

2020 -- H 7035

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LC003365
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

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

Introduced By: Representatives O'Brien, Millea, McEntee, Craven, and Amore

Date Introduced: January 09, 2020

Referred To: House 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 [and § 11-41-35](#), shall be punished as follows, according to the value of the property or money
6 stolen, received, embezzled, fraudulently appropriated, converted, or obtained, received, taken, or
7 secreted by false pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently
8 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 does not exceed one thousand five hundred dollars (\$1,500), the person shall be

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

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

16 (c) In addition to the penalties in subsection (a) of this section, any person convicted of
17 an offense in violation of § 11-41-35, shall, if committing larceny while operating a motor
18 vehicle, that motor vehicle shall be subject to forfeiture, and the net proceeds from the sale of that
19 motor vehicle shall go to the Rhode Island Veterans Home Community Living Center.

20 SECTION 2. Chapter 11-41 of the General Laws entitled "Theft, Embezzlement, False
21 Pretenses, and Misappropriation" is hereby amended by adding thereto the following section:

22 **11-41-35. Larceny of delivered packages.**

23 Every person that steals a package delivered by any government or private delivery
24 service from a home, office or other dwelling, shall be deemed guilty of larceny and subject to the
25 penalties of § 11-41-5.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act provides that any person convicted of larceny of a package delivered by any
2 government or private delivery service from a home, office or other dwelling, shall, if committing
3 larceny while operating a motor vehicle, that motor vehicle shall be subject to forfeiture and the
4 net proceeds from that motor vehicle shall go to the Rhode Island Veterans Home Community
5 Living Center.

6 This act would take effect upon passage.

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