

2017 -- S 0011 SUBSTITUTE B

LC000234/SUB B/2

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

3 **11-5-2. Felony assault.**

4 (a) Every person who shall make an assault or battery, or both, with a dangerous weapon,
5 or with acid or other dangerous substance, or by fire, or an assault or battery which results in
6 serious bodily injury; shall be guilty of a felony assault. If such assault results in serious bodily
7 injury it shall be punished by imprisonment for not more than twenty (20) years. Every other
8 felony assault which results in bodily injury or no injury shall be punished by imprisonment for
9 not more than six (6) years.

10 (b) Where the provisions of "The Domestic Violence Prevention Act", chapter 29 of title
11 12, are applicable, the penalties for violation of this section shall also include the penalties as
12 provided in § 12-29-5.

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

14 (1) Creates a substantial risk of death;

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

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

19 (d) "Bodily injury" means physical injury that causes physical pain, illness, or any

1 [impairment of physical condition.](#)

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

4 **11-41-5. Penalties for larceny.**

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

9 [\(1\) If the value](#) exceeds one thousand five hundred dollars (\$1,500), [and is less than five](#)
10 [thousand dollars \(\\$5,000\), by imprisonment for not more than three \(3\) years or by a fine of not](#)
11 [more than one thousand five hundred dollars \(\\$1,500\), or both;](#)

12 [\(2\) If the value exceeds five thousand dollars \(\\$5,000\), but is less than ten thousand](#)
13 [dollars \(\\$10,000\), by imprisonment for not more than six \(6\) years or by a fine of not more than](#)
14 [three thousand dollars \(\\$3,000\), or both; and](#)

15 [\(3\) If the value exceeds ten thousand dollars \(\\$10,000\),](#) or if the property is a firearm as
16 defined in § 11-47-5.1, regardless of its value, [the person](#) shall be punished by imprisonment for
17 not more than ten (10) years or by a fine of not more than five thousand dollars (\$5,000), or both.
18 If the value ~~of the property or money~~ does not exceed one thousand five hundred dollars (\$1,500),
19 the person shall be punished by imprisonment for not more than one year, or by a fine of not more
20 than five hundred dollars (\$500), or both. Any person convicted of an offense under § 11-41-2
21 who shall be found to have knowingly obtained the property from a person under eighteen (18)
22 years of age, notwithstanding the value of the property [or money](#), shall be punished by
23 imprisonment for not more than ten (10) years or by a fine of not more than five thousand dollars
24 (\$5,000), or both.

25 (b) Any person convicted of an offense in violation of §§ 11-41-1 -- 11-41-7, except §
26 11-41-3, which involves a victim who is a person sixty-five (65) years of age or older at the time
27 of the offense and which involves property or money stolen, received, embezzled, fraudulently
28 appropriated, converted, or obtained, received, taken, or secreted by false pretenses or otherwise
29 with intent to cheat, defraud, embezzle, or fraudulently convert, with a value in excess of five
30 hundred dollars (\$500), shall be punished by imprisonment for not less than two (2) years but not
31 more than fifteen (15) years or by a fine of not more than five thousand dollars (\$5,000), or both.
32 If the value of the property or money does not exceed five hundred dollars (\$500), the person
33 shall be punished by imprisonment for not less than one year but not more than five (5) years or
34 by a fine of not more than three thousand dollars (\$3,000), or both.

1 SECTION 3. This act shall take effect upon passage and applies to offenses committed
2 on or after the effective date.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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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 upon passage and applies to offenses committed on or after the
5 effective date.

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