

=====
LC000263
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Senators Bell, Mack, Kallman, Quezada, Valverde, and Acosta

Date Introduced: February 26, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Sections 11-41-5, 11-41-6, 11-41-7, 11-41-20 and 11-41-28 of the General Laws in Chapter 11-41 entitled "Theft, Embezzlement, False Pretenses, and Misappropriation" are hereby amended to read as follows:

11-41-5. Penalties for larceny.

(a) Any person convicted of any offense under ~~§§ 11-41-1 — 11-41-6, except § 11-41-3, § 11-41-1, § 11-41-2, § 11-41-4, or § 11-41-20~~ shall be punished as follows, according to the value of the property or money stolen, received, embezzled, fraudulently appropriated, converted, or obtained, received, taken, or secreted by false pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently convert:

(1) If the value is less than or equal to twenty-five dollars (\$25.00), the person shall be punished by up to twenty (20) hours of community service, as ordered by the court, or by a fine of not more than fifty dollars (\$50.00);

(2) If the value exceeds twenty-five dollars (\$25.00), but is less than or equal to two hundred fifty dollars (\$250), for a first offense under this chapter, the person shall be punished by up to twenty (20) hours of community service, as ordered by the court, or by a fine of not more than one hundred dollars (\$100);

(3) If the value exceeds twenty-five dollars (\$25.00), but is less than or equal to two hundred fifty dollars (\$250), for a second or subsequent offense under this chapter, the person shall

1 be punished by imprisonment for not more than three (3) months or by a fine of not more than two
2 hundred fifty dollars (\$250);

3 (4) If the value exceeds two hundred fifty dollars (\$250), but is less than or equal to one
4 thousand dollars (\$1,000), for a first offense under this chapter, the person shall be punished by
5 imprisonment for not more than three (3) months or by a fine of not more than two hundred fifty
6 dollars (\$250);

7 (5) If the value exceeds two hundred fifty dollars (\$250), but is less than or equal to one
8 thousand dollars (\$1,000), for a second or subsequent offense under this chapter, the person shall
9 be punished by imprisonment for not more than six (6) months or by a fine of not more than two
10 hundred fifty dollars (\$250);

11 (6) If the value exceeds one thousand dollars (\$1000), but is less than or equal to one
12 thousand five hundred dollars (\$1,500), the person shall be punished by imprisonment for not more
13 than three hundred sixty-four (364) days or by a fine of not more than five hundred dollars (\$500);

14 ~~(+)(7)~~ If the value exceeds one thousand five hundred dollars (\$1,500), and is less than or
15 equal to five thousand dollars (\$5,000), the person shall be punished by imprisonment for not more
16 than three (3) years or by a fine of not more than one thousand five hundred dollars (\$1,500); ~~or~~
17 ~~both;~~

18 ~~(2)(8)~~ If the value exceeds five thousand dollars (\$5,000), but is less than or equal to ten
19 thousand dollars (\$10,000), the person shall be punished by imprisonment for not more than six (6)
20 years or by a fine of not more than three thousand dollars (\$3,000); ~~or both;~~ and

21 ~~(3)(9)~~ If the value exceeds ten thousand dollars (\$10,000), or if the property is a firearm as
22 defined in § 11-47-5.1, regardless of its value, the person shall be punished by imprisonment for
23 not more than ten (10) years or by a fine of not more than five thousand dollars (\$5,000); or both.
24 ~~If the value does not exceed one thousand five hundred dollars (\$1,500), the person shall be~~
25 ~~punished by imprisonment for not more than one year, or by a fine of not more than five hundred~~
26 ~~dollars (\$500), or both. Any person convicted of an offense under § 11-41-2 who shall be found to~~
27 ~~have knowingly obtained the property from a person under eighteen (18) years of age,~~
28 ~~notwithstanding the value of the property or money, shall be punished by imprisonment for not~~
29 ~~more than ten (10) years or by a fine of not more than five thousand dollars (\$5,000), or both.~~

