

SENATE FILE NO. SF0066

Misdemeanor property offenses-maximum amounts.

Sponsored by: Senator(s) Burns, Job and Roberts and
Representative(s) Diercks, Landon and Ross

A BILL

for

1 AN ACT relating to crimes and offenses; increasing the
2 maximum amount for misdemeanor theft of property or
3 services as specified; conforming felony provisions; and
4 providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 6-3-201(b) (i) and (iii),
9 6-3-402 (c) (i) and (iii), 6-3-403 (a) (i) and (iii),
10 6-3-404 (a) (i) and (iii) and (b) (i) and (iii), 6-3-406 (a) (i)
11 and (iii), 6-3-407 (a) (i) and (iii), 6-3-408 (a) (i) and
12 (iii), (b) (i) and (ii) and (c) (i) and (ii), 6-3-607 (b) (i)
13 and (iii), 6-3-702 (b) (i) and (iii), 6-3-802 (b) (i) and
14 (iii), 6-3-901 (c) (i) and (ii) and 27-3-702 (a) (i) and (ii)
15 are amended to read:

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1 **6-3-201. Property destruction and defacement;**
2 **grading; penalties; aggregated costs or values.**

3
4 (b) Property destruction and defacement is:

5
6 (i) A misdemeanor punishable by imprisonment for
7 not more than six (6) months, a fine of not more than seven
8 hundred fifty dollars (\$750.00), or both, if the cost of
9 restoring injured property or the value of the property if
10 destroyed is less than ~~five hundred dollars (\$500.00)~~ one
11 thousand dollars (\$1,000.00);

12
13 (iii) A felony punishable by imprisonment for
14 not more than ten (10) years, a fine of not more than ten
15 thousand dollars (\$10,000.00), or both, if the cost of
16 restoring injured property or the value of the property if
17 destroyed is ~~five hundred dollars (\$500.00)~~ one thousand
18 dollars (\$1,000.00) or more.

19
20 **6-3-402. Larceny; livestock rustling; penalties.**

21
22 (c) Except as provided by subsection (e) of this
23 section, larceny is:

1 (i) A felony punishable by imprisonment for not
2 more than ten (10) years, a fine of not more than ten
3 thousand dollars (\$10,000.00), or both, if the value of the
4 property is ~~five hundred dollars (\$500.00)~~ one thousand
5 dollars (\$1,000.00) or more; or

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7 (iii) A misdemeanor punishable by imprisonment
8 for not more than six (6) months, a fine of not more than
9 seven hundred fifty dollars (\$750.00), or both, if the
10 value of the property is less than ~~five hundred dollars~~
11 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

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13 **6-3-403. Wrongful taking or disposing of property;**
14 **venue of indictment.**

15
16 (a) A person who buys, receives, conceals or disposes
17 of property which he knows, believes or has reasonable
18 cause to believe was obtained in violation of law is guilty
19 of:

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21 (i) A felony punishable by imprisonment for not
22 more than ten (10) years, a fine of not more than ten
23 thousand dollars (\$10,000.00), or both, if the value of the

1 property is ~~five hundred dollars (\$500.00)~~ one thousand
2 dollars (\$1,000.00) or more; or

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4 (iii) A misdemeanor punishable by imprisonment
5 for not more than six (6) months, a fine of not more than
6 seven hundred fifty dollars (\$750.00), or both, if the
7 value of the property is less than ~~five hundred dollars~~
8 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

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10 **6-3-404. Shoplifting; altering or removing price tags**
11 **and markers; penalties.**

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13 (a) A person who willfully conceals or takes
14 possession of property offered for sale by a wholesale or
15 retail store without the knowledge or consent of the owner
16 and with intent to convert the property to his own use
17 without paying the purchase price is guilty of:

18

19 (i) A felony punishable by imprisonment for not
20 more than ten (10) years, a fine of not more than ten
21 thousand dollars (\$10,000.00), or both, if the value of the
22 property is ~~five hundred dollars (\$500.00)~~ one thousand
23 dollars (\$1,000.00) or more; or

