

1 AN ACT relating to crimes and punishments.

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

3 ➔Section 1. KRS 186.990 is amended to read as follows:

- 4 (1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040,
5 186.045(4), 186.050, 186.056, 186.060, 186.073, 186.110, 186.130, 186.140,
6 186.160, 186.170, 186.180(1) to (4)(a), 186.210(1), 186.230, or KRS 186.655 to
7 186.680 shall be guilty of a violation.
- 8 (2) Any person who violates any of the provisions of KRS 138.465, 186.072, 186.190,
9 186.200, or 186.210(2) shall be guilty of a Class A misdemeanor.
- 10 (3) A person who violates the provisions of KRS 186.450(4), (5), or (6) or 186.452(3),
11 (4), or (5) shall be guilty of a violation. A person who violates any of the other
12 provisions of KRS 186.400 to 186.640 shall be guilty of a Class B misdemeanor.
- 13 (4) Any clerk or judge failing to comply with KRS 186.550(1) shall be guilty of a
14 violation.
- 15 (5) If it appears to the satisfaction of the trial court that any offender under KRS
16 186.400 to 186.640 has a driver's license but in good faith failed to have it on his or
17 her person or misplaced or lost it, the court may, in its discretion, dismiss the
18 charges against the defendant without fine, imprisonment, or cost.
- 19 (6) Any person who steals a motor vehicle registration plate or renewal decal shall be
20 guilty of a Class D felony. Displaying a canceled registration plate on a motor
21 vehicle shall be prima facie evidence of guilt under this section.
- 22 (7) Any person who violates the provisions of KRS 186.1911 shall be guilty of a Class
23 A misdemeanor.
- 24 (8) Any person who makes a false affidavit to secure a license plate under KRS 186.172
25 shall be guilty of a Class A misdemeanor.
- 26 (9) Any person who violates any provision of KRS 186.070 or 186.150 shall be guilty of
27 a Class A misdemeanor.

- 1 (10) Any person who operates a vehicle bearing a dealer's plate upon the highways of this
 2 Commonwealth with intent to evade the motor vehicle usage tax or registration fee
 3 shall be guilty of a Class A misdemeanor for the first offense and a Class D felony
 4 for each subsequent offense.
- 5 (11) Any person, other than a licensed dealer or manufacturer, who procures a dealer's
 6 plate with intent to evade the motor vehicle usage tax or registration fee shall be
 7 guilty of a Class D felony.
- 8 (12) Any resident who unlawfully registers, titles, or licenses a motor vehicle in any state
 9 other than Kentucky with intent to evade the motor vehicle usage tax or the
 10 registration fee shall be guilty of a Class A misdemeanor if the amount of tax due is
 11 less than **one thousand five hundred**~~one hundred~~ dollars **(\$1,500)**~~(\$100)~~, or of a
 12 Class D felony if the amount of tax due is more than **one thousand five hundred**
 13 ~~one hundred~~ dollars **(\$1,500)**~~(\$100)~~, and in addition shall be liable for all taxes so
 14 evaded with applicable interest and penalties.
- 15 ➔Section 2. KRS 194A.990 is amended to read as follows:
- 16 (1) Any person who violates the provisions of KRS 194A.505(1), (2), or (7) shall be
 17 guilty of a Class A misdemeanor, unless the sum total of benefits received in excess
 18 of that to which the person was entitled at the time of the offense was committed is
 19 valued at or over **one thousand five hundred**~~one hundred~~ dollars
 20 **(\$1,500)**~~(\$100)~~, in which case it is a Class D felony.
- 21 (2) Any person who violates KRS 194A.505(3) shall be guilty of a Class D felony.
- 22 (3) Any person who violates the provisions of KRS 194A.505(4) or (5) shall be guilty of
 23 a Class C felony.
- 24 (4) Any person who violates the provisions of KRS 194A.505(6) shall be guilty of a
 25 Class D felony, unless the purpose of the violation is to obtain ten thousand dollars
 26 (\$10,000) or more, in which case it shall be a Class C felony.
- 27 (5) Any person who violates KRS 194A.505(1) to (6) shall, in addition to any other

1 penalties provided by law, forfeit and pay a civil penalty of payment to the cabinet in
2 the amount of all benefits and payments to which the person was not entitled.