30 (b) All monetary amounts with regard to the value of the item(s) stolen shall be increased
31 annually to reflect the rate of median income growth as adjusted by the percentage of change in
32 Rhode Island median household income. ~~Any person convicted of an offense in violation of §§ 11-~~
33 ~~41-1—11-41-7, except § 11-41-3, that involves a victim who is a person sixty-five (65) years of~~
34 ~~age or older at the time of the offense and which involves property or money stolen, received,~~

~~embezzled, fraudulently appropriated, converted, or obtained, received, taken, or secreted by false pretenses or otherwise with intent to cheat, defraud, embezzle, or fraudulently convert, with a value in excess of five hundred dollars (\$500), shall be punished by imprisonment for not less than two (2) years but not more than fifteen (15) years or by a fine of not more than five thousand dollars (\$5,000), or both. If the value of the property or money does not exceed five hundred dollars (\$500), the person shall be punished by imprisonment for not less than one year but not more than five (5) years or by a fine of not more than three thousand dollars (\$3,000), or both.~~

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

(d) If a person is convicted of multiple offenses punished under this section for the same act, the penalties for only one of the offenses may be applied.

11-41-6. Attempted larceny.

Whoever attempts to commit larceny by doing any act toward the commission of the offense, but fails in its perpetration, shall, unless otherwise provided, suffer half the ~~same~~ punishment which might have been inflicted if the attempted offense had been committed.

11-41-7. Larceny from the person.

Every person who shall steal ~~or attempt to steal~~ from the person of another any money, goods, chattels, or other article enumerated in § 11-41-1, shall be punished according to § 11-41-5, with the maximum fine or maximum term of imprisonment or community service doubled. Every person who shall attempt to steal from the person of another any money, goods, chattels, or other article enumerated in § 11-41-1, shall be punished according to § 11-41-5 ~~be imprisoned not less than one year nor more than ten (10) years.~~

11-41-20. Shoplifting.

(a) For the purpose of this section:

(1) “Conceal” means to place merchandise in such a manner that it is not visible through ordinary observation.

(2) “Full retail value” means the merchant’s stated price of the merchandise.

(3) “Merchandise” means any items of tangible personal property offered for sale within a retail mercantile establishment.

(4) “Merchant” means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, officer, or director of the owner or operator.

1 (5) "Premises of a retail mercantile establishment" includes the retail mercantile
2 establishment, and common use areas in shopping centers, and all parking areas set aside by a
3 merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons
4 of the retail mercantile establishment.

5 (6) "Retail mercantile establishment" means any place where merchandise is displayed,
6 held, stored or offered for sale to the public.

7 (7) "Shopping cart" means those push carts of the type or types which are commonly
8 provided by grocery stores, drug stores, or other retail mercantile establishments for the use of the
9 public in transporting commodities on or from the premises of the retail mercantile establishment.

10 (b) Whoever shall engage in the following shall be guilty of the crime of shoplifting:

11 (1) Take possession of, carry away, transfer or cause to be carried away or transferred any
12 merchandise displayed, held, stored, or offered for sale by a retail mercantile establishment with
13 the intention of depriving the merchant of all or any part of the full retail value of the merchandise;

14 (2) Alter, transfer, or remove a label, price tag, marking, indicia of value or any other
15 markings which aid in determining value affixed to any merchandise displayed, held, stored or
16 offered for sale in a retail mercantile establishment and attempt to purchase or purchase the
17 merchandise personally or in consort with another at less than the full retail value with the intention
18 of depriving the merchant of all or any part of the full retail value of such merchandise;

19 (3) Transfer any merchandise displayed, held, stored or offered for sale in a retail
20 mercantile establishment from one container to another in an attempt to purchase or purchase the
21 merchandise personally or in consort with another at less than the full retail value with the intention
22 of depriving the merchant of all or any part of the full retail value of the merchandise; or

23 (4) Remove a shopping cart from the premises of a retail mercantile establishment without
24 the consent of the merchant given at the time of the removal with the intention of depriving the
25 merchant of the possession, use, or benefit of the cart.

26 (c) The fact that a person conceals upon his person, among his or her belongings, or upon
27 the person or among the belongings of another merchandise displayed, held, stored or offered for
28 sale in a retail mercantile establishment, for which he or she has not paid the full retail value, and
29 the merchandise has been taken beyond the area within the retail mercantile establishment where
30 payment for it is to be made, shall be prima facie evidence that the person has possessed, carried
31 away, or transferred the merchandise with the intention of depriving the merchant of all or part of
32 the full retail value of the merchandise without paying the full retail value of the merchandise.

33 (d) Any person convicted of the crime of shoplifting ~~shall be guilty of a misdemeanor and~~
34 shall be punished [according to § 11-41-5 or civil restitution to the merchant under § 11-41-28 but](#)

1 not both. If a conviction under this section is punished by civil restitution to the merchant under §
2 11-41-28, the person shall be only guilty of the civil offense of § 11-41-28 and shall not be deemed
3 guilty of a criminal offense under this section for the same act. No person may be convicted of a
4 criminal offense under this section for an act where the merchant has elected to pursue a civil action
5 pursuant to § 11-41-28. ~~by a fine of not less than fifty dollars (\$50.00) or two times the full retail~~
6 ~~value of the merchandise, whichever is greater, but not more than five hundred dollars (\$500), or~~
7 ~~by imprisonment for not more than one year, or both; provided, any person convicted of the crime~~
8 ~~of shoplifting merchandise with a retail value of over one hundred dollars (\$100) who has~~
9 ~~previously been convicted of shoplifting shall be guilty of a felony and shall be punished by a fine~~
10 ~~of not more than five thousand dollars (\$5,000), or by imprisonment of not more than five (5) years,~~
11 ~~or both.~~

12 **11-41-28. Civil restitution for shoplifting.**

13 (a) An adult or emancipated minor who commits or attempts to commit a larceny of goods
14 for sale on the premises of a merchant as set forth in § 11-41-20 shall be civilly liable to the
15 merchant in an amount consisting of:

16 (1) Not more than the retail value of the merchandise if not recovered in merchantable
17 condition; plus

18 (2) A penalty of not more than one hundred dollars (\$100); plus

19 (3) Court costs.

20 (b) A store employee shall be liable in a civil action for larceny of goods for sale on the
21 premises of his or her merchant employer and for larceny of cash from the merchant. The civil
22 liability to the merchant shall be in the amount consisting of:

23 (1) Not more than the value of the goods or cash; plus

24 (2) A penalty assessed of not more than one hundred dollars (\$100); plus

25 (3) Court costs.

26 (c) A conviction or a plea of guilty to the offense of shoplifting ~~is not a prerequisite to the~~
27 shall bar the merchant from bringing ~~of~~ a civil suit, obtaining a judgment, or collecting that
28 judgment under this section.

29 (d) The fact that a merchant may bring action against an individual as provided in this
30 section shall not limit the right of the merchant to demand, orally or in writing, that a person who
31 is liable for damages and penalties under this section remit the damages prior to the consideration
32 of the commencement of any legal action.

33 (e) An action for recovery of damages and penalties under this section may be brought in
34 any court of competent jurisdiction, including the small claims court of a district court, if the total

1 damages do not exceed the jurisdictional limit of the small claims court.

2 (f) The provisions of this section shall not be construed to prohibit or limit any other course
3 of action permitted by law which a merchant may have against a person who unlawfully takes
4 merchandise from the merchant's premise.

5 (g) If the person to whom a written demand is made complies with the demand within
6 twenty (20) days after the receipt of the demand, that person shall be given a written release from
7 further civil liability with respect to the specific act of retail theft; provided, that written demand
8 shall not include penalties.

9 SECTION 2. Sections 11-41-8, 11-41-9, 11-41-10, 11-41-14.1, 11-41-19, 11-41-20.1, 11-
10 41-24, 11-41-25.1, 11-41-29, 11-41-30 and 11-41-33 of the General Laws in Chapter 11-41 entitled
11 "Theft, Embezzlement, False Pretenses, and Misappropriation" are hereby repealed.

12 **~~11-41-8. Stealing of animals.~~**

13 ~~Every person who shall steal or attempt to steal any horse or other domestic animal shall~~
14 ~~be punished by imprisonment for not more than one year or by a fine of not more than five hundred~~
15 ~~dollars (\$500), or both; in case a fine is imposed, one half (1/2) shall inure to the use of the~~
16 ~~complainant.~~

17 **~~11-41-9. Theft of poultry—Receiving stolen poultry.~~**

18 ~~Every person who steals poultry from any building or enclosure in which poultry are kept~~
19 ~~or confined, or whoever shall receive poultry, knowing it to have been stolen, shall be punished by~~
20 ~~imprisonment for not more than one year or by fine of not more than five hundred dollars (\$500),~~
21 ~~or by both. One half (1/2) of any fine imposed under this section shall inure to the complainant.~~

22 **~~11-41-10. Robbing of fish nets and weirs.~~**

23 ~~Every person who shall rob or draw any fishpot, weir, or net belonging to any other person~~
24 ~~shall be fined not exceeding twenty dollars (\$20.00).~~

25 **~~11-41-14.1. Concealment of book or other property while on premises of library—~~**
26 **~~Removal of book or other property from library.~~**

27 ~~(a) Whoever, without authority, with the intention of converting to his or her own or~~
28 ~~another's use, willfully conceals a book or other library property, while still on the premises of the~~
29 ~~library, or willfully or without authority removes any book or other library property from any of~~
30 ~~the libraries or collections set forth in § 11-44-15, shall be deemed guilty of larceny, and upon,~~
31 ~~conviction, shall be punished as provided by § 11-41-5 and shall be ordered to make restitution to~~
32 ~~the library in the full retail value of the books or library property.~~

33 ~~(b) Any person reasonably believed to have committed or to be committing the crime set~~
34 ~~forth in subsection (a) of this section shall be subject to detention by a police officer in accordance~~

1 ~~with § 12-7-1.~~

2 ~~(c) Any employee or agent of a library, eighteen (18) years of age or older, who observes~~
3 ~~any person willfully concealing or attempting to conceal books or other library property on his or~~
4 ~~her person or amongst his or her belongings or upon the person or amongst the belongings of~~
5 ~~another, and leaving the premises with the books or other library property without first having an~~
6 ~~employee or agent record the removal of the property, or injuring or destroying books and other~~
7 ~~library property as set forth in § 11-44-15, may stop the person. Immediately upon stopping the~~
8 ~~person the library employee shall identify himself or herself and state the reason for stopping the~~
9 ~~person. If after the initial confrontation with the person under suspicion, the library employee has~~
10 ~~reasonable grounds to believe that at the time stopped the person was committing or attempting to~~
11 ~~commit the crime of larceny as set forth in this section or the misdemeanor set forth in § 11-44-15,~~
12 ~~the employee or agent may detain the person for a time sufficient to summon a police officer to the~~
13 ~~library. In no case shall the detention be for a period of more than one half (½) hour. The detention~~
14 ~~must be accomplished in a reasonable manner without unreasonable restraints or excessive force,~~
15 ~~and may take place only on the premises of the library where the alleged crime occurred. Library~~
16 ~~premises includes the interior of a building, structure, or other enclosure in which a library facility~~
17 ~~is located, the exterior appurtenances to any building, structure, or enclosure, and the land on which~~
18 ~~the building, structure, or other enclosure is located. Any person so stopped by an employee or~~
19 ~~agent of a library shall promptly identify himself or herself by name and address. Once placed~~
20 ~~under detention, no other information shall be required of the person and no written and/or signed~~
21 ~~statement shall be elicited from him or her until a police officer has taken him or her into custody.~~
22 ~~The employee or agent may however examine, for the purposes of ascertaining whether any book~~
23 ~~or other library property has been properly checked out by the person, the property which the~~
24 ~~employee has reasonable grounds to believe were unlawfully taken in violation of this chapter or~~
25 ~~injured or destroyed in violation of chapter 44 of title 11. Should the person detained refuse to~~
26 ~~surrender the item for examination, a limited and reasonable search may be conducted. Only~~
27 ~~packages, shopping bags, handbags, or other property in the immediate possession of the person~~
28 ~~detained, but not including any clothing worn by the person, may be searched.~~

