having no right to  
19 do so or any reasonable ground to believe that he or she has such a right, does  
20 any damage to any property ~~which~~ that is valued in an amount exceeding  
21 ~~\$250.00~~ but less than the monetary threshold set forth in subdivision 15(1) of

1 this title shall be imprisoned for not more than one year or fined not more than  
2 \$1,000.00, or both.

3 \* \* \*

4 Sec. 10. 13 V.S.A. § 5201 is amended to read:

5 § 5201. DEFINITIONS

6 \* \* \*

7 (5) “Serious crime” does not include the following misdemeanor  
8 offenses unless the judge at arraignment but before the entry of a plea  
9 determines and states on the record that a sentence of imprisonment or a fine  
10 over \$1,000.00 may be imposed on conviction:

11 (A) [Repealed.]

12 (B) Big game violations (10 V.S.A. § 4518)

13 (C) Simple assault by mutual consent (13 V.S.A. § 1023(b))

14 (D) Bad checks (13 V.S.A. § 2022)

15 (E) Petit larceny (13 V.S.A. § 2502)

16 (F) Theft of services ~~under \$500.00~~ less than the monetary threshold  
17 set forth in subdivision 15(1) of this title (13 V.S.A. § 2582)

18 (G) Retail theft ~~under \$900.00~~ less than the monetary threshold set  
19 forth in subdivision 15(1) of this title (13 V.S.A. § 2577)

20 (H) Unlawful mischief (13 V.S.A. § 3701(c))

21 (I) Unlawful trespass (13 V.S.A. § 3705(a))

1 (J) Disorderly conduct (13 V.S.A. § 1026)

2 (K) Possession of marijuana—first offense (18 V.S.A. § 4230(a)(1))

3 (L) Violation of municipal ordinances.

4 Sec. 11. 13 V.S.A. § 2575a is added to read:

5 § 2575a. ORGANIZED RETAIL THEFT

6 (a) A person commits the offense of organized retail theft when he or she  
7 commits the offense of retail theft pursuant to section 2575 of this title and:

8 (1) he or she acts in concert with one or more persons on one or more  
9 occasions within a period of 180 days; and

10 (2) the aggregate value of the merchandise obtained has a retail value of  
11 not less than \$2,000.00.

12 (b) A person convicted of organized retail theft of merchandise having an  
13 aggregate retail value of not less than \$2,000.00 and not more than \$4,000.00  
14 shall be imprisoned for not more than three years or fined not more than  
15 \$1,000.00, or both. A person convicted of organized retail theft of  
16 merchandise having an aggregate retail value greater than \$4,000.00 shall be  
17 imprisoned for not more than five years or fined not more than \$5,000.00,  
18 or both.

19 Sec. 12. EFFECTIVE DATE

20 This act shall take effect on July 1, 2018.