3 (6) Any provider who violates KRS 194A.505(1) to (6) shall, in addition to any other
4 penalties provided by law, including the penalty set forth in subsection (5) of this
5 section, forfeit and pay civil penalties of:

6 (a) Payment to the State Treasury's general revenue fund in an amount equal to
7 three (3) times the amount of the benefits and payments to which the person
8 was not entitled; and

9 (b) Payment to the State Treasury's general revenue fund of all reasonable
10 expenses that the court determines have been necessarily incurred by the state
11 in the enforcement of this section.

12 ➔Section 3. KRS 205.8461 is amended to read as follows:

13 (1) Except as otherwise provided in KRS 205.510 to 205.630, no provider shall
14 knowingly solicit, receive, or offer any remuneration (including any kickback, bribe,
15 or rebate) for furnishing medical assistance benefits or in return for purchasing,
16 leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering
17 any goods, facility, service, or item for which payment may be made pursuant to
18 Title XIX of the Social Security Act.

19 (2) (a) No provider shall knowingly make, offer, or receive a payment, a rebate of a
20 fee, or a charge for referring a recipient to another provider for furnishing of
21 benefits.

22 (b) Any conduct or activity which does not violate or which is protected under the
23 provisions of 42 U.S.C. sec. 1395nn or 42 U.S.C. sec. 1320A-7b(b), as
24 amended, or federal regulations promulgated under those statutes, shall not be
25 deemed to violate the provisions of KRS 205.8451 to 205.8483, and the
26 conduct or activity shall be accorded the same protections allowed under
27 federal law and regulation.

1 (3) Any person who violates subsection (1) or (2) of this section shall be guilty of a
 2 Class A misdemeanor unless the combination or aggregation of offenses is valued at
 3 one thousand five hundred~~[three hundred]~~ dollars (\$1,500)~~[(300)]~~ or more, in
 4 which case it shall be a Class D felony. In addition to any other penalty authorized
 5 by law, any person who violates the provisions of subsection (2)(a) of this section
 6 shall not be entitled to bill or collect from the recipient or any third-party payor and
 7 shall repay any payments due the Commonwealth for services provided which were
 8 related to the referral.

9 ➔Section 4. KRS 205.8463 is amended to read as follows:

10 (1) No person shall knowingly or wantonly devise a scheme or plan a scheme or artifice,
 11 or enter into an agreement, combination, or conspiracy to obtain or aid another in
 12 obtaining payments from any medical assistance program under this chapter by
 13 means of any fictitious, false, or fraudulent application, claim, report, or document
 14 submitted to the Cabinet for Health and Family Services, or intentionally engage in
 15 conduct which advances the scheme or artifice.

16 (2) No person shall intentionally, knowingly, or wantonly make, present, or cause to be
 17 made or presented to an employee or officer of the Cabinet for Health and Family
 18 Services any false, fictitious, or fraudulent statement, representation, or entry in any
 19 application, claim, report, or document used in determining rights to any benefit or
 20 payment.

21 (3) No person shall, with intent to defraud, knowingly make, or induce, or seek to
 22 induce the making of a false statement or false representation of a material fact with
 23 respect to the conditions or operations of an institution or facility in order that the
 24 institution or facility may qualify, upon initial certification or upon recertification, as
 25 a hospital, skilled-nursing facility, intermediate-care facility, home-health agency, or
 26 other provider of services to the Medical Assistance Program.

27 (4) No person shall, in any matter within the jurisdiction of the Cabinet for Health and

1 Family Services under this chapter, knowingly falsify, conceal, or cover up by any
 2 trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent
 3 statement or representation, or make or use any false writing or document knowing
 4 the same to contain any false, fictitious, or fraudulent statement or entry.

5 (5) Any person who violates subsections (1) and (2) of this section shall be guilty of a
 6 Class A misdemeanor unless the sum total of benefits or payments claimed in any
 7 application, claim, report, or document, or in any combination or aggregation
 8 thereof, is valued at one thousand five hundred~~three hundred~~ dollars
 9 (\$1,500)~~(\$300)~~ or more in which case it shall be a Class D felony. Any person who
 10 violates the provisions of subsection (3) of this section shall be guilty of a Class C
 11 felony. Any person who violates the provisions of subsection (4) of this section shall
 12 be guilty of a Class D felony.

13 ➔Section 5. KRS 209.990 is amended to read as follows:

14 (1) Anyone knowingly or wantonly violating the provisions of KRS 209.030(2) shall be
 15 guilty of a Class B misdemeanor as designated in KRS 532.090. Each violation shall
 16 constitute a separate offense.

17 (2) Any person who knowingly abuses or neglects an adult is guilty of a Class C felony.

18 (3) Any person who wantonly abuses or neglects an adult is guilty of a Class D felony.

19 (4) Any person who recklessly abuses or neglects an adult is guilty of a Class A
 20 misdemeanor.

21 (5) Any person who knowingly exploits an adult, resulting in a total loss to the adult of
 22 more than one thousand five hundred~~three hundred~~ dollars (\$1,500)~~(\$300)~~ in
 23 financial or other resources, or both, is guilty of a Class C felony.

24 (6) Any person who wantonly or recklessly exploits an adult, resulting in a total loss to
 25 the adult of more than one thousand five hundred~~three hundred~~ dollars
 26 (\$1,500)~~(\$300)~~ in financial or other resources, or both, is guilty of a Class D
 27 felony.

1 (7) Any person who knowingly, wantonly, or recklessly exploits an adult, resulting in a
 2 total loss to the adult of one thousand five hundred~~three hundred~~ dollars
 3 (\$1,500)~~(\$300)~~ or less in financial or other resources, or both, is guilty of a Class
 4 A misdemeanor.

5 (8) If a defendant is sentenced under subsection (5), (6), or (7) of this section and fails
 6 to return the victim's property as defined in KRS 218A.405 within thirty (30) days of
 7 an order by the sentencing court to do so, or is thirty (30) days or more delinquent in
 8 a court-ordered payment schedule, then the defendant shall be civilly liable to the
 9 victim of the offense or the victim's estate for treble damages, plus reasonable
 10 attorney fees and court costs. Any interested person or entity, as defined in KRS
 11 387.510, shall have standing to bring a civil action on the victim's behalf to enforce
 12 this section. The sentencing judge shall inform the defendant of the provisions of this
 13 subsection at sentencing.

14 ➔Section 6. KRS 217.181 is amended to read as follows:

15 (1) A person is guilty of theft of a legend drug when he unlawfully takes or exercises
 16 control over a legend drug that is not a controlled substance, belonging to another
 17 person, with the intent to deprive him thereof.

18 (2) Theft of a legend drug is:

19 (a) For a first offense a Class D felony, if the legend drug has a value of one
 20 thousand five hundred~~three hundred~~ dollars (\$1,500)~~(\$300)~~ or less; or

21 (b) For a second or subsequent offense, or a value of greater than one thousand
 22 five hundred~~three hundred~~ dollars (\$1,500)~~(\$300)~~, a Class C felony.

23 ➔Section 7. KRS 238.995 is amended to read as follows:

24 (1) Any person who willfully conducts without the required license any activity which
 25 under this chapter requires a license shall be guilty of a Class A misdemeanor.

26 (2) Any person who makes any materially false or misleading statement in making
 27 application for licensure or in submitting reports required under this chapter, or any

1 person who willfully fails to maintain records or make entries required under this
2 chapter, or any person who willfully refuses to produce for inspection any books,
3 documents, or records required under this chapter shall be guilty of a Class A
4 misdemeanor.

5 (3) Any person who engages in conduct designed to corrupt the outcome of any
6 charitable gaming activity with purpose to defraud or knowing that he is facilitating
7 a fraud shall be guilty of a Class A misdemeanor if the amount involved is less than
8 one thousand five hundred~~three hundred~~ dollars ~~(\$1,500)~~~~(\$300)~~ and a Class D
9 felony if the amount involved is one thousand five hundred~~three hundred~~ dollars
10 ~~(\$1,500)~~~~(\$300)~~ or more.