29 ~~(d) For the purposes of this chapter, "reasonable grounds" includes knowledge that a person~~
30 ~~has concealed or injured a book or other library property while on the premises or is leaving the~~
31 ~~premises with the library property without having an employee of the library record the removal of~~
32 ~~the property from the premises.~~

33 ~~(e) In detaining a person whom the employee or agent of the library has reasonable grounds~~
34 ~~to believe is committing the crime of larceny set forth in this chapter or the misdemeanor set forth~~

1 ~~in chapter 44 of title 11, the employee or agent may use a reasonable amount of non-deadly force~~
2 ~~when and only when that force is necessary to protect himself or herself or to prevent the escape of~~
3 ~~the person being detained or the loss of his or her property.~~

4 (f) ~~In any civil action by a person detained under these sections against the library or~~
5 ~~employee or agent of the library so detaining him or her arising out of the detention, evidence that~~
6 ~~the defendant had reasonable grounds to believe that the plaintiff was at the time in question~~
7 ~~committing or attempting to commit the crime set forth in either section shall create a rebuttable~~
8 ~~presumption that the plaintiff was so committing or attempting to commit the crime.~~

9 **11-41-19. Refusal to return rental battery.**

10 ~~Every person having in his or her possession any electric storage battery, the property of~~
11 ~~another, who neglects or refuses for a period of fourteen (14) days after demand for it shall have~~
12 ~~been made to deliver it to its owner, shall be guilty of a misdemeanor and shall be fined not more~~
13 ~~than twenty dollars (\$20.00), and shall be liable to the owner in an action of the case for the value~~
14 ~~of the electric storage battery at the time it was delivered to the person. Demand for the return of~~
15 ~~an electric storage battery shall be made in writing and shall be served upon the person upon whom~~
16 ~~demand is made by leaving it in his or her hands and possession or by sending it to him or her,~~
17 ~~postage fully prepaid, by registered or certified mail, to the address given by him or her at the time~~
18 ~~he or she received the battery.~~

19 **11-41-20.1. Shoplifting — Use of implements in concealment.**

20 ~~Whoever shall willfully take possession of any goods, wares, or merchandise offered for~~
21 ~~sale by any store or other mercantile establishment, or whoever shall willfully conceal upon his or~~
22 ~~her person, among his belongings, or upon the person or among the belongings of another~~
23 ~~unpurchased goods, wares, or merchandise of any store or other mercantile establishment either~~
24 ~~inside the store or other mercantile establishment or outside, but in its immediate vicinity, with the~~
25 ~~intention of converting it to his or her own use without paying the purchase price, with intention of~~
26 ~~depriving the owner of all or some part of the value, while wearing any article of clothing, or~~
27 ~~carrying any implement of any kind specifically designed or adapted for the purpose of concealing,~~
28 ~~carrying away, or otherwise unlawfully removing any merchandise from a store, knowing the~~
29 ~~clothing or implement to be designed or adapted for that purpose, with the intent to use or employ~~
30 ~~it or allow it be used or employed for an unlawful purpose, shall be guilty of a felony and shall be~~
31 ~~punished by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars~~
32 ~~(\$5,000) or by imprisonment for not more than five (5) years, or both.~~

33 **11-41-24. Habitual offender.**

34 ~~Any person who shall be convicted three (3) times for the crime of shoplifting as defined~~

1 ~~in § 11-41-20 or larceny as defined in § 11-41-1 or receiving stolen goods as defined in § 11-41-2,~~
2 ~~or who shall have been convicted three (3) times of any combination of the crimes described in this~~
3 ~~section, shall also be charged as an habitual offender and, upon conviction, shall be fined not less~~
4 ~~than two hundred dollars (\$200) nor more than five hundred dollars (\$500) and shall be imprisoned~~
5 ~~not less than six (6) months nor more than one year.~~

