HOUSE BILL NO. HB0055

Property offenses.

Sponsored by: Representative(s) Clem, Biteman, Brown, Lindholm, Miller and Pelkey and Senator(s) Anselmi-Dalton and Von Flatern

A BILL

for

1 AN ACT relating to offenses against property; modifying requisite property values for offenses; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-1-127(a)(ii), 6-3-103(a)(ii), 6-3-104(a), 6-3-201(b)(i) and (iii), 6-3-403(a)(i) and (iii), 6-3-404(a)(i), (iii), (b)(i) and (iii), 6-3-406(a)(i) and (iii), 6-3-407(a)(i) and (iii), 6-3-408(a)(i), (iii), (b)(i), (ii), (c)(i) and (ii), 6-3-607(b)(i) and (iii), 6-3-702(b)(i) and (iii), 6-3-802(b)(i) and (iii) and 6-3-901(c)(i) and (ii) are amended to read:
1-1-127. Civil liability for shoplifting.

(a) A person over ten (10) years of age who violates W.S. 6-3-404(a) or (b) is civilly liable to the merchant of the property in an amount consisting of:

(ii) A civil liability of twice the amount of the full marked or listed price of the property but not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00) to two thousand five hundred ($2,500.00); plus

6-3-103. Arson; third degree; penalties.

(a) A person is guilty of third-degree arson if he intentionally starts a fire or causes an explosion and intentionally, recklessly or with criminal negligence:

(ii) Destroys or damages any property of another which has a value of two hundred dollars ($200.00) to two thousand five hundred dollars ($2,500.00) or more.

6-3-104. Arson; fourth degree; penalties.
(a) A person is guilty of fourth-degree arson if he intentionally starts a fire or causes an explosion and intentionally, recklessly or with criminal negligence destroys or damages any property of another as defined in W.S. 6-3-103(c) which has a value of less than two hundred dollars ($200.00) to two thousand five hundred dollars ($2,500.00).

6-3-201. Property destruction and defacement; grading; penalties; aggregated costs or values.

(b) Property destruction and defacement is:

(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the cost of restoring injured property or the value of the property if destroyed is less than one thousand dollars ($1,000.00) to two thousand five hundred dollars ($2,500.00); 

(iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten
thousand dollars ($10,000.00), or both, if the cost of
restoring injured property or the value of the property if
destroyed is one thousand dollars ($1,000.00) two thousand
five hundred dollars ($2,500.00) or more.

6-3-403. Wrongful taking or disposing of property;
venue of indictment.

(a) A person who buys, receives, conceals or disposes
of property which he knows, believes or has reasonable
cause to believe was obtained in violation of law is guilty
of:

(i) A felony punishable by imprisonment for not
more than ten (10) years, a fine of not more than ten
thousand dollars ($10,000.00), or both, if the value of the
property is one thousand dollars ($1,000.00) two thousand
five hundred dollars ($2,500.00) or more; or

(iii) A misdemeanor punishable by imprisonment
for not more than six (6) months, a fine of not more than
seven hundred fifty dollars ($750.00), or both, if the
value of the property is less than one thousand dollars ($1,000.00)–two thousand five hundred dollars ($2,500.00).

6-3-404. Shoplifting; altering or removing price tags and markers; penalties.

(a) A person who willfully conceals or takes possession of property offered for sale by a wholesale or retail store without the knowledge or consent of the owner and with intent to convert the property to his own use without paying the purchase price is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the property is one thousand dollars ($1,000.00)–two thousand five hundred dollars ($2,500.00) or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the property is less than one thousand dollars ($1,000.00)–two thousand five hundred dollars ($2,500.00).
(b) A person who alters, defaces, changes or removes a price tag or marker on or about property offered for sale by a wholesale or retail store with intent to obtain the property at less than the marked or listed price is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the difference between the marked or listed price and the amount actually paid is one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00) or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the difference between the marked or listed price and the amount actually paid is less than one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00).

6-3-406. Defrauding an innkeeper; penalties; definitions.
(a) A person who, with intent to defraud, procures food, drink or accommodations at a public establishment without paying in accordance with his agreement with the public establishment is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the food, drink or accommodations is one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00) or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the food, drink or accommodations is less than one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00).

6-3-407. Obtaining property by false pretenses; penalties.
(a) A person who knowingly obtains property from another person by false pretenses with intent to defraud the person is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the property is one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00) or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the property is less than one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00).

6-3-408. Theft of services; penalties.

(a) A person who, with intent to defraud, obtains services which he knows are available only for compensation, without paying for the services is guilty of:
(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the services is **one thousand dollars ($1,000.00) – two thousand five hundred dollars ($2,500.00)** or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the services is less than **one thousand dollars ($1,000.00) – two thousand five hundred dollars ($2,500.00)**.

(b) A person who tampers or otherwise interferes with or connects to, by any means, whether mechanical, electrical, acoustical or otherwise, any cables, wires or other devices used for distribution of services for the purposes of committing a violation of subsection (a) of this section is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the
services is **one thousand dollars ($1,000.00)**—**two thousand five hundred dollars ($2,500.00)** or more; or

(ii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the services is less than **one thousand dollars ($1,000.00)**—**two thousand five hundred dollars ($2,500.00)**.

(c) A person who knowingly manufactures, distributes, sells, or offers for sale, rental or use any decoding or descrambling device or any plan or kit for such device, designed with intent to facilitate an act which constitutes a violation of subsection (a) of this section is guilty of:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the services is **one thousand dollars ($1,000.00)**—**two thousand five hundred dollars ($2,500.00)** or more; or

(ii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than
seven hundred fifty dollars ($750.00), or both, if the value of the services is less than one thousand dollars ($1,000.00)–two thousand five hundred dollars ($2,500.00).

6-3-607. Defrauding creditors; penalties.

(b) Defrauding creditors is:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the mortgagee's or secured party's interest is of a value of one thousand dollars ($1,000.00)–two thousand five hundred dollars ($2,500.00) or more; or

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the mortgagee's or secured party's interest is of a value of less than one thousand dollars ($1,000.00)–two thousand five hundred dollars ($2,500.00).

6-3-702. Fraud by check; penalties.
(b) Fraud by check is:

   (i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the fraudulent check was for a sum of less than one thousand dollars ($1,000.00) to two thousand five hundred dollars ($2,500.00);

   or

   (iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the fraudulent check was for the sum of one thousand dollars ($1,000.00) to two thousand five hundred dollars ($2,500.00), or more, or if the offender is convicted of fraud by check involving two (2) or more checks issued within any sixty (60) day period in the state of Wyoming totaling one thousand dollars ($1,000.00) to at least two thousand five hundred dollars ($2,500.00) or more in the aggregate.

6-3-802. Unlawful use of credit card; penalties.
(b) Unlawful use of a credit card is:

(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the property or services purchased or obtained is less than one thousand dollars ($1,000.00) or two thousand five hundred dollars ($2,500.00); or

(iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if the value of the property or services purchased or obtained in violation of this section within any sixty (60) day period in the state of Wyoming totals one thousand dollars ($1,000.00) or two thousand five hundred dollars ($2,500.00) or more in the aggregate.

6-3-901. Unauthorized use of personal identifying information; penalties; restitution.

(c) Theft of identity is:
(i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if no economic benefit was gained or was attempted to be gained, or if an economic benefit of less than one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00) was gained or was attempted to be gained by the defendant; or

(ii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars ($10,000.00), or both, if an economic benefit of one thousand dollars ($1,000.00) two thousand five hundred dollars ($2,500.00) or more was gained or was attempted to be gained by the defendant.

Section 2. This act is effective July 1, 2018.