11 (4) Any person who knowingly diverts charitable gaming funds from legitimate
12 charitable purpose or lawful expenses allowed under this chapter to his financial
13 benefit or the financial benefit of another person shall be guilty of a Class A
14 misdemeanor if the amount involved is less than one thousand five hundred~~three~~
15 ~~hundred~~ dollars ~~(\$1,500)~~~~(\$300)~~ and a Class D felony if the amount involved is
16 one thousand five hundred~~three hundred~~ dollars ~~(\$1,500)~~~~(\$300)~~ or more.

17 (5) Any person who commits a second or subsequent offense within a five (5) year
18 period under subsection (1) or (2) of this section shall be guilty of a Class D felony.

19 (6) Nothing contained in this chapter shall prohibit prosecution of a violation under KRS
20 Chapter 528 by the Attorney General, county attorneys, or Commonwealth's
21 attorneys.

22 (7) No person shall make or cause a false entry to be made in the business records of a
23 charitable organization; alter, erase, obliterate, delete, remove, or destroy a true
24 entry in the business records of a charitable organization; omit to make a true entry
25 in the business records of a charitable organization in violation of a duty to do so
26 that he knows to be imposed upon him by law or by the nature of his position; or
27 prevent the making of a true entry or cause the omission thereof in the business

1 records of a charitable organization.

2 (8) Violation of subsection (7) of this section or falsifying business records of a
3 charitable organization is a Class A misdemeanor.

4 ➔Section 8. KRS 304.47-020 is amended to read as follows:

5 (1) For the purposes of this subtitle, a person or entity commits a "fraudulent insurance
6 act" if he or she engages in any of the following, including but not limited to matters
7 relating to workers' compensation:

8 (a) Knowingly and with intent to defraud or deceive presents, causes to be
9 presented, or prepares with knowledge or belief that it will be presented to an
10 insurer, Kentucky Claims Commission, Special Fund, or any agent thereof, any
11 written or oral statement as part of, or in support of, a claim for payment or
12 other benefit pursuant to an insurance policy or from a "self-insurer" as defined
13 by KRS Chapter 342, knowing that the statement contains any false,
14 incomplete, or misleading information concerning any fact or thing material to
15 a claim;

16 (b) Knowingly and with intent to defraud or deceive presents, causes to be
17 presented, or prepares with knowledge or belief that it will be presented to an
18 insurer, Kentucky Claims Commission, or any agent thereof, any statement as
19 part of, or in support of, an application for an insurance policy, for renewal,
20 reinstatement, or replacement of insurance, or in support of an application to a
21 lender for money to pay a premium, knowing that the statement contains any
22 false, incomplete, or misleading information concerning any fact or thing
23 material to the application;

24 (c) Knowingly and willfully transacts any contract, agreement, or instrument
25 which violates this title;

26 (d) Knowingly and with intent to defraud or deceive, receives money for the
27 purpose of purchasing insurance, and fails to obtain insurance;

- 1 (e) Knowingly and with intent to defraud or deceive, fails to make payment or
2 disposition of money or voucher as defined in KRS 304.17A-750, as required
3 by agreement or legal obligation, that comes into his or her possession while
4 acting as a licensee under this chapter;
- 5 (f) Issues or knowingly presents fake or counterfeit insurance policies, certificates
6 of insurance, insurance identification cards, insurance binders, or any other
7 documents that purport to evidence insurance;
- 8 (g) Makes any false or fraudulent representation as to the death or disability of a
9 policy or certificate holder in any written statement or certificate for the
10 purpose of fraudulently obtaining money or benefit from an insurer;
- 11 (h) Engages in unauthorized insurance, as defined in KRS 304.11-030;
- 12 (i) Knowingly and with intent to defraud or deceive, presents, causes to be
13 presented, or prepares with knowledge or belief that it will be presented to or
14 by an insurer, or to the commissioner, any statement, knowing that the
15 statement contains any false, incomplete, or misleading information concerning
16 any material fact or thing, as part of, or in support of one (1) or more of the
17 following:
- 18 1. The rating of an insurance policy;
 - 19 2. The financial condition of an insurer;
 - 20 3. The formation, acquisition, merger, reconsolidation, dissolution, or
21 withdrawal from one (1) or more lines of insurance in all or part of this
22 Commonwealth by an insurer; or
 - 23 4. A document filed with the commissioner;
- 24 (j) Knowingly and with intent to defraud or deceive, engages in any of the
25 following:
- 26 1. Solicitation or acceptance of new or renewal insurance risks on behalf of
27 an insolvent insurer; or

