

**NOTIFICATION OF ENHANCEMENT – CLASS-B-MISDEMEANOR THEFT, RETAIL THEFT**

Defendant: \_\_\_\_\_, Case No. \_\_\_\_\_

**ELEMENTS**

Theft 76-6-404: A person commits class-B-misdemeanor theft if: (a) the person obtains or exercises unauthorized control over the property of another; (b) the person does so with a purpose to deprive the owner of the property; and © the value of the property stolen is less than \$300.

Retail Theft 76-6-602: A person commits the offense of retail theft when he knowingly:

(1) Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or

(2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of such merchandise; or

(4) Under-rings with the intention of depriving the merchant of the retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use or benefit of such cart.

**ENHANCEMENT**

76-6-412: Theft is a third degree felony if the actor has been twice before convicted of theft, any robbery, or any burglary with intent to commit theft.

**PENALTIES**

Minimum / Maximum Sentences

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges

Third Degree Felony: 0 days to 5 years prison; \$0 to \$9,533 fines and surcharges

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant