

HOUSE BILL 369 AN ACT RELATING TO CRIMES AND PUNISHMENTS.

KRS 434.650 IS AMENDED TO READ AS FOLLOWS:

- (1) A person who, with intent to defraud the issuer, a participating party, a person, or organization providing money, goods, services, or anything else of value, or any other person:
 - (a) Uses for the purpose of obtaining money, goods, services, or anything else of value a credit or debit card obtained or retained in violation of KRS 434.570 to 434.650, or any of such sections, or a credit or debit card which he knows is forged, expired, or revoked; or
 - (b) Obtains money, goods, services, or anything else of value by representing without consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued; or
 - (c) Uses a credit or debit card obtained or retained in violation of KRS 434.570 to 434.650, or any of such sections, or a credit or debit card which he knows is forged, expired, or revoked, as authority or identification to cash or attempts to cash or otherwise negotiate or transfer a check or other order for payment of money, whether or not negotiable, if said negotiation or transfer or attempt to negotiate or transfer would constitute a crime under KRS 514.040 or 516.030; or
 - (d) Deposits into his account or any account, via an automated banking device, a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other such document not his lawful or legal property, is guilty of a Class A misdemeanor, if the value of all money, goods, services, or other things of value obtained in violation of this section over a six (6) month period is less than five hundred dollars (\$500), ~~does not exceed one hundred dollars (\$100) in any six (6) month period; and is guilty of~~ a Class D felony if such value is five hundred dollars (\$500) or more but is less than ten thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars (\$10,000) or more, ~~exceeds one hundred dollars (\$100) in any six (6) month period~~.
- (2) A person who receives money, goods, services, or anything else of value as a result of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other such document having been deposited into an account via an automated banking device, knowing at the time of receipt of the money, goods, services, or item of value that the document so deposited was false, fictitious, forged, altered, or counterfeit or that the above described deposited item was not his lawful or legal property, violates this subsection and is subject to the penalties set forth in subsection (1) of this section.
- (3) Knowledge of revocation shall be presumed to have been received by a cardholder four (4) days after it has been mailed to him at the address set forth on the credit or debit card or at his last known address by registered or certified mail, return receipt requested, and, if the address is more than five hundred (500) miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada, notice shall be presumed to have been received ten (10) days after mailing by registered or certified mail.

KRS 434.655 IS AMENDED TO READ AS FOLLOWS:

- (1) A cardholder who fraudulently uses a credit or debit card to obtain money, goods, services, or anything else of value after said cardholder has reported to the issuer said credit or debit card lost, as stolen, or not received is deemed to have used said credit or debit card in order to defraud the issuer; and said cardholder shall be guilty of a Class A misdemeanor, ~~is subject~~

to the penalties set forth in subsection (1) of KRS 434.730] if the value of all money, goods, services, or other things of value furnished in violation of this section over a six (6) month period is less than five hundred dollars (\$500), a Class D felony does not exceed three hundred dollars (\$300) in any six (6) month period; and is subject to the penalties set forth in subsection (2) of KRS 434.730.] if such value is five hundred dollars (\$500) or more but is less than ten thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars (\$10,000) or more is three hundred dollars (\$300) or more in any six (6) month period].

- (2) A cardholder who, after using a credit or debit card, fraudulently reports to the issuer that such usage or transaction was not made by said cardholder, or that said credit or debit card was lost, stolen, or not received at the time of such usage or transaction, in order to defraud the issuer, the cardholder, or any other person in connection with said usage, shall be guilty of a Class A misdemeanor is subject to the penalties set forth in subsection (1) of KRS 434.730.] if the value of all money, goods, services, or other things of value furnished in violation of this section over a six (6) month period is less than five hundred dollars (\$500), a Class D felony if such value is five hundred dollars (\$500) or more but is less than ten thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars (\$10,000) or more does not exceed three hundred dollars (\$300) in any six (6) month period; and is subject to the penalties set forth in subsection (2) of KRS 434.730 if such value is three hundred dollars (\$300) or more in any six (6) month period].

KRS 434.660 IS AMENDED TO READ AS FOLLOWS:

A person, business organization, or financial institution who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit or debit card by a cardholder, or any agent or employee of such person, business organization, or financial institution, who, with intent to defraud the issuer, a participating party, the cardholder, or any other person, furnishes money, goods, or services or anything else of value upon presentation of a credit or debit card obtained or retained in violation of KRS 434.570 to 434.650, or any of such sections, or a credit or debit card which he knows is forged, expired, or revoked is guilty of a Class A misdemeanor, if the value of all money, goods, services, or other things of value furnished in violation of this section over a six (6) month period is less than five hundred dollars (\$500) does not exceed one hundred dollars (\$100) in any six (6) month period; and is guilty of a Class D felony.] if such value is five hundred dollars (\$500) or more but is less than ten thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars (\$10,000) or more exceeds one hundred dollars (\$100) in any six (6) month period].

