

2021 -- H 5390

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representative William W. O'Brien

Date Introduced: February 05, 2021

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 dollars
13 (\$10,000), by imprisonment for not more than six (6) years or by a fine of not more than three
14 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 to
3 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 § 11-
7 41-3, that involves a victim who is a person sixty-five (65) years of age or older at the time of the
8 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 shall
14 be punished by imprisonment for not less than one year but not more than five (5) years or by a
15 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 an](#)
17 [offense in violation of § 11-41-35, shall, if committing larceny while operating a motor vehicle,](#)
18 [that motor vehicle shall be subject to forfeiture, and the net proceeds from the sale of that motor](#)
19 [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 service](#)
24 [from a home, office or other dwelling, shall be deemed guilty of larceny and subject to the penalties](#)
25 [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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