

1 AN ACT relating to theft by unlawful taking or disposition.

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

3 ➔Section 1. KRS 514.030 is amended to read as follows:

- 4 (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by
5 unlawful taking or disposition when he or she unlawfully:
- 6 (a) Takes or exercises control over movable property of another with intent to
7 deprive him or her thereof; or
 - 8 (b) Obtains immovable property of another or any interest therein with intent to
9 benefit himself or herself or another not entitled thereto.
- 10 (2) Theft by unlawful taking or disposition is a Class B misdemeanor unless:
- 11 (a) The property is a firearm (regardless of the value of the firearm), in which
12 case it is a Class D felony;
 - 13 (b) The property is anhydrous ammonia (regardless of the value of the ammonia),
14 in which case it is a Class D felony unless it is proven that the person violated
15 this section with the intent to manufacture methamphetamine in violation of
16 KRS 218A.1432, in which case it is a Class B felony for the first offense and
17 a Class A felony for each subsequent offense;
 - 18 (c) The property is one (1) or more controlled substances valued collectively at
19 less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - 20 (d) The value of the property is five hundred dollars (\$500) or more but less than
21 one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - 22 (e) The value of the property is one thousand dollars (\$1,000) or more but less
23 than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - 24 (f) The person has three (3) or more convictions under paragraph (d) of this
25 subsection within the last five (5) years, in which case it is a Class D felony.
26 The five (5) year period shall be measured from the dates on which the
27 offenses occurred for which the judgments of conviction were entered;

- 1 (g) The value of the property is ten thousand dollars (\$10,000) or more but less
2 than one million dollars (\$1,000,000), in which case it is a Class C felony;
 - 3 (h) The value of the property is one million dollars (\$1,000,000) or more but less
4 than ten million dollars (\$10,000,000), in which case it is a Class B felony;
 - 5 (i) The value of the property is ten million dollars (\$10,000,000) or more, in
6 which case it is a Class B felony; or
 - 7 (j) The offense occurs during a declared emergency as defined by KRS 39A.020
8 arising from a natural or man-made disaster, within the area covered by the
9 emergency declaration, and within the area impacted by the disaster, in which
10 case the person shall be charged one (1) level higher than the level otherwise
11 specified in this subsection.
- 12 (3) Any person convicted under subsection (2)(i) of this section shall not be released on
13 probation or parole until he or she has served at least fifty percent (50%) of the
14 sentence imposed, any statute to the contrary notwithstanding.
- 15 (4) If any person commits two (2) or more separate offenses of theft by unlawful taking
16 or disposition within one (1) year~~ninety (90) days~~, the offenses may be combined
17 and treated as a single offense, and the value of the property in each offense may be
18 aggregated for the purpose of determining the appropriate charge.