

2011 -- S 0339

LC00485

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING
OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND
MISAPPROPRIATIONS

Introduced By: Senators Lynch, and McCaffrey

Date Introduced: February 16, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-41-5 of the General Laws in Chapter 11-41 entitled "Theft,
2 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

3 **11-41-5. Penalties for larceny.** -- (a) Any person convicted of any offense under sections
4 11-41-1 -- 11-41-6, except section 11-41-3, if the value of the property or money stolen, received,
5 embezzled, fraudulently appropriated, converted, or obtained, received, taken, or secreted by false
6 pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently convert exceeds
7 ~~five hundred dollars (\$500)~~ one thousand five hundred dollars (\$1,500), or if the property is a
8 firearm as defined in section 11-47-5.1, regardless of its value, shall be punished by
9 imprisonment for not more than ten (10) years or by a fine of not more than five thousand dollars
10 (\$5,000), or both. If the value of the property or money does not exceed five hundred dollars
11 (\$500), the person shall be punished by imprisonment for not more than one year, or by a fine of
12 not more than ~~five hundred dollars (\$500)~~ one thousand five hundred dollars (\$1,500), or both.
13 Any person convicted of an offense under section 11-41-2 who shall be found to have knowingly
14 obtained the property from a person under eighteen (18) years of age, notwithstanding the value
15 of the property, shall be punished by imprisonment for not more than ten (10) years or by a fine
16 of not more than five thousand dollars (\$5,000), or both.

17 (b) Any person convicted of an offense in violation of sections 11-41-1 -- 11-41-7,
18 except section 11-41-3, which involves a victim who is a person sixty-five (65) years of age or

1 older at the time of the offense and which involves property or money stolen, received,
2 embezzled, fraudulently appropriated, converted, or obtained, received, taken, or secreted by false
3 pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently convert, with a
4 value in excess of five hundred dollars (\$500), shall be punished by imprisonment for not less
5 than two (2) years but not more than fifteen (15) years or by a fine of not more than five thousand
6 dollars (\$5,000), or both. If the value of the property or money does not exceed five hundred
7 dollars (\$500), the person shall be punished by imprisonment for not less than one year but not
8 more than five (5) years or by a fine of not more than three thousand dollars (\$3,000), or both.

9 SECTION 2. Sections 19-9-24 and 19-9-25 of the General Laws in Chapter 19-9 entitled
10 "Community Obligations and Banking Offenses" are hereby amended to read as follows:

11 **19-9-24. Fraudulent checks -- Small amounts.** -- (a) Any person who purchases any
12 goods, materials, or services, makes payment for that purchase by check, draft, or order for
13 payment of money, and takes possession of the goods or materials, or has the benefit of the
14 service, and who subsequently orders payment stopped on the check, draft, or order for payment,
15 or who, with intent to defraud, makes, draws, utters, or delivers any check, draft, or order for the
16 payment of money, in an amount not exceeding ~~one thousand dollars (\$1,000)~~ one thousand five
17 hundred dollars (\$1,500), upon any regulated institution or other depository, knowing at the time
18 of making, drawing, uttering, or delivering that the maker or drawer has not sufficient funds in, or
19 credit with, that regulated institution or other depository for the payment of that check, draft, or
20 order, in full, upon its presentation, shall, upon conviction, be fined not more than five hundred
21 dollars (\$500) or be imprisoned not exceeding one year, or may be subjected to both fine and
22 imprisonment.

23 (b) With regard to the purchase of any goods or materials, it shall not be in violation of
24 this section if goods or materials are returned to the vendor within three (3) business days of the
25 filing of the stop payment order.

26 (c) The word "credit" means an arrangement or understanding with the regulated
27 institution or other depository, for the payment of the check, draft, or order.

28 (d) Any person violating any of these provisions may be prosecuted and proceeded
29 against in any judicial district or in any county in which the offense was committed, or in which
30 the check, draft, or order was uttered or delivered.

31 **19-9-25. Fraudulent checks -- Large amounts.** -- (a) Any person who purchases any
32 goods, materials, or services, pays for that purchase by check, draft, or order for payment of
33 money, and takes possession of the item, and who subsequently orders payment stopped on the
34 check, draft, or order for payment, or who, with intent to defraud, makes, draws, utters, or

1 delivers any check, draft, or order for the payment of money, in an amount exceeding ~~one~~
2 ~~thousand dollars (\$1,000)~~ one thousand five hundred dollars (\$1,500), upon any regulated
3 institution or other depository, knowing at the time of making, drawing, uttering, or delivering
4 that the maker or drawer has not sufficient funds in, or credit with, that regulated institution or
5 other depository for the payment of the check, draft, or order, in full, upon its presentation, shall,
6 upon conviction, be fined not more than two thousand dollars (\$2,000) or be imprisoned not more
7 than two (2) years, or may be subjected to both fine and imprisonment.

8 (b) With regard to the purchase of any goods or materials it shall not be in violation of
9 this section if goods or materials are returned to the vendor within three (3) business days of the
10 filing of the stop payment order.

11 (c) The word "credit" means an arrangement or understanding with the regulated
12 institution or other depository for the payment of the check, draft, or order.

13 (d) Any person violating any of these provisions may be prosecuted and proceeded
14 against in any judicial district or in any county in which the offense was committed, or in which
15 the check, draft, or order was uttered or delivered.

16 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING
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1 This act would amend the larceny and unlawful conversion provisions of the general laws
2 pertaining to when a crime is to be treated as a felony, by increasing the threshold amount from
3 five hundred dollars (\$500) to one thousand five hundred dollars (\$1,500).

4 This act would take effect upon passage.

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