

SUBCOMMITTEE RECOMMENDATION

HB 2328

Relating to unauthorized use of a vehicle

HB 2328 modifies the mental state necessary to prove a person has committed the crime of Unlawful Use of a Vehicle.

Current prosecutions for unlawful use of a vehicle require proof that the defendant knew the vehicle was being operated without the owner's consent. Recent case law has rendered this standard difficult to prove and, as a result, arrests are down and auto theft has increased statewide.

This bill modifies the required mental state, allowing conviction upon a proof that the defendant was aware of and consciously disregarded a substantial and unjustifiable risk that the owner did not consent to use of the vehicle. This bill also allows passengers to be convicted if it is proved they knew that the owner of the vehicle did not consent to its use and rode in the vehicle.

District attorneys, public defenders, and the Department of Corrections anticipate increased prosecutions and felony convictions as a result of this bill. It is difficult to anticipate the timing of any increased costs for public defense or prison beds following passage of the measure. A special purpose appropriation of \$1 million will be included in the Emergency Board bill in anticipation of caseload increases.

The Public Safety Subcommittee recommends HB 2328 be reported out do pass.