

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0165.01 Conrad Imel x2313

SENATE BILL 21-030

SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Van Winkle and Titone,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMINAL THEFT OF RENTAL PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Prior to 2013, general theft and theft of rental property were separate criminal offenses. In 2013, the general assembly amended the general theft offense to include theft of rental property.

The bill reestablishes the specific criminal offense for the theft of rental property. Theft of rental property is classified based on the value of the thing involved in the theft in the same manner as property in a general theft offense. In addition to any other sentence imposed or restitution ordered, the defendant must pay restitution for any lost revenue

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

resulting from the deprivation of the rental property.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** 18-4-402 as follows:

4 **18-4-402. Theft of rental property - restitution.** (1) A PERSON
5 COMMITS THEFT OF RENTAL PROPERTY IF THE PERSON:

6 (a) OBTAINS THE TEMPORARY USE OF PERSONAL PROPERTY OF
7 ANOTHER, WHICH IS AVAILABLE ONLY FOR LEASE OR HIRE, BY MEANS OF
8 THREAT OR DECEPTION, OR KNOWING THAT THE USE IS WITHOUT THE
9 CONSENT OF THE PERSON PROVIDING THE PERSONAL PROPERTY; OR

10 (b) HAVING LAWFULLY OBTAINED POSSESSION FOR TEMPORARY
11 USE OF THE PERSONAL PROPERTY OF ANOTHER WHICH IS AVAILABLE ONLY
12 FOR LEASE OR HIRE, KNOWINGLY FAILS TO REVEAL THE WHEREABOUTS OF
13 OR TO RETURN THE PROPERTY TO THE OWNER OR THE OWNER'S
14 REPRESENTATIVE OR TO THE PERSON FROM WHOM HE OR SHE HAS
15 RECEIVED IT WITHIN SEVENTY-TWO HOURS AFTER THE TIME AT WHICH HE
16 OR SHE AGREED TO RETURN IT.

17 (2) THEFT OF RENTAL PROPERTY IS:

18 (a) A CLASS 1 PETTY OFFENSE IF THE VALUE OF THE THING
19 INVOLVED IS LESS THAN FIFTY DOLLARS;

20 (b) A CLASS 3 MISDEMEANOR IF THE VALUE OF THE THING
21 INVOLVED IS FIFTY DOLLARS OR MORE BUT LESS THAN THREE HUNDRED
22 DOLLARS;

23 (c) A CLASS 2 MISDEMEANOR IF THE VALUE OF THE THING
24 INVOLVED IS THREE HUNDRED DOLLARS OR MORE BUT LESS THAN SEVEN
25 HUNDRED FIFTY DOLLARS;

1 (d) A CLASS 1 MISDEMEANOR IF THE VALUE OF THE THING
2 INVOLVED IS SEVEN HUNDRED FIFTY DOLLARS OR MORE BUT LESS THAN
3 TWO THOUSAND DOLLARS;

4 (e) A CLASS 6 FELONY IF THE VALUE OF THE THING INVOLVED IS
5 TWO THOUSAND DOLLARS OR MORE BUT LESS THAN FIVE THOUSAND
6 DOLLARS;

7 (f) A CLASS 5 FELONY IF THE VALUE OF THE THING INVOLVED IS
8 FIVE THOUSAND DOLLARS OR MORE BUT LESS THAN TWENTY THOUSAND
9 DOLLARS;

10 (g) A CLASS 4 FELONY IF THE VALUE OF THE THING INVOLVED IS
11 TWENTY THOUSAND DOLLARS OR MORE BUT LESS THAN ONE HUNDRED
12 THOUSAND DOLLARS;

13 (h) A CLASS 3 FELONY IF THE VALUE OF THE THING INVOLVED IS
14 ONE HUNDRED THOUSAND DOLLARS OR MORE BUT LESS THAN ONE MILLION
15 DOLLARS; AND

16 (i) A CLASS 2 FELONY IF THE VALUE OF THE THING INVOLVED IS
17 ONE MILLION DOLLARS OR MORE.