- 1 2. Removal, concealment, alteration, tampering, or destruction of money,
2 records, or any other property or assets of an insurer; or
- 3 (k) Assists, abets, solicits, or conspires with another to commit a fraudulent
4 insurance act in violation of this subtitle.
- 5 (2) (a) Except as provided in paragraphs (b) and (c) of this subsection, a person
6 convicted of a violation of subsection (1) of this section shall be guilty of a
7 misdemeanor where the aggregate of the claim, benefit, or money referred to in
8 subsection (1) of this section is less than or equal to one thousand five
9 hundred~~five hundred~~ dollars (\$1,500)~~(\$500)~~, and shall be punished by:
- 10 1. Imprisonment for not more than one (1) year;
- 11 2. A fine, per occurrence, of not more than one thousand dollars (\$1,000)
12 per individual nor five thousand dollars (\$5,000) per corporation or twice
13 the amount of gain received as a result of the violation, whichever is
14 greater; or
- 15 3. Both imprisonment and a fine as set forth in subparagraphs 1. and 2. of
16 this paragraph.
- 17 (b) Except as provided in paragraph (c) of this subsection, where the claim,
18 benefit, or money referred to in subsection (1) of this section exceeds an
19 aggregate of one thousand five hundred~~five hundred~~ dollars
20 (\$1,500)~~(\$500)~~, a person convicted of a violation of subsection (1) of this
21 section shall be guilty of a felony and shall be punished by:
- 22 1. Imprisonment for not less than one (1) nor more than five (5) years;
- 23 2. A fine, per occurrence, of not more than ten thousand dollars (\$10,000)
24 per individual nor one hundred thousand dollars (\$100,000) per
25 corporation or twice the amount of gain received as a result of the
26 violation, whichever is greater; or
- 27 3. Both imprisonment and a fine as set forth in subparagraphs 1. and 2. of

1 this paragraph.

2 (c) Any person, with the purpose to establish or maintain a criminal syndicate, or
3 to facilitate any of its activities, as set forth in KRS 506.120(1), shall be guilty
4 of engaging in organized crime, a Class B felony, and shall be punished by:

5 1. Imprisonment for not less than ten (10) years nor more than twenty (20)
6 years;

7 2. A fine, per occurrence, of not more than ten thousand dollars (\$10,000)
8 per individual nor one hundred thousand dollars (\$100,000) per
9 corporation, or twice the amount of gain received as a result of the
10 violation; whichever is greater; or

11 3. Both imprisonment and a fine, as set forth in subparagraphs 1. and 2. of
12 this paragraph.

13 (d) In addition to imprisonment, the assessment of a fine, or both, a person
14 convicted of a violation of paragraph (a), (b), or (c) of subsection (2) of this
15 section may be ordered to make restitution to any victim who suffered a
16 monetary loss due to any actions by that person which resulted in the
17 adjudication of guilt, and to the division for the cost of any investigation. The
18 amount of restitution shall equal the monetary value of the actual loss or twice
19 the amount of gain received as a result of the violation, whichever is greater.

20 (3) Any person damaged as a result of a violation of any provision of this section when
21 there has been a criminal adjudication of guilt shall have a cause of action to recover
22 compensatory damages, plus all reasonable investigation and litigation expenses,
23 including attorneys' fees, at the trial and appellate courts.

24 (4) The provisions of this section shall also apply to any agent, unauthorized insurer or
25 its agents or representatives, or surplus lines carrier who, with intent, injures,
26 defrauds, or deceives any claimant with regard to any claim. The claimant shall have
27 the right to recover the damages provided in subsection (3) of this section.