24

1 (iii) A misdemeanor punishable by imprisonment
2 for not more than six (6) months, a fine of not more than
3 seven hundred fifty dollars (\$750.00), or both, if the
4 value of the property is less than ~~five hundred dollars~~
5 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

6
7 (b) A person who alters, defaces, changes or removes
8 a price tag or marker on or about property offered for sale
9 by a wholesale or retail store with intent to obtain the
10 property at less than the marked or listed price is guilty
11 of:

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13 (i) A felony punishable by imprisonment for not
14 more than ten (10) years, a fine of not more than ten
15 thousand dollars (\$10,000.00), or both, if the difference
16 between the marked or listed price and the amount actually
17 paid is ~~five hundred dollars (\$500.00)~~ one thousand dollars
18 (\$1,000.00) or more; or

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20 (iii) A misdemeanor punishable by imprisonment
21 for not more than six (6) months, a fine of not more than
22 seven hundred fifty dollars (\$750.00), or both, if the
23 difference between the marked or listed price and the

1 amount actually paid is less than ~~five hundred dollars~~
2 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

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4 **6-3-406. Defrauding an innkeeper; penalties;**
5 **definitions.**

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7 (a) A person who, with intent to defraud, procures
8 food, drink or accommodations at a public establishment
9 without paying in accordance with his agreement with the
10 public establishment is guilty of:

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12 (i) A felony punishable by imprisonment for not
13 more than ten (10) years, a fine of not more than ten
14 thousand dollars (\$10,000.00), or both, if the value of the
15 food, drink or accommodations is ~~five hundred dollars~~
16 ~~(\$500.00)~~ one thousand dollars (\$1,000.00) or more; or

17

18 (iii) A misdemeanor punishable by imprisonment
19 for not more than six (6) months, a fine of not more than
20 seven hundred fifty dollars (\$750.00), or both, if the
21 value of the food, drink or accommodations is less than
22 ~~five hundred dollars (\$500.00)~~ one thousand dollars
23 (\$1,000.00).

24

1 **6-3-407. Obtaining property by false pretenses;**
2 **penalties.**

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4 (a) A person who knowingly obtains property from
5 another person by false pretenses with intent to defraud
6 the person is guilty of:

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8 (i) A felony punishable by imprisonment for not
9 more than ten (10) years, a fine of not more than ten
10 thousand dollars (\$10,000.00), or both, if the value of the
11 property is ~~five hundred dollars (\$500.00)~~ one thousand
12 dollars (\$1,000.00) or more; or

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14 (iii) A misdemeanor punishable by imprisonment
15 for not more than six (6) months, a fine of not more than
16 seven hundred fifty dollars (\$750.00), or both, if the
17 value of the property is less than ~~five hundred dollars~~
18 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

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20 **6-3-408. Theft of services; penalties.**

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22 (a) A person who, with intent to defraud, obtains
23 services which he knows are available only for
24 compensation, without paying for the services is guilty of:

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(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the value of the services is ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the value of the services is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

(b) A person who tampers or otherwise interferes with or connects to, by any means, whether mechanical, electrical, acoustical or otherwise, any cables, wires or other devices used for distribution of services for the purposes of committing a violation of subsection (a) of this section is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the value of the

1 services is ~~five hundred dollars (\$500.00)~~ one thousand
2 dollars (\$1,000.00) or more; or

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4 (ii) A misdemeanor punishable by imprisonment
5 for not more than six (6) months, a fine of not more than
6 seven hundred fifty dollars (\$750.00), or both, if the
7 value of the services is less than ~~five hundred dollars~~
8 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

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10 (c) A person who knowingly manufactures, distributes,
11 sells, or offers for sale, rental or use any decoding or
12 descrambling device or any plan or kit for such device,
13 designed with intent to facilitate an act which constitutes
14 a violation of subsection (a) of this section is guilty of:

