

**CHAPTER 41****( HB 329 )**

AN ACT relating to securities fraud.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 292.991 is amended to read as follows:

- (1) Any person who willfully violates any provision of ***KRS 292.330, 292.332, 292.340, 292.450, or 292.500*** ~~this chapter except KRS 292.440~~, or who willfully violates KRS 292.440 knowing the statement made to be false or misleading in any material respect, shall be guilty of a Class D felony.
- (2) ***Any person who willfully violates any provision of KRS 292.320 shall be guilty of:***
  - (a) ***If the value of the fraud is equal to or exceeds one million dollars (\$1,000,000), a Class B felony;***
  - (b) ***If the value of the fraud is equal to or exceeds ten thousand dollars (\$10,000) but is less than one million dollars (\$1,000,000), a Class C felony; or***
  - (c) ***If the value of the fraud is less than ten thousand dollars (\$10,000), a Class D Felony.***
- (3) Any person who willfully violates any rule or order of the commissioner, authorized under this chapter, shall be guilty of a Class A misdemeanor; but no person may be imprisoned for violation of any rule or order of which that person did not have actual knowledge.
- ~~(4)(3)~~ The commissioner may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the Attorney General or the proper prosecuting authority, who may in his or her discretion, with or without such a reference, institute the appropriate criminal proceedings under this chapter.
- ~~(5)(4)~~ Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

**Signed by Governor March 20, 2017.**