

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH

NOTIFICATION OF ENHANCEMENT – CLASS-B-MISDEMEANOR LIBRARY THEFT OFFENSES

Defendant: _____ Case No. _____

IF YOU ARE CONVICTED OF the library theft offense checked below, this conviction may be used to make a later theft-related offense more serious by raising the classification of that later offense. This form provides notification of the current provisions of Utah State Law regarding the enhancement and the minimum/maximum penalties applicable to the different classifications of offenses. It also describes the specific elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS

[] Library Theft 76-6-801: A person is guilty of class B misdemeanor library theft when he willfully, for the purpose of converting to personal use, and depriving the owner, conceals on his person or among his belongings library materials while on the premises of the library or willfully and without authority removes library materials from the library building with the intention of converting them to his own use; and the value of the library materials is less than \$500.

[] Mutilation or damaging of library material as library theft 76-6-803: A person is guilty of class B misdemeanor library theft when he intentionally or recklessly writes upon, injures, defaces, tears, cuts mutilates, destroys, or otherwise damages library materials; and the value of the library materials is less than \$500.

[] Failure to return library materials as library theft 76-6-803.30: A person is guilty of class B misdemeanor library theft when, having possession or having been in possession of library materials, he: (a) fails to return the materials within 30 days after receiving written notice demanding return of the materials; or (b) if the materials are lost or destroyed, fails to pay the replacement value of the materials within 30 days after being notified; and (c) the value of the library materials is less than \$500.

[] Attempt 76-4-101: A person is guilty of an attempt to commit a crime if he engages in conduct constituting a substantial step toward commission of the crime; and (a) intends to commit the crime, or (b) when causing a particular result is an element of the crime, he acts with an awareness that his conduct is reasonably certain to cause that result. An attempted class B misdemeanor offense is a class C misdemeanor. An attempted class A misdemeanor offense (where the value of the property or services is or exceeds \$500 but is less than \$1,500) is a class B misdemeanor.

ENHANCEMENT

76-6-412(1)(b)(ii): Theft . . . is punishable as a third degree felony if the actor has been twice before convicted of [**a Theft-related offense**] committed within 10 years . . . and at least one of those offenses is a Class A misdemeanor.

(vi) Theft . . . is punishable as a Class A misdemeanor if the actor has been twice before convicted of [**a Theft-related offense**] committed within 10 years **Theft-related offenses** as used above include: (a) any theft, any robbery, or any burglary with intent to commit theft; (b) any offense under Title 76, Chapter 6, Part 5, Fraud; or (c) any attempt to commit any of the above offenses.

PENALTIES

Minimum/Maximum Sentences

Class B Misdemeanor:	0 days to 6 months in jail	AND/OR	\$0 to \$1,950 in fines and surcharges (plus interest)
Class A Misdemeanor:	0 days to 1 year in jail	AND/OR	\$0 to \$4,793 in fines and surcharges (plus interest)
Third Degree Felony:	0 days to 5 years in prison	AND/OR	\$0 to \$9,543 in fines and surcharges (plus interest)

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant’s signature)