1 ➔Section 9. KRS 341.990 is amended to read as follows:

- 2 (1) Except as otherwise provided in subsection (11) of this section, any employee of any
3 state agency who violates any of the provisions of KRS 341.110 to 341.230 shall be
4 guilty of a Class B misdemeanor.
- 5 (2) Any person subpoenaed to appear and testify or produce evidence in an inquiry,
6 investigation, or hearing conducted under this chapter who fails to obey the
7 subpoena shall be guilty of a Class B misdemeanor.
- 8 (3) Any subject employer, or officer or agent of a subject employer, who violates
9 subsection (1) of KRS 341.470 shall be guilty of a Class A misdemeanor.
- 10 (4) Any person who violates subsection (2) of KRS 341.470 shall be guilty of a Class A
11 misdemeanor.
- 12 (5) Any person who knowingly makes a false statement or representation of a material
13 fact or knowingly fails to disclose a material fact to the secretary to obtain or
14 increase any benefit under this chapter or under an employment security law of any
15 other state, or of the federal government, either for himself or for any other person,
16 business entity, or organization shall be guilty of a Class A misdemeanor unless the
17 value of the benefits procured or attempted to be procured is **one thousand five**
18 **hundred**~~one hundred~~ dollars **(\$1,500)**~~(\$100)~~ or more, in which case he shall be
19 guilty of a Class D felony.
- 20 (6) (a) Any person who knowingly makes a false statement or representation, or who
21 knowingly fails to disclose a material fact to prevent or reduce the payment of
22 benefits to any worker entitled thereto, or to avoid becoming or remaining
23 subject to this chapter, or to avoid or reduce any payment required of an
24 employing unit under this chapter shall be guilty of a Class A misdemeanor
25 unless the liability avoided or attempted to be avoided is **one thousand five**
26 **hundred**~~one hundred~~ dollars **(\$1,500)**~~(\$100)~~ or more, in which case he
27 shall be guilty of a Class D felony.

1 (b) Any person who willfully fails or refuses to furnish any reports required, or to
2 produce or permit the inspection or copying of records required in this chapter
3 shall be guilty of a Class B misdemeanor. Each such false statement,
4 representation or failure and each day of failure or refusal shall constitute a
5 separate offense.

6 (7) In any prosecution for the violation of subsection (5) or (6) of this section, it shall be
7 a defense if the person relied on the advice of an employee or agent of the Office of
8 Employment and Training, Department of Workforce Investment.

9 (8) Any person who willfully violates any provision of this chapter or any rule or
10 regulation under it, the violation of which is made unlawful or the observance of
11 which is required under the terms of this chapter, and for which no specific penalty is
12 prescribed in this chapter or in any other applicable statute, shall be guilty of a
13 violation. Each day the violation continues shall constitute a separate offense.

14 (9) In addition to the higher rates imposed under KRS 341.540(7), any person, whether
15 or not an employing unit, who knowingly advises or assists an employing unit in the
16 violation or attempted violation of KRS 341.540 or any other provision of this
17 chapter related to determining the assignment of a contribution rate shall be subject
18 to a civil monetary penalty of not less than five thousand dollars (\$5,000).

19 (10) Proceeds from all penalties imposed under subsection (9) of this section and KRS
20 341.540 shall be deposited in the unemployment compensation administration
21 account and shall be expended solely for the cost of administration of this chapter
22 consistent with KRS 341.240.

23 (11) Any person who violates the confidentiality provision in KRS 341.190(4) shall be
24 guilty of a Class A misdemeanor.

