

CHAPTER 82

(HB 161)

AN ACT relating to the criminal justice system.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 514.030 is amended to read as follows:

- (1) Except as otherwise provided in KRS 217.181~~[or 218A.1418]~~, a person is guilty of theft by unlawful taking or disposition when he unlawfully:
 - (a) Takes or exercises control over movable property of another with intent to deprive him thereof; or
 - (b) Obtains immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.
- (2) Theft by unlawful taking or disposition is a Class A misdemeanor~~[unless the value of the property is five hundred dollars (\$500) or more, in which case it is a Class D felony; or]~~ unless:
 - (a) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony;
 - (b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense;~~[or]~~
 - (c) ***The property is one (1) or more controlled substances valued collectively at less than ten thousand dollars (\$10,000), in which case it is a Class D felony.***
 - (d) ***The value of the property is five hundred dollars (\$500) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;***
 - (e) The value of the property is ten thousand dollars (\$10,000) or more ***but less than one million dollars (\$1,000,000)***, in which case it is a Class C felony;
 - (f) ***The value of the property is one million dollars (\$1,000,000) or more but less than ten million dollars (\$10,000,000), in which case it is a Class B felony; or***
 - (g) ***The value of the property is ten million dollars (\$10,000,000) or more, in which case it is a Class B felony.***
 - (3) ***Any person convicted under subsection (2)(g) of this section shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed, any statute to the contrary notwithstanding.***

➔Section 2. The following KRS section is repealed:

218A.1418 Theft of a controlled substance -- Not considered theft under KRS Chapter 514.

Signed by Governor March 22, 2013.