

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1601. Theft.

(a) A person commits the offense of theft if he or she unlawfully takes, uses or consumes the property or services of another with intent to permanently deprive the owner of his or her rights to the property or services. An accusation of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or information, subject only to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

(b) A person convicted of theft under any section of this chapter may be punished:

(1) If the value of the property or service is \$20,000 or more, by imprisonment for not more than 10 years; or

(2) If the value of the property or service is at least \$250 but less than \$20,000, by imprisonment for not more than five years; or

(3) If the value of the property or service is less than \$250, by imprisonment for not more than one year; or

(4) If the victim of the crime is a person at least 55 years of age or a person with a disability, the offense is punishable by:

(i) Imprisonment between one and three years and/or a fine up to \$25,000 if the value of the property is \$300 or less; or

(ii) Imprisonment between three and five years and/or a fine up to \$25,000 if the value of the property is more than \$300 but less than \$5,000; or

(iii) Imprisonment between five and seven years and/or a fine up to \$25,000 if the value of the property is \$5,000 or more but less than \$50,000; or

(iv) Imprisonment between seven and fifteen years and/or a fine up to \$25,000 if the value of the property is \$50,000 or more.

(c) The amount involved in a theft is deemed to be the highest value, by any reasonable standard, of the property or service which the defendant stole or attempted to steal. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, shall be aggregated in determining whether an offense has been committed and the grade of the offense.

(d) It is an affirmative defense to prosecution for theft that the defendant:

(1) Was unaware that the property or service was that of another; or

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he or she did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

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Source: [PL 3-71](#), § 1 (§ 431); (b) amended by [PL 19-80](#) § 2 (Jan. 16, 2017), modified.

Commission Comment: The Commission changed capitalization in (b)(4)(i)–(iv) for the purpose of conformity pursuant to [1 CMC § 3806](#)(f). The Commission changed words to numerals in (b)(4)(i)–(iv) pursuant to [1 CMC § 3806](#)(g).