6 **11-41-25.1. Theft of motor fuel.**

7 ~~Every person who shall leave the premises of a retail motor fuel dealer without paying said~~
8 ~~dealer for fuel taken shall be guilty of larceny. Any person convicted of violating this section, and~~
9 ~~the retail value of the fuel taken was five hundred dollars (\$500) or less, shall be punished by~~
10 ~~imprisonment for not more than one year or a fine of not more than five hundred dollars (\$500) or~~
11 ~~both. Any person convicted of violating this section, and the retail value of the fuel taken exceeds~~
12 ~~five hundred dollars (\$500), shall be punished by imprisonment for not more than ten (10) years or~~
13 ~~by a fine of not more than five thousand dollars (\$5,000) or both.~~

14 **11-41-29. Insurance fraud — Prohibited activities.**

15 ~~(a) When used in this section:~~

16 ~~(1) “Insurer” means, but is not limited to, an authorized insurer, self insurer, re-insurer,~~
17 ~~broker, producer, or any agent of them.~~

18 ~~(2) “Larceny” means the crime of larceny established in this chapter and by common law,~~
19 ~~including the requirement of specific intent.~~

20 ~~(3) “Person” means any individual, partnership, association, firm, corporation, or any other~~
21 ~~legal entity.~~

22 ~~(4) “Statement” means, but is not limited to, any written notice, statement, proof of loss,~~
23 ~~bill of lading, receipt for payment, invoice, account, estimate of property damages, bills for~~
24 ~~services, diagnosis, prescription, hospital or doctor records, x-rays, test result or other evidence of~~
25 ~~loss, injury or expense.~~

26 ~~(b)(1) Every person who, with the intent to deceive, prepares or assists, abets, or solicits~~
27 ~~another to prepare or make any written statement that is intended to be presented to any insurer in~~
28 ~~connection with, or in support of, any application for the issuance of an insurance policy, knowing~~
29 ~~that the statement contains any false information material to the application, shall be guilty of a~~
30 ~~misdemeanor, and, upon conviction, shall be punished by a fine of not more than one thousand~~
31 ~~dollars (\$1,000), or by imprisonment for a period of not more than one year, or both.~~

32 ~~(2) Every person who, with the intent to deceive, prepares or assists, abets, or solicits~~
33 ~~another to prepare or make any written statement, including computer-generated documents, that~~
34 ~~is intended to be presented to any insurer in connection with, or in support of, any claim for payment~~

1 ~~or other benefit pursuant to an insurance policy, knowing that the statement contains any false~~
2 ~~information material to the claim, shall be guilty of a misdemeanor, and, upon conviction, shall be~~
3 ~~punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for a period~~
4 ~~of not more than one year, or both.~~

5 ~~(3) Every person who, with the intent to deceive, presents or causes to be presented to any~~
6 ~~insurer any written statement, including computer generated documents, as part of or in support of~~
7 ~~a claim for payment or other benefit pursuant to an insurance policy, knowing that the statement~~
8 ~~contains false information material to the claim, shall be deemed guilty of larceny.~~

9 ~~(4) Every person who, with the intent to deceive, presents or causes to be presented to any~~
10 ~~claimant any written statement, including computer generated documents, as part of or in support~~
11 ~~of its contest of any claim for payment or other benefit pursuant to an insurance policy, knowing~~
12 ~~that the statement contains any false information material to the claim, shall be deemed guilty of~~
13 ~~larceny.~~

14 **~~11-41-30. Fraud as to health insurer.~~**

15 ~~Every person who shall obtain health care services from a provider of those services by~~
16 ~~any false pretense or pretenses with intent to cheat or defraud a health care services insurer or a~~
17 ~~service corporation organized under chapters 18, 19, 20, 20.1, 20.2 or 41 of title 27 shall be deemed~~
18 ~~guilty of larceny.~~