KRS 434.670 IS AMENDED TO READ AS FOLLOWS:

A person, business organization, or financial institution who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit or debit card by a cardholder, or any agent or employee of such person, business organization, or financial institution, who, with intent to defraud the issuer, a participating party, the cardholder, or any other person, fails to furnish money, goods, services, or anything else of value which he represents in writing to the issuer that he has furnished over a six (6) month period is guilty of a Class A misdemeanor.] if the difference between the value of all money, goods, services, or anything else of value actually furnished and the value represented to the issuer to have been furnished is less than five hundred dollars (\$500) does not exceed one hundred dollars (\$100) in any six (6) month period;

and is guilty of a Class D felony *if such value is five hundred dollars (\$500) or more but is less than ten thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars (\$10,000) or more.*

KRS 434.690 IS AMENDED TO READ AS FOLLOWS:

- (1) A person who receives money, goods, services, or anything else of value obtained in violation of KRS 434.650, knowing or believing that it was so obtained is guilty of a Class A misdemeanor, if the value of all money, goods, services, and other things of value received in violation of this section *over a six (6) month period is less than five hundred dollars (\$500)*, ~~does not exceed one hundred dollars (\$100) in any six (6) month period; and is guilty of a Class D felony;~~ *if such value is five hundred dollars (\$500) or more but is less than ten thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars (\$10,000) or more* ~~exceeds one hundred dollars (\$100) in any six (6) month period~~.
- (2) A person who possesses three (3) or more tickets for airline, railroad, steamship, or other transportation service, which tickets were obtained by the use of a stolen or forged credit or debit card is presumed to know that such tickets were so obtained.

KRS 514.030 IS AMENDED TO READ AS FOLLOWS:

- ...
- (2) Theft by unlawful taking or disposition is a Class A misdemeanor unless the value of the property is *five hundred dollars (\$500)* ~~three hundred dollars (\$300)~~ or more, in which case it is a Class D felony; or unless:
 - (a) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony; ~~or~~
 - (b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense; *or*
 - (c) The value of the property is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.*

KRS 514.040 IS AMENDED TO READ AS FOLLOWS:

- ...
- (8) Theft by deception is a Class A misdemeanor unless the value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is:
 - (a) Five hundred dollars (\$500)* ~~three hundred dollars (\$300)~~ or more *but less than ten thousand dollars (\$10,000)*, in which case it is a Class D felony; *or*
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.*

KRS 514.050 IS AMENDED TO READ AS FOLLOWS:

- (1) Except as provided in KRS 365.710, a person is guilty of theft of property lost, mislaid, or delivered by mistake when:
 - (a) He comes into control of the property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient; and
 - (b) With intent to deprive the owner thereof, he fails to take reasonable measures to restore

- the property to a person entitled to have it.
- (2) Theft of property lost, mislaid, or delivered by mistake is a Class A misdemeanor unless the value of the property is:
- (a) Five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony; or
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

KRS 514.060 IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of theft of services when:

...

- (4) Theft of services is a Class A misdemeanor unless the value of the service is:
- (a) Five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony; or
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

KRS 514.070 IS AMENDED TO READ AS FOLLOWS:

- (1) A person is guilty of theft by failure to make required disposition of property received when:

...

- (4) Theft by failure to make required disposition of property received is a Class A misdemeanor unless the value of the property is:
- (a) Five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony; or
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- (5) No person shall be convicted of theft by failure to make required disposition of property received when he or she has also been convicted of a violation of KRS 522.050 arising out of the same incident.

KRS 514.080 IS AMENDED TO READ AS FOLLOWS:

...

- (3) Theft by extortion is a Class A misdemeanor unless the value of the property obtained is:
- (a) Five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony; or
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

KRS 514.090 IS AMENDED TO READ AS FOLLOWS:

...

- (3) Theft of labor already rendered is a Class A misdemeanor unless the value of the labor rendered is:
- (a) Five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony; or
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

KRS 514.110 IS AMENDED TO READ AS FOLLOWS:

...

- (1) A person is guilty of receiving stolen property when he receives, retains, or disposes of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.
- (2) The possession by any person of any recently stolen movable property shall be prima facie evidence that such person knew such property was stolen.
- (3) Receiving stolen property is a Class A misdemeanor unless:
 - (a) The value of the property is five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (b) The value of the property is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony;~~or unless:~~
 - ~~(c)~~(a) The property is a firearm, regardless of the value of the firearm, in which case it is a Class D felony; or
 - ~~(d)~~(b) The property is anhydrous ammonia, regardless of the value of the ammonia, in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense.

KRS 514.120 IS AMENDED TO READ AS FOLLOWS:

...

- (4) Obscuring the identity of a machine or other property is a Class A misdemeanor unless the value of the property is:
 - (a) Five hundred dollars (\$500)~~three hundred dollars (\$300)~~ or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony; or
 - (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.