

HOUSE BILL NO. HB0265

Property offenses.

Sponsored by: Representative(s) Clem and Pelkey and
Senator(s) Case

A BILL

for

1 AN ACT relating to offenses against property; modifying
2 requisite property values for specified felony offenses;
3 creating new high misdemeanor penalties for property offenses
4 as specified; increasing a civil penalty for shoplifting; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 1-1-127(a)(ii), 6-3-201(b)(iii) and by
10 creating a new paragraph (iv), 6-3-402(c)(i) and by creating
11 a new paragraph (iv), 6-3-403(a)(i) and by creating a new
12 paragraph (iv), 6-3-404(a)(i), by creating a new paragraph
13 (iv), (b)(i) and by creating a new paragraph (iv),
14 6-3-406(a)(i) and by creating a new paragraph (iv),
15 6-3-407(a)(i) and by creating a new paragraph (iv),

1 6-3-408(a)(i), by creating a new paragraph (iv), (b)(i), by
2 creating a new paragraph (iii), (c)(i) and by creating a new
3 paragraph (iii), 6-3-607(b)(i) and by creating a new
4 paragraph (iv), 6-3-702(b)(i), (iii) and by creating a new
5 paragraph (iv), 6-3-802(b)(i), (iii) and by creating a new
6 paragraph (iv) and 6-3-901(c)(i), (ii) and by creating a new
7 paragraph (iii) are amended to read:

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9 **1-1-127. Civil liability for shoplifting.**

10

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

14

15 (ii) A civil liability of twice the amount of the
16 full marked or listed price of the property but not less than
17 fifty dollars (\$50.00) nor more than ~~one thousand dollars~~
18 ~~(\$1,000.00)~~ two thousand dollars (\$2,000.00); plus

19

20 **6-3-201. Property destruction and defacement; grading;**
21 **penalties; aggregated costs or values.**

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23 (b) Property destruction and defacement is:

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(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 dollars (\$2,000.00) or more ~~i-~~

(iv) A high misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than five thousand dollars (\$5,000.00), or both, if the cost of restoring injured property or the value of the property if destroyed is more than one thousand dollars (\$1,000.00) but less than two thousand dollars (\$2,000.00).

6-3-402. Theft; penalties.

(c) Theft 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 value of the property

1 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
2 (\$2,000.00) or more; ~~or~~

3

4 (iv) A high misdemeanor punishable by imprisonment
5 for not more than one (1) year, a fine of not more than five
6 thousand dollars (\$5,000.00), or both, if the value of the
7 property is more than one thousand dollars (\$1,000.00) but
8 less than two thousand dollars (\$2,000.00).

9

10 **6-3-403. Wrongful taking or disposing of property;**
11 **venue of indictment.**

12

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

16

17 (i) A felony punishable by imprisonment for not
18 more than ten (10) years, a fine of not more than ten thousand
19 dollars (\$10,000.00), or both, if the value of the property
20 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
21 (\$2,000.00) or more; ~~or~~

22

1 (iv) A high misdemeanor punishable by imprisonment
2 for not more than one (1) year, a fine of not more than five
3 thousand dollars (\$5,000.00), or both, if the value of the
4 property is more than one thousand dollars (\$1,000.00) but
5 less than two thousand dollars (\$2,000.00).

6
7 **6-3-404. Shoplifting; altering or removing price tags**
8 **and markers; penalties.**

9
10 (a) A person who willfully conceals or takes possession
11 of property offered for sale by a wholesale or retail store
12 without the knowledge or consent of the owner and with intent
13 to convert the property to his own use without paying the
14 purchase price is guilty of:

15
16 (i) A felony punishable by imprisonment for not
17 more than ten (10) years, a fine of not more than ten thousand
18 dollars (\$10,000.00), or both, if the value of the property
19 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
20 (\$2,000.00) or more; ~~or~~

21
22 (iv) A high misdemeanor punishable by imprisonment
23 for not more than one (1) year, a fine of not more than five

1 thousand dollars (\$5,000.00), or both, if the value of the
2 property is more than one thousand dollars (\$1,000.00) but
3 less than two thousand dollars (\$2,000.00).