19 **~~11-41-33. Larceny of farm products.~~**

20 ~~(a) Definitions. As used in this section:~~

21 ~~(1) "Farm product" means goods used in a farming operation, including, but not limited to:~~

22 ~~(i) Crops grown, growing, or to be grown, including, but not limited to, crops produced on~~
23 ~~trees, vines, and bushes, aquatic goods produced in aquacultural operations, and horticultural and~~
24 ~~forestry products;~~

25 ~~(ii) Livestock, born or unborn, including aquatic goods produced in aquacultural~~
26 ~~operations;~~

27 ~~(iii) Supplies used or produced in a farming operation; or~~

28 ~~(iv) Products of crops or livestock in their unmanufactured states.~~

29 ~~(2) "Farming operation" means the commercial raising, cultivating, propagating, fattening,~~
30 ~~grazing, or any other farming, livestock, or aquacultural, horticultural or forestry operation,~~
31 ~~whereby the operation is eligible to be classified as a farm pursuant to the provisions of chapter 27~~
32 ~~of title 44.~~

33 ~~(3) "Value" means credible evidence that establishes the worth of the farm product on the~~
34 ~~day of the theft in comparison with a farm product of the same variety and weight.~~

1 ~~(b) It shall be unlawful for any person to steal a farm product that is the property of a~~
2 ~~farming operation, from the farm itself, or the place where the farm product is sold.~~

3 ~~(c) Any person found in violation of this section shall be guilty of a felony if the wholesale~~
4 ~~value of the farm product is two hundred and fifty dollars (\$250) or more, and, upon conviction,~~
5 ~~shall be subject to imprisonment of not more than five (5) years, a fine of not more than five~~
6 ~~thousand dollars (\$5,000), or both.~~

7 ~~(d) Any person found in violation of this section shall be guilty of a misdemeanor if the~~
8 ~~wholesale value of the farm product is less than two hundred and fifty dollars (\$250) and, upon~~
9 ~~conviction, shall be subject to imprisonment of no more than one year, a fine of not more than one~~
10 ~~thousand dollars (\$1,000), or both.~~

11 SECTION 3. Section 40-6-8.1 of the General Laws in Chapter 40-6 entitled "Public
12 Assistance Act" is hereby amended to read as follows:

13 **40-6-8.1. Prohibited uses of electronic benefit transfer cards.**

14 (a) The department shall adopt rules prohibiting purchases with cash assistance funds held
15 on electronic benefit transfer cards in venues as described in this section.

16 ~~(b) The department is hereby empowered, and shall maintain policies and practices as~~
17 ~~necessary, to prohibit cash assistance provided under this chapter from being used in any electronic~~
18 ~~benefit transfer transaction at:~~

19 The following establishments shall not be permitted to accept electronic benefit transfer
20 cards or allow cash withdrawals from electronic benefit transfer cards on their premises:

21 (1) Liquor stores (holding solely a retailers class A license);

22 (2) Casinos or at facilities that conduct casino gaming as defined in chapter 61.2 of title 42;

23 (3) Gambling facilities as defined by chapter 9 of title 41;

24 (4) Retail establishments that provide adult-oriented entertainment in which performers
25 disrobe or perform in an unclothed state for entertainment as defined in the Social Security Act, 42
26 U.S.C. § 608(a).

27 ~~(c) Eligible recipients of direct cash assistance, who use cash assistance funds held on~~
28 ~~electronic benefit transfer cards in such establishments, shall, for a first offense, have their cash~~
29 ~~assistance reduced for one month by the portion of the family's benefit attributable to one parent,~~
30 ~~in accordance with rules and regulations promulgated by the department; for a second offense, have~~
31 ~~their cash assistance reduced for three (3) months by the portion of the family's benefit attributable~~
32 ~~to one parent, in accordance with rules and regulations promulgated by the department; and for a~~
33 ~~third offense, shall be disqualified from the direct cash assistance program for a period of one year.~~

34 It shall be the responsibility of the establishment to prevent the usage of electronic benefit

1 transfer cards. No recipient of cash assistance may be punished for utilizing an electronic benefit
2 transfer card at an establishment listed in subsection (b) of this section.

