

January 10, 1951.
Passed on File.

House File 13
By SCHWENGEL and SCHROEDER.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to amend and revise Section seven hundred nine point two (709.2), Code 1950, relating to the punishment for larceny.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section seven hundred nine point two
2 (709.2), Code 1950, is hereby amended and revised to
3 read as follows:
4 "When the value of the property stolen is one hundred
5 dollars or more, he shall be punished by imprisonment in
6 the penitentiary not more than five years, or in the county
7 jail not more than one year, or by a fine of not more than
8 one thousand dollars, or by both such fine and imprisonment;
9 when the value is twenty dollars or more but is less than
10 one hundred dollars by a fine not exceeding one thousand
11 dollars, or by imprisonment in the county jail not exceeding
12 one year, or by both such fine and imprisonment; when the
13 value is less than twenty dollars, by a fine not exceeding
14 one hundred dollars, or imprisonment in the county jail
15 not exceeding thirty days."

EXPLANATION OF H. F. 13

This Act, the preceding House File, and the three following House Files, should be considered together.

Under present law a false check, etc., of \$19.99 or less is a simple misdemeanor punishable by not more than thirty days imprisonment, while a check, etc., of \$20 or more is a felony punishable by imprisonment in the penitentiary.

On the other hand, if a defendant steals property valued at \$20 or less, he may receive punishment up to thirty days in jail, while if he steals property of the value of more than \$20 he may be confined in the penitentiary. It can be seen that the law is not consistent in the dividing line, and it is apparent that the difference in penalties is too severe.

These Acts will establish the dividing line at \$20 and create an intermediate offense applying to checks, etc., and larceny when the value involved is \$20 or more, and up to \$99.99. Such intermediate offense would be an indictable misdemeanor under present law as distinguished from a simple misdemeanor and felony.

These Acts are recommended by the Iowa County Attorneys' Association.