

HB 2615 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/1

WHAT THE MEASURE DOES:

Makes penalty for theft committed by returning stolen merchandise dependant on value of property. Reduces penalty for this type of theft when value of merchandise is under \$1,000.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, there are four levels of theft: Aggravated Theft in the First Degree, a B felony; Theft in the First Degree, a C felony; Theft in the Second Degree, an A misdemeanor; and Theft in the Third Degree, a C misdemeanor. There is also Theft by Deception, which is a B felony. Generally, the level of the offense is dependant on the value of the property stolen.

Currently, it is also considered Theft in the First Degree if the incident is theft by receiving committed by buying, selling, borrowing or lending on the security of the property. Theft by receiving is defined as retaining, concealing or disposing of property of another knowing that the property was stolen. In State v. Rocha, the defendant took a \$400 kitchen stand mixer from the shelf and brought it to the customer service counter. The defendant attempted to return the mixer for its \$400 value, claiming it was a gift and he did not have a receipt. The defendant never left the store with the mixer. The court held that this action constituted theft by receiving committed by selling.

House Bill 2615 makes the penalty for theft committed by returning stolen merchandise dependant on the merchandise's value. If the value is \$1,000 or more, it is Theft in the First Degree; if the value is under a \$1,000, but over \$100, it is Theft in the Second Degree; and if the value is \$100 or less, it is Theft in the Third Degree.