

2017 -- S 0011 SUBSTITUTE A

LC000234/SUB A/5

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL OFFENSES -- GENERAL PROVISIONS

Introduced By: Senators McCaffrey, Conley, Lombardi, Lynch Prata, and Coyne

Date Introduced: January 11, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-1-2 of the General Laws in Chapter 11-1 entitled "General
2 Provisions" is hereby amended to read as follows:

3 **11-1-2. Felony, misdemeanor -- Petty misdemeanor, and violation distinguished.**

4 Unless otherwise provided, any criminal offense which at any given time may be
5 punished by imprisonment for a term of more than one year, ~~or by a fine of more than one~~
6 ~~thousand dollars (\$1,000)~~, is declared to be a felony; any criminal offense which may be
7 punishable by imprisonment for a term of more than six (6) months and not exceeding one year,
8 or solely by a fine of ~~not~~ more than one thousand dollars (\$1,000), or both, is declared to be a
9 misdemeanor; any criminal offense which may be punishable by imprisonment for a term not
10 exceeding six (6) months or solely by a fine of ~~not~~ more than five hundred dollars (\$500), ~~or both,~~
11 and not more than one thousand dollars (\$1,000) is declared to be a petty misdemeanor; and any
12 offense which may be punished by only a fine of not more than five hundred dollars (\$500) is
13 declared to be a violation.

14 SECTION 2. Section 11-5-2 of the General Laws in Chapter 11-5 entitled "Assaults" is
15 hereby amended to read as follows:

16 **11-5-2. Felony assault.**

17 (a) Every person who shall make an assault or battery, or both, with a dangerous weapon,
18 or with acid or other dangerous substance, or by fire, or an assault or battery which results in
19 serious bodily injury; shall be guilty of a felony assault. If such assault results in serious bodily

1 injury it shall be punished by imprisonment for not more than twenty (20) years. If such assault
2 involves the use of a firearm, regardless of the extent of the injury, it shall be punished by
3 imprisonment for not more than twenty (20) years. Every other felony assault involving the use of
4 a dangerous weapon but not a firearm as defined by this chapter, which results in bodily injury or
5 no injury shall be punished by imprisonment for not more than six (6) years.

6 (b) Where the provisions of "The Domestic Violence Prevention Act", chapter 29 of title
7 12, are applicable, the penalties for violation of this section shall also include the penalties as
8 provided in § 12-29-5.

9 (c) "Serious bodily injury" means physical injury that:

10 (1) Creates a substantial risk of death;

11 (2) Causes protracted loss or impairment of the function of any bodily part, member or
12 organ; or

13 (3) Causes serious permanent disfigurement or circumcises, excises or infibulates the
14 whole or any part of the labia majora or labia minora or clitoris of a person.

15 (d) "Bodily injury" means physical injury that causes physical pain, illness, or any
16 impairment of physical condition.

17 (e) "Firearm" has the same meaning as defined in §11-47-2.

18 SECTION 3. Section 11-41-5 of the General Laws in Chapter 11-41 entitled "Theft,
19 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

20 **11-41-5. Penalties for larceny.**

21 (a) Any person convicted of any offense under §§ 11-41-1 -- 11-41-6, except § 11-41-3,
22 ~~if shall be punished as follows, according to~~ the value of the property or money stolen, received,
23 embezzled, fraudulently appropriated, converted, or obtained, received, taken, or secreted by false
24 pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently convert;

25 (1) If the value exceeds one thousand five hundred dollars (\$1,500), and is less than five
26 thousand dollars (\$5,000), by imprisonment for not more than three (3) years or by a fine of not
27 more than one thousand five hundred dollars (\$1,500), or both;

28 (2) If the value exceeds five thousand dollars (\$5,000), but is less than ten thousand
29 dollars (\$10,000), by imprisonment for not more than six (6) years or by a fine of not more than
30 three thousand dollars (\$3,000), or both; and

31 (3) If the value exceeds ten thousand dollars (\$10,000), or if the property is a firearm as
32 defined in § 11-47-5.1, regardless of its value, the person shall be punished by imprisonment for
33 not more than ten (10) years or by a fine of not more than five thousand dollars (\$5,000), or both.
34 If the value of the property or money does not exceed one thousand five hundred dollars (\$1,500),

1 the person shall be punished by imprisonment for not more than one year, or by a fine of not more
2 than five hundred dollars (\$500), or both. Any person convicted of an offense under § 11-41-2
3 who shall be found to have knowingly obtained the property from a person under eighteen (18)
4 years of age, notwithstanding the value of the property or money, shall be punished by
5 imprisonment for not more than ten (10) years or by a fine of not more than five thousand dollars
6 (\$5,000), or both.

7 (b) Any person convicted of an offense in violation of §§ 11-41-1 -- 11-41-7, except §
8 11-41-3, which involves a victim who is a person sixty-five (65) years of age or older at the time
9 of the offense and which involves property or money stolen, received, embezzled, fraudulently
10 appropriated, converted, or obtained, received, taken, or secreted by false pretenses or otherwise
11 with intent to cheat, defraud, embezzle, or fraudulently convert, with a value in excess of five
12 hundred dollars (\$500), shall be punished by imprisonment for not less than two (2) years but not
13 more than fifteen (15) years or by a fine of not more than five thousand dollars (\$5,000), or both.
14 If the value of the property or money does not exceed five hundred dollars (\$500), the person
15 shall be punished by imprisonment for not less than one year but not more than five (5) years or
16 by a fine of not more than three thousand dollars (\$3,000), or both.

17 SECTION 4. This act shall take effect six (6) months after passage and applies to
18 criminal offenses committed on or after the effective date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- GENERAL PROVISIONS

1 This act would clarify what constitutes a felony, misdemeanor, and petty misdemeanor in
2 the definition section of the general laws, and would also amend the penalties for certain criminal
3 offenses involving assault and larceny, based on the value of property stolen.

4 This act would take effect six (6) months after passage and applies to criminal offenses
5 committed on or after the effective date.

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