

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

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

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

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

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

(b) Property destruction and defacement 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 cost of restoring injured property or the value of the property if destroyed is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00);

(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 cost of restoring injured property or the value of the property if destroyed is ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more.

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

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

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

(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 property 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 property is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

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

(a) A person who buys, receives, conceals or disposes of property which he knows, believes or has reasonable cause to believe was obtained in violation of law 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 property 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 property is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

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

(a) A person who willfully conceals or takes possession of property offered for sale by a wholesale or retail store without the knowledge or consent of the owner and with intent to convert the property to his own use without paying the purchase price 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 property 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 property is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

(b) A person who alters, defaces, changes or removes a price tag or marker on or about property offered for sale by a wholesale or retail store with intent to obtain the property at less than the marked or listed price 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 difference between the marked or listed price and the amount actually paid is ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more; or

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

(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 difference between the marked or listed price and the amount actually paid is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

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

(a) A person who, with intent to defraud, procures food, drink or accommodations at a public establishment without paying in accordance with his agreement with the public establishment 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 food, drink or accommodations 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 food, drink or accommodations is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

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

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

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

(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 property 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 property is less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

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

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

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

(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

(ii) 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).

(c) A person who knowingly manufactures, distributes, sells, or offers for sale, rental or use any decoding or descrambling device or any plan or kit for such device, designed with intent to facilitate an act which constitutes 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 services is ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more; or

(ii) 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).

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

(b) Defrauding creditors is:

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

(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 mortgagee's or secured party's interest is of a value of ~~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 mortgagee's or secured party's interest is of a value of less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00).

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

(b) Fraud by check 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 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.**

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

(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 the property or services purchased or obtained is 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 value of the property or services purchased or obtained in violation of this section within any sixty (60) day period in the state of Wyoming totals ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) or more in the aggregate.

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

(c) Theft of identity 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 no economic benefit was gained or was attempted to be gained, or if an economic benefit of less than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) was gained or was attempted to be gained by the defendant; or

(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.



ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

**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

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

ORIGINAL SENATE  
FILE NO. 0066

ENROLLED ACT NO. 39, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk