

2018 -- S 2705 SUBSTITUTE A

LC005107/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

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

Introduced By: Senators Coyne, Seveney, DiPalma, Calkin, and Crowley

Date Introduced: March 20, 2018

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.**

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

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

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

14 (3) If the value exceeds ten thousand dollars (\$10,000), or if the property is a firearm as
15 defined in § 11-47-5.1, regardless of its value, the person shall be punished by imprisonment for
16 not more than ten (10) years or by a fine of not more than five thousand dollars (\$5,000), or both.

17 If the value does not exceed one thousand five hundred dollars (\$1,500), the person shall be
18 punished by imprisonment for not more than one year, or by a fine of not more than five hundred

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

5 (b) Any person convicted of an offense in violation of §§ 11-41-1 -- 11-41-7, except §
6 11-41-3, that involves a victim who is a person sixty-five (65) years of age or older at the time of
7 the offense and which involves property or money stolen, received, embezzled, fraudulently
8 appropriated, converted, or obtained, received, taken, or secreted by false pretenses or otherwise
9 with intent to cheat, defraud, embezzle, or fraudulently convert, with a value in excess of five
10 hundred dollars (\$500), shall be punished by imprisonment for not less than two (2) years but not
11 more than fifteen (15) years or by a fine of not more than five thousand dollars (\$5,000), or both.
12 If the value of the property or money does not exceed five hundred dollars (\$500), the person
13 shall be punished by imprisonment for not less than one year but not more than five (5) years or
14 by a fine of not more than three thousand dollars (\$3,000), or both.

15 (c) In addition to any other penalties pursuant to this section, an elected official or
16 candidate for office convicted of violating §§ 11-41-1, 11-41-2, 11-41-3 or 11-41-4 where the
17 theft is a campaign account created, pursuant to title 17, for the benefit of the person so convicted,
18 all restitution shall be deposited into the Rhode Island crime victim compensation program fund
19 and not into the campaign account of that person convicted of the offense.

20 SECTION 2. Section 17-25-13 of the General Laws in Chapter 17-25 entitled "Rhode
21 Island Campaign Contributions and Expenditures Reporting" is hereby amended to read as
22 follows:

23 **17-25-13. Penalties.**

24 (a) Any person who willfully and knowingly violates the provisions of this chapter shall,
25 upon conviction, be guilty of a misdemeanor and shall be fined not more than one thousand
26 dollars (\$1,000) per violation.

27 (b) The state board may fine any person or entity who violates the provisions of this
28 chapter in an amount not more than one hundred dollars (\$100) per violation.

29 (c) Fines, fees and penalties imposed by the state board for violations of this chapter shall
30 be paid for by the candidate, officeholder or entity against whose campaign the fines, fees or
31 penalties have been levied. Fines, fees and penalties levied by the state board pursuant to this
32 chapter shall not be paid for from contributions or funds available in a campaign account.

33 (d) An elected official or candidate for office convicted of violating §§ 11-41-1, 11-41-2,
34 11-41-3 or 11-41-4 where the theft is from a campaign account created, pursuant to title 17, for

1 the benefit of the person so convicted, all restitution shall be deposited into the Rhode Island
2 crime victim compensation program fund and not into the campaign account of that person
3 convicted of the offense.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would require that penalties or restitution payments for larceny or campaign
2 expenditure reporting violations be deposited into the Rhode Island crime victim compensation
3 program fund when such payment is required of a political candidate and the subject of the theft
4 is the candidate's campaign account.

5 This act would take effect upon passage.

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