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16 (i) A felony punishable by imprisonment for not
17 more than ten (10) years, a fine of not more than ten
18 thousand dollars (\$10,000.00), or both, if the value of the
19 services is ~~five hundred dollars (\$500.00)~~ one thousand
20 dollars (\$1,000.00) or more; or

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22 (ii) A misdemeanor punishable by imprisonment
23 for not more than six (6) months, a fine of not more than
24 seven hundred fifty dollars (\$750.00), or both, if the

1 value of the services is less than ~~five hundred dollars~~
2 ~~(\$500.00)~~ one thousand dollars (\$1,000.00).

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4 **6-3-607. Defrauding creditors; penalties.**

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6 (b) Defrauding creditors is:

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8 (i) A felony punishable by imprisonment for not
9 more than ten (10) years, a fine of not more than ten
10 thousand dollars (\$10,000.00), or both, if the mortgagee's
11 or secured party's interest is of a value of ~~five hundred~~
12 ~~dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more;
13 or

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15 (iii) A misdemeanor punishable by imprisonment
16 for not more than six (6) months, a fine of not more than
17 seven hundred fifty dollars (\$750.00), or both, if the
18 mortgagee's or secured party's interest is of a value of
19 less than ~~five hundred dollars (\$500.00)~~ one thousand
20 dollars (\$1,000.00).

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22 **6-3-702. Fraud by check; penalties.**

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24 (b) Fraud by check is:

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(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the fraudulent check was for a sum of less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00); or

(iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the fraudulent check was for the sum of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more, or if the offender is convicted of fraud by check involving two (2) or more checks issued within any sixty (60) day period in the state of Wyoming totaling ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more in the aggregate.

6-3-802. Unlawful use of credit card; penalties.

(b) Unlawful use of a credit card is:

(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the value of

1 the property or services purchased or obtained is less than
2 ~~five hundred dollars (\$500.00)~~ one thousand dollars
3 (\$1,000.00); or

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5 (iii) A felony punishable by imprisonment for
6 not more than ten (10) years, a fine of not more than ten
7 thousand dollars (\$10,000.00), or both, if the value of the
8 property or services purchased or obtained in violation of
9 this section within any sixty (60) day period in the state
10 of Wyoming totals ~~five hundred dollars (\$500.00)~~ one
11 thousand dollars (\$1,000.00) or more in the aggregate.

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13 **6-3-901. Unauthorized use of personal identifying**
14 **information; penalties; restitution.**

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16 (c) Theft of identity is:

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18 (i) A misdemeanor punishable by imprisonment for
19 not more than six (6) months, a fine of not more than seven
20 hundred fifty dollars (\$750.00), or both, if no economic
21 benefit was gained or was attempted to be gained, or if an
22 economic benefit of less than ~~five hundred dollars~~
23 ~~(\$500.00)~~ one thousand dollars (\$1,000.00) was gained or
24 was attempted to be gained by the defendant; or

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(ii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if an economic benefit of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more was gained or was attempted to be gained by the defendant.

**27-3-702. Obtaining benefits by fraud;
disqualification of benefits; penalties.**

(a) No person shall, for himself or any other person, knowingly make a false statement or misrepresentation or knowingly fail to disclose a material fact to obtain or increase benefits or other payments under this act or other state or federal law. Any person violating this section is guilty of:

(i) A misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than ninety (90) days, or both, if the amount of benefits obtained in violation of this section is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00); or

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2 (ii) A felony punishable by imprisonment for not
3 more than five (5) years, a fine of not more than five
4 thousand dollars (\$5,000.00), or both, if the amount of
5 benefits obtained under fraud is ~~five hundred dollars~~
6 ~~(\$500.00)~~ one thousand dollars (\$1,000.00) or greater.

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8 **Section 2.** This act is effective July 1, 2004.

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(END)