4

5 (b) A person who alters, defaces, changes or removes a
6 price tag or marker on or about property offered for sale by
7 a wholesale or retail store with intent to obtain the property
8 at less than the marked or listed price is guilty of:

9

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

16

17 (iv) A high misdemeanor punishable by imprisonment
18 for not more than one (1) year, a fine of not more than five
19 thousand dollars (\$5,000.00), or both, if the difference
20 between the marked or listed price and the amount actually
21 paid is more than one thousand dollars (\$1,000.00) but less
22 than two thousand dollars (\$2,000.00).

23

1 **6-3-406. Defrauding an innkeeper; penalties;**
2 **definitions.**

3
4 (a) A person who, with intent to defraud, procures
5 food, drink or accommodations at a public establishment
6 without paying in accordance with his agreement with the
7 public establishment is guilty of:

8
9 (i) A felony punishable by imprisonment for not
10 more than ten (10) years, a fine of not more than ten thousand
11 dollars (\$10,000.00), or both, if the value of the food, drink
12 or accommodations is ~~one thousand dollars (\$1,000.00)~~ two
13 thousand dollars (\$2,000.00) or more; ~~or~~

14
15 (iv) A high misdemeanor punishable by imprisonment
16 for not more than one (1) year, a fine of not more than five
17 thousand dollars (\$5,000.00), or both, if the value of the
18 food, drink or accommodations is more than one thousand
19 dollars (\$1,000.00) but less than two thousand dollars
20 (\$2,000.00).

21
22 **6-3-407. Obtaining property by false pretenses;**
23 **penalties.**

1

2 (a) A person who knowingly obtains property from
3 another person by false pretenses with intent to defraud the
4 person is guilty of:

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6 (i) A felony punishable by imprisonment for not
7 more than ten (10) years, a fine of not more than ten thousand
8 dollars (\$10,000.00), or both, if the value of the property
9 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
10 (\$2,000.00) or more; ~~or~~

11

12 (iv) A high misdemeanor punishable by imprisonment
13 for not more than one (1) year, a fine of not more than five
14 thousand dollars (\$5,000.00), or both, if the value of the
15 property is more than one thousand dollars (\$1,000.00) but
16 less than two thousand dollars (\$2,000.00).

17

18 **6-3-408. Theft of services; penalties.**

19

20 (a) A person who, with intent to defraud, obtains
21 services which he knows are available only for compensation,
22 without paying for the services is guilty of:

23

1 (i) A felony punishable by imprisonment for not
2 more than ten (10) years, a fine of not more than ten thousand
3 dollars (\$10,000.00), or both, if the value of the services
4 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
5 (\$2,000.00) or more; ~~or~~

6
7 (iv) A high misdemeanor punishable by imprisonment
8 for not more than one (1) year, a fine of not more than five
9 thousand dollars (\$5,000.00), or both, if the value of the
10 services is more than one thousand dollars (\$1,000.00) but
11 less than two thousand dollars (\$2,000.00).

12
13 (b) A person who tampers or otherwise interferes with
14 or connects to, by any means, whether mechanical, electrical,
15 acoustical or otherwise, any cables, wires or other devices
16 used for distribution of services for the purposes of
17 committing a violation of subsection (a) of this section is
18 guilty of:

19
20 (i) A felony punishable by imprisonment for not
21 more than ten (10) years, a fine of not more than ten thousand
22 dollars (\$10,000.00), or both, if the value of the services

1 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
 2 (\$2,000.00) or more; ~~or~~

3

4 (iii) A high misdemeanor punishable by
 5 imprisonment for not more than one (1) year, a fine of not
 6 more than five thousand dollars (\$5,000.00), or both, if the
 7 value of the services is more than one thousand dollars
 8 (\$1,000.00) but less than two thousand dollars (\$2,000.00).

9

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

15

16 (i) A felony punishable by imprisonment for not
 17 more than ten (10) years, a fine of not more than ten thousand
 18 dollars (\$10,000.00), or both, if the value of the services
 19 is ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
 20 (\$2,000.00) or more; ~~or~~

21

22 (iii) A high misdemeanor punishable by
 23 imprisonment for not more than one (1) year, a fine of not

1 more than five thousand dollars (\$5,000.00), or both, if the
2 value of the services is more than one thousand dollars
3 (\$1,000.00) but less than two thousand dollars (\$2,000.00).