3 (d) A store owner who commits fraud against the department of human services by
4 violating § 11-41-34, and who also possesses a license to sell alcoholic beverages under chapter 7
5 of title 3, shall be referred to the appropriate licensing authority for possible disciplinary action
6 pursuant to title 3.

7 (e) A store owner who commits fraud against the department of human services by
8 violating § 11-41-34, and who also possesses a license to sell lottery tickets under chapter 61 of
9 title 42, shall be referred to the director of the state lottery for possible disciplinary action.

10 (f) The operator of an automated teller machine (ATM) located on the premises of an
11 establishment listed in subsection (b) of this section shall not permit withdrawals from electronic
12 benefit transfer cards. An automated teller machine (ATM) operator that permits the withdrawal
13 of funds from an automated teller machine (ATM) located on the premises of an establishment
14 listed in subsection (b) of this section shall be civilly liable to the holder of the electronic benefit
15 card for twice the amount of the withdrawal, plus one hundred dollars (\$100), plus court costs.

16 SECTION 4. Sections 40-6-15 and 40-6-16 of the General Laws in Chapter 40-6 entitled
17 "Public Assistance Act" are hereby repealed.

18 ~~**40-6-15. Fraudulently obtaining assistance.**~~

19 ~~Any person who by any fraudulent device obtains, or attempts to obtain, or aids or abets~~
20 ~~any person to obtain, public assistance, pursuant to this chapter, to which he or she is not entitled,~~
21 ~~or who willfully fails to report income or resources as provided in this chapter, shall be guilty of~~
22 ~~larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five (5)~~
23 ~~years or by a fine of not more than one thousand dollars (\$1,000), or both, if the value of the public~~
24 ~~assistance to which he or she is not entitled shall exceed five hundred dollars (\$500); or by~~
25 ~~imprisonment by less than one year or by a fine of not more than five hundred dollars (\$500), or~~
26 ~~by both, if the value of the public assistance to which he or she is not entitled shall not exceed five~~
27 ~~hundred dollars (\$500).~~

28 ~~**40-6-16. Fraudulent use of food stamps.**~~

29 ~~(a) Any person who by any fraudulent device obtains, or attempts to obtain, or aids or abets~~
30 ~~any person to obtain, food stamps issued pursuant to the Food Stamp Act of 1964, as amended, 7~~
31 ~~U.S.C. § 2011 et seq., shall be guilty of larceny, and upon conviction thereof, shall be punished by~~
32 ~~imprisonment of not more than five (5) years or by fine of not more than one thousand dollars~~
33 ~~(\$1,000), or both, if the value of the food stamps to which one is not entitled shall exceed five~~
34 ~~hundred dollars (\$500); or by imprisonment by less than one year or by a fine of not more than five~~

1 ~~hundred dollars (\$500), or both, if the value of the food stamps to which one is not entitled, shall~~
2 ~~not exceed five hundred dollars (\$500).~~
3 ~~(b) Upon conviction of the felony or misdemeanor, the individual shall be ineligible to~~
4 ~~participate in the food stamp program for not less than six (6) and not more than twenty four (24)~~
5 ~~months, as determined by the court; provided, that the disqualification applies only to the individual~~
6 ~~so convicted and does not render the entire household ineligible for the program.~~

7 SECTION 5. This act shall take effect upon passage.

=====
LC000263
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE
PRETENSES, AND MISAPPROPRIATION

1 This act would provide for tiered and reduced penalties for the offenses of larceny, and
2 shoplifting. This act would further provide that the offense of shoplifting, under two hundred fifty
3 dollars (\$250), for a first offense, or under twenty-five dollars (\$25.00), for a second or third
4 offense, would no longer be classified as a misdemeanor. This act would also repeal the habitual
5 offender mandatory minimum statute, certain specified larceny offenses, and would also repeal
6 criminal offenses involving insurance fraud, health care fraud, fraud involving obtaining public
7 assistance and fraudulent use of food stamps.

8 This act would take effect upon passage.

=====
LC000263
=====