

January 10, 1951.
Passed on File.

House File 14
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 four (709.4), Code 1950, relating to larceny in the night time and the penalty therefor.

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

- 1 Section 1. Section seven hundred nine point four
- 2 (709.4), Code 1950, is hereby amended and revised to read
- 3 as follows:
- 4 "If any person in the night time commit larceny in any
- 5 dwelling house, store, or any public or private building, or
- 6 other construction of any type or character, or in any boat,
- 7 vessel, or water craft, or in any motor vehicle and/or
- 8 water craft, or in any motor vehicle and/or trailer, when
- 9 the value of the property stolen is the sum of twenty dollars
- 10 or more, he shall be imprisoned in the penitentiary not
- 11 exceeding ten years; and when the value of the property stolen
- 12 is less than twenty dollars, be fined not exceeding five
- 13 hundred dollars or imprisoned in the county jail not exceeding
- 14 one year, or both such fine and imprisonment."

EXPLANATION OF H. F. 14

This Act, the two preceding House Files, and the two 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.