18 (3) (a) WHEN A PERSON COMMITS THEFT OF RENTAL PROPERTY
19 TWICE OR MORE WITHIN A PERIOD OF SIX MONTHS, TWO OR MORE OF THE
20 THEFTS MAY BE AGGREGATED AND CHARGED IN A SINGLE COUNT, IN
21 WHICH EVENT THE AGGREGATED THEFTS CONSTITUTE A SINGLE OFFENSE,
22 THE PENALTY FOR WHICH IS BASED ON THE AGGREGATE VALUE OF THE
23 THINGS INVOLVED, PURSUANT TO SUBSECTION (2) OF THIS SECTION.

24 (b) WHEN A PERSON COMMITS THEFT OF RENTAL PROPERTY TWICE
25 OR MORE AGAINST THE SAME PERSON PURSUANT TO ONE SCHEME OR
26 COURSE OF CONDUCT, THE THEFTS MAY BE AGGREGATED AND CHARGED
27 IN A SINGLE COUNT, IN WHICH EVENT THEY CONSTITUTE A SINGLE OFFENSE,

1 THE PENALTY FOR WHICH IS BASED ON THE AGGREGATE VALUE OF THE
2 THINGS INVOLVED, PURSUANT TO SUBSECTION (2) OF THIS SECTION.

3 (4) UPON A CONVICTION PURSUANT TO THIS SECTION, IN ADDITION
4 TO ANY OTHER SENTENCE IMPOSED OR RESTITUTION ORDERED, THE COURT
5 SHALL SENTENCE THE DEFENDANT TO PAY RESTITUTION IN AN AMOUNT
6 EQUAL TO ANY LOSS OF REVENUE RESULTING FROM DEPRIVATION OF THE
7 RENTAL PROPERTY INVOLVED, UP TO THE ACTUAL VALUE OF THE RENTAL
8 PROPERTY INVOLVED AT THE TIME IT WAS RENTED.

9 **SECTION 2.** In Colorado Revised Statutes, 18-4-401, **amend**
10 (1)(c) and (1)(d); and **repeal** (1)(e) as follows:

11 **18-4-401. Theft.** (1) A person commits theft when he or she
12 knowingly obtains, retains, or exercises control over anything of value of
13 another without authorization or by threat or deception; or receives, loans
14 money by pawn or pledge on, or disposes of anything of value or
15 belonging to another that he or she knows or believes to have been stolen,
16 and:

17 (c) Uses, conceals, or abandons the thing of value intending that
18 such use, concealment, or abandonment will deprive the other person
19 permanently of its use or benefit; OR

20 (d) Demands any consideration to which he or she is not legally
21 entitled as a condition of restoring the thing of value to the other person.

22 or

23 (e) ~~Knowingly retains the thing of value more than seventy-two~~
24 ~~hours after the agreed-upon time of return in any lease or hire agreement.~~

25 **SECTION 3.** In Colorado Revised Statutes, 18-1-202, **recreate**
26 **and reenact** (7)(b)(II)(B) as follows:

27 **18-1-202. Place of trial - applicability.** (7) (b) (II) The

1 provisions of subsection (7)(b)(I) of this section apply to the following
2 offenses:

3 (B) THEFT OF RENTAL PROPERTY, AS DEFINED IN SECTION
4 18-4-402;

5 **SECTION 4.** In Colorado Revised Statutes, 18-17-103, **amend**
6 (5)(b)(II) as follows:

7 **18-17-103. Definitions.** As used in this article 17, unless the
8 context otherwise requires:

9 (5) "Racketeering activity" means to commit, to attempt to
10 commit, to conspire to commit, or to solicit, coerce, or intimidate another
11 person to commit:

12 (b) Any violation of the following provisions of the Colorado
13 statutes or any criminal act committed in any jurisdiction of the United
14 States which, if committed in this state, would be a crime under the
15 following provisions of the Colorado statutes:

16 (II) Offenses against property, as defined in sections 18-4-102
17 (first degree arson), 18-4-103 (second degree arson), 18-4-104 (third
18 degree arson), 18-4-105 (fourth degree arson), 18-4-202 (first degree
19 burglary), 18-4-203 (second degree burglary), 18-4-301 (robbery),
20 18-4-302 (aggravated robbery), 18-4-303 (aggravated robbery of
21 controlled substances), 18-4-401 (theft), **18-4-402** (THEFT OF RENTAL
22 PROPERTY), 18-4-409 (aggravated motor vehicle theft), and 18-4-501
23 (criminal mischief);

24 **SECTION 5. Applicability.** This act applies to offenses
25 committed on or after the effective date of this act.

26 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.