

HCS HB 498 -- AUTO THEFT

SPONSOR: Lipke (Kratky)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 11 to 0.

This substitute changes the laws regarding the crimes of stealing, tampering, and receiving stolen property. The substitute:

(1) Allows the court to order restitution be paid to the victim of tampering or auto theft, including the victim's insurance deductible payment, towing and storage fees, and any reasonable expenses incurred by the victim in prosecuting the offense;

(2) Prohibits the court or the Board of Probation and Parole from releasing a person early from probation or parole if the person has failed to pay restitution;

(3) Makes evidence of prior acts of tampering admissible to prove the requisite knowledge or belief in a current tampering case;

(4) Makes tampering in the second degree a class C felony when the person has a prior conviction for tampering in the first or second degree, auto theft, or receiving stolen property;

(5) Expands the crime of stealing to include obtaining control over property or services under circumstances that a reasonable person would know it was stolen and clarifies that the crime occurs when undercover police are posing as the sellers of stolen property; and

(6) Makes auto theft a class B felony when the person has two prior convictions for stealing-related offenses.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2006, FY 2007, and FY 2008. No impact on Other State Funds in FY 2006, FY 2007, and FY 2008.

PROPOSERS: Supporters say that auto theft is a growing problem in urban areas, in part because victims have little incentive to spend time assisting the prosecution of the crime. The bill allows the victim's prosecution expenses to be included in the restitution ordered by the court. The bill gives prosecutors better tools to prosecute these crimes by allowing evidence of prior stealing and tampering charges and increases the penalties for repeat offenders. Besides the costs incurred by everyone through higher insurance premiums, auto theft is often a

precursor to other crimes, such as drug dealing and robbery. We have seen criminals progress from stealing parked cars to hijacking cars at gunpoint. Every year, people are killed and others seriously injured in accidents involving stolen vehicles.

Testifying for the bill were Representatives Kratky and Vogt; St. Louis Downtown Partnership; St. Louis City Police Department; Office of the Mayor of the City of St. Louis; Missouri Sheriffs Association; James Murphy, City of St. Louis; St. Louis County Police Department; Missouri Insurance Coalition; Missouri Auto Dealers Association; and Enterprise Rent-a-Car.

OPPONENTS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst