

1 AN ACT relating to motor vehicle theft.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 514 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) A person is guilty of theft of a motor vehicle when he or she unlawfully takes or*
6 *exercises control over a motor vehicle of another with intent to deprive him or her*
7 *thereof.*

8 *(2) Theft of a motor vehicle is a Class D felony for the first offense, and a Class C*
9 *felony for the second or subsequent offense. If serious physical injury results, the*
10 *penalty for the offense shall be one (1) level higher than the level otherwise*
11 *specified in this subsection.*

12 ➔Section 2. KRS 514.100 is amended to read as follows:

13 (1) A person is guilty of the unauthorized use of an automobile or other propelled
14 vehicle when he *or she* knowingly operates, exercises control over, or otherwise
15 uses such vehicle without consent of the owner or person having legal possession
16 thereof.

17 (2) Unauthorized use of an automobile or other propelled vehicle is a Class A
18 misdemeanor unless the defendant has previously been convicted of this offense, or
19 of *a* violation of KRS 514.030 *or Section 1 of this Act* for having stolen an
20 automobile or other propelled vehicle, in which case it shall be a Class D felony.

21 ➔Section 3. KRS 514.110 is amended to read as follows:

22 (1) A person is guilty of receiving stolen property when he or she receives, retains, or
23 disposes of movable property of another knowing that it has been stolen, or having
24 reason to believe that it has been stolen, unless the property is received, retained, or
25 disposed of with intent to restore it to the owner.

26 (2) The possession by any person of any recently stolen movable property shall be
27 prima facie evidence that such person knew such property was stolen.

- 1 (3) Receiving stolen property is a Class B misdemeanor unless:
- 2 (a) The value of the property is five hundred dollars (\$500) or more but less than
3 one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
- 4 (b) The value of the property is one thousand dollars (\$1,000) or more but less
5 than ten thousand dollars (\$10,000), in which case it is a Class D felony;
- 6 (c) A person has three (3) or more convictions under paragraph (a) of this
7 subsection within the last five (5) years, in which case it is a Class D felony.
8 The five (5) year period shall be measured from the dates on which the
9 offenses occurred for which the judgments of conviction were entered;
- 10 (d) The value of the property is ten thousand dollars (\$10,000) or more, in which
11 case it is a Class C felony;
- 12 (e) The property is a firearm, regardless of the value of the firearm, in which case
13 it is a Class D felony;
- 14 (f) The property is anhydrous ammonia, regardless of the value of the ammonia,
15 in which case it is a Class D felony unless it is proven that the person violated
16 this section with the intent to manufacture methamphetamine in violation of
17 KRS 218A.1432, in which case it is a Class B felony for the first offense and
18 a Class A felony for each subsequent offense;~~or~~
- 19 (g) **The property is a motor vehicle, regardless of the value of the vehicle, in**
20 **which case it is a Class D felony; or**
- 21 **(h)** The offense occurs during a declared emergency as defined by KRS 39A.020
22 arising from a natural or man-made disaster, within the area covered by the
23 emergency declaration, and within the area impacted by the disaster, in which
24 case the person shall be charged one (1) level higher than the level otherwise
25 specified in this subsection.
- 26 (4) If any person commits two (2) or more separate offenses of receiving stolen
27 property within ninety (90) days, the offenses may be combined and treated as a

1 single offense, and the value of the property in each offense may be aggregated for
2 the purpose of determining the appropriate charge.

3 ➔Section 4. KRS 515.020 is amended to read as follows:

4 (1) A person is guilty of robbery in the first degree when, in the course of committing
5 theft, he or she uses or threatens the immediate use of physical force upon another
6 person with intent to accomplish the theft and when he or she:

7 (a) Causes physical injury to any person who is not a participant in the crime; or

8 (b) Is armed with a deadly weapon; or

9 (c) Uses or threatens the immediate use of a dangerous instrument upon any
10 person who is not a participant in the crime.

11 (2) Robbery in the first degree is a Class B felony, unless the offense:

12 **(a) Involves the theft of a motor vehicle and results in serious physical injury;**

13 **or**

14 **(b)** Occurs during a declared emergency as defined by KRS 39A.020 arising from
15 a natural or man-made disaster, within the area covered by the emergency
16 declaration, and within the area impacted by the disaster,

17 in which case it is a Class A felony.

18 ➔Section 5. KRS 514.030 is amended to read as follows:

19 (1) Except as otherwise provided in KRS 217.181 **or Section 1 of this Act**, a person is
20 guilty of theft by unlawful taking or disposition when he or she unlawfully:

21 (a) Takes or exercises control over movable property of another with intent to
22 deprive him or her thereof; or

23 (b) Obtains immovable property of another or any interest therein with intent to
24 benefit himself or herself or another not entitled thereto.

25 (2) Theft by unlawful taking or disposition is a Class B misdemeanor unless:

26 (a) The property is a firearm (regardless of the value of the firearm), in which
27 case it is a Class D felony;

- 1 (b) The property is anhydrous ammonia (regardless of the value of the ammonia),
2 in which case it is a Class D felony unless it is proven that the person violated
3 this section with the intent to manufacture methamphetamine in violation of
4 KRS 218A.1432, in which case it is a Class B felony for the first offense and
5 a Class A felony for each subsequent offense;
- 6 (c) The property is one (1) or more controlled substances valued collectively at
7 less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
- 8 (d) The value of the property is five hundred dollars (\$500) or more but less than
9 one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
- 10 (e) The value of the property is one thousand dollars (\$1,000) or more but less
11 than ten thousand dollars (\$10,000), in which case it is a Class D felony;
- 12 (f) The person has three (3) or more convictions under paragraph (d) of this
13 subsection within the last five (5) years, in which case it is a Class D felony.
14 The five (5) year period shall be measured from the dates on which the
15 offenses occurred for which the judgments of conviction were entered;
- 16 (g) The value of the property is ten thousand dollars (\$10,000) or more but less
17 than one million dollars (\$1,000,000), in which case it is a Class C felony;
- 18 (h) The value of the property is one million dollars (\$1,000,000) or more but less
19 than ten million dollars (\$10,000,000), in which case it is a Class B felony;
- 20 (i) The value of the property is ten million dollars (\$10,000,000) or more, in
21 which case it is a Class B felony; or
- 22 (j) The offense occurs during a declared emergency as defined by KRS 39A.020
23 arising from a natural or man-made disaster, within the area covered by the
24 emergency declaration, and within the area impacted by the disaster, in which
25 case the person shall be charged one (1) level higher than the level otherwise
26 specified in this subsection.
- 27 (3) Any person convicted under subsection (2)(i) of this section shall not be released on

1 probation or parole until he or she has served at least fifty percent (50%) of the
2 sentence imposed, any statute to the contrary notwithstanding.

3 (4) If any person commits two (2) or more separate offenses of theft by unlawful taking
4 or disposition within ninety (90) days, the offenses may be combined and treated as
5 a single offense, and the value of the property in each offense may be aggregated
6 for the purpose of determining the appropriate charge.