4
5 **6-3-607. Defrauding creditors; penalties.**

6
7 (b) Defrauding creditors is:

8
9 (i) A felony punishable by imprisonment for not
10 more than ten (10) years, a fine of not more than ten thousand
11 dollars (\$10,000.00), or both, if the mortgagee's or secured
12 party's interest is of a value of ~~one thousand dollars~~
13 ~~(\$1,000.00)~~ two thousand dollars (\$2,000.00) or more; ~~or~~

14
15 (iv) A high misdemeanor punishable by imprisonment
16 for not more than one (1) year, a fine of not more than five
17 thousand dollars (\$5,000.00), or both, if the mortgagee's or
18 secured party's interest is of a value of more than one
19 thousand dollars (\$1,000.00) but less than two thousand
20 dollars (\$2,000.00).

21
22 **6-3-702. Fraud by check; penalties.**

1 (b) Fraud by check is:

2

3 (i) A misdemeanor punishable by imprisonment for
4 not more than six (6) months, a fine of not more than seven
5 hundred fifty dollars (\$750.00), or both, if the fraudulent
6 check was for a sum of less than one thousand dollars
7 (\$1,000.00); ~~or~~

8

9 (iii) A felony punishable by imprisonment for not
10 more than ten (10) years, a fine of not more than ten thousand
11 dollars (\$10,000.00), or both, if the fraudulent check was
12 for the sum of ~~one thousand dollars (\$1,000.00)~~ two thousand
13 dollars (\$2,000.00) or more, or if the offender is convicted
14 of fraud by check involving two (2) or more checks issued
15 within any sixty (60) day period in the state of Wyoming
16 totaling ~~one thousand dollars (\$1,000.00)~~ two thousand
17 dollars (\$2,000.00) or more in the aggregate; ~~or~~

18

19 (iv) A high misdemeanor punishable by imprisonment
20 for not more than one (1) year, a fine of not more than five
21 thousand dollars (\$5,000.00), or both, if the fraudulent
22 check was for a sum of more than one thousand dollars
23 (\$1,000.00) but less than two thousand dollars (\$2,000.00).

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2 **6-3-802. Unlawful use of credit card; penalties.**

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4 (b) Unlawful use of a credit card is:

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

11

12 (iii) A felony punishable by imprisonment for not
13 more than ten (10) years, a fine of not more than ten thousand
14 dollars (\$10,000.00), or both, if the value of the property
15 or services purchased or obtained in violation of this section
16 within any sixty (60) day period in the state of Wyoming
17 totals ~~one thousand dollars (\$1,000.00)~~ two thousand dollars
18 (\$2,000.00) or more in the aggregate; ~~i-~~

19

20 (iv) A high misdemeanor punishable by imprisonment
21 for not more than one (1) year, a fine of not more than five
22 thousand dollars (\$5,000.00), or both, if the value of the
23 property or services purchased or obtained is more than one

1 thousand dollars (\$1,000.00) but less than two thousand
2 dollars (\$2,000.00).

3

4 **6-3-901. Unauthorized use of personal identifying**
5 **information; penalties; restitution.**

6

7 (c) Theft of identity is:

8

9 (i) A misdemeanor punishable by imprisonment for
10 not more than six (6) months, a fine of not more than seven
11 hundred fifty dollars (\$750.00), or both, if no economic
12 benefit was gained or was attempted to be gained, or if an
13 economic benefit of less than one thousand dollars
14 (\$1,000.00) was gained or was attempted to be gained by the
15 defendant; ~~or~~

16

17 (ii) A felony punishable by imprisonment for not
18 more than ten (10) years, a fine of not more than ten thousand
19 dollars (\$10,000.00), or both, if an economic benefit of ~~one~~
20 ~~thousand dollars (\$1,000.00)~~ two thousand dollars (\$2,000.00)
21 or more was gained or was attempted to be gained by the
22 defendant. ~~i.~~

23

1 (iii) A high misdemeanor punishable by
2 imprisonment for not more than one (1) year, a fine of not
3 more than five thousand dollars (\$5,000.00), or both, if an
4 economic benefit of more than one thousand dollars
5 (\$1,000.00) but less than two thousand dollars (\$2,000.00)
6 was gained or was attempted to be gained by the defendant.

7

8 **Section 2.** This act is effective July 1, 2019.

9

10 (END)