

January 10, 1951.

Passed on File.....

House File 15

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 five (709.5), Code 1950, relating to larceny in the daytime and the penalty therefor.

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

1 Section 1. Section seven hundred nine point five
2 (709.5), Code 1950, is hereby amended and revised to
3 read as follows:

4 "If any person in the daytime commit larceny as defined
5 in section seven hundred nine point five (709.5), Code of
6 1950, and the value of the property stolen is twenty dollars
7 or more, he shall be imprisoned in the penitentiary not
8 more than five years; when the value of the property stolen
9 is less than twenty dollars, be fined not exceeding five
10 hundred dollars or imprisoned in the county jail not
11 exceeding one year, or both by fine and imprisonment."

EXPLANATION OF H. F. 15

This Act, and the three preceding House Files, and the following House File 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.

EXPLANATION OF H. F. 16

This Act and the four preceding 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.