25 ➔Section 10. KRS 365.241 is amended to read as follows:

26 (1) As used in this section:

27 (a) "Counterfeit mark" means:

- 1 1. Any unauthorized reproduction or copy of intellectual property; or
- 2 2. Intellectual property knowingly affixed to any item without the authority
- 3 of the owner of the intellectual property.
- 4 (b) "Intellectual property" means any trademark, service mark, trade name, label,
- 5 term, device, design, or word adopted or used by a person to identify the
- 6 person's goods or services.
- 7 (c) "Person" includes, in addition to its meaning under KRS 446.010, any
- 8 association, organization, or entity amenable to suit in a court of law.
- 9 (d) "Retail value" means the counterfeiter's regular selling price for the item or
- 10 service bearing or identified by the counterfeit mark. In the case of items
- 11 bearing a counterfeit mark which are components of a finished product, the
- 12 retail value shall be the counterfeiter's regular selling price of the finished
- 13 product on or in which the component would be utilized.
- 14 (2) Any person who willfully manufactures, uses, displays, advertises, distributes, offers
- 15 for sale, sells, or possesses with intent to sell or distribute any item or service that
- 16 the person knows bears or is identified by a counterfeit mark shall be guilty of
- 17 counterfeiting.
- 18 (3) A person having possession, custody, or control of more than twenty-five (25) items
- 19 that the person knows bear or are identified by a counterfeit mark shall be presumed
- 20 to possess the items with the intent to sell or distribute.
- 21 (4) Any person who violates the provisions of this section shall be guilty of a Class A
- 22 misdemeanor, except where the person has been previously convicted of a violation
- 23 of this section or the violation involves more than one hundred (100) items bearing a
- 24 counterfeit mark or the total retail value of all items bearing, or services identified
- 25 by, a counterfeit mark is more than one thousand ***five hundred*** dollars
- 26 **(\$1,500)**~~(\$1,000)~~, in which case the person shall be guilty of a Class D felony.
- 27 Unless reduced by the court for extenuating circumstances and notwithstanding KRS

- 1 Chapter 534, upon conviction the offender shall, in addition to any other allowable
2 disposition, be fined an amount equal to the greater of:
- 3 (a) Three (3) times the retail value of the items bearing, or services identified by,
4 the counterfeit mark;
 - 5 (b) Double the amount of the defendant's gain from commission of the offense; or
 - 6 (c) As otherwise allowed in KRS Chapter 534 for felonies and misdemeanors.
- 7 (5) For purposes of this section, the quantity or retail value of items or services shall
8 include the aggregate quantity or retail value of all items bearing, or services
9 identified by, every counterfeit mark the defendant manufactures, uses, displays,
10 advertises, distributes, offers for sale, sells, or possesses.
- 11 (6) Except for items in the possession of a person not in violation of this section, any
12 items bearing a counterfeit mark, and all personal property, including but not limited
13 to, any items, objects, tools, machines, equipment, instrumentalities, or vehicles of
14 any kind, employed or used in connection with a violation of this section shall be
15 seized by any law enforcement officer.
- 16 (a) Except as otherwise provided in this subsection, all personal property seized
17 under this subsection shall be forfeited in accordance with KRS 431.100.
 - 18 (b) Upon request of the intellectual property owner, all seized items bearing a
19 counterfeit mark shall be released to the intellectual property owner.
 - 20 (c) If the intellectual property owner does not request release of seized items
21 bearing a counterfeit mark, the items shall be destroyed unless the intellectual
22 property owner consents to another disposition.
- 23 (7) Any state or federal certificate of registration of any intellectual property shall be
24 prima facie evidence of the facts stated in the certificate.
- 25 (8) The remedies provided in this section shall be cumulative to other civil and criminal
26 remedies provided by law.
- 27 (9) Notwithstanding any statute to the contrary, fines imposed under this section shall be

1 paid into the crime victims' compensation fund established in KRS 49.480.

2 ➔Section 11. KRS 434.650 is amended to read as follows:

- 3 (1) A person who, with intent to defraud the issuer, a participating party, a person, or
 4 organization providing money, goods, services, or anything else of value, or any
 5 other person:
- 6 (a) Uses for the purpose of obtaining money, goods, services, or anything else of
 7 value a credit or debit card obtained or retained in violation of KRS 434.570 to
 8 434.650, or any of such sections, or a credit or debit card which he knows is
 9 forged, expired, or revoked; or
- 10 (b) Obtains money, goods, services, or anything else of value by representing
 11 without consent of the cardholder that he is the holder of a specified card or by
 12 representing that he is the holder of a card and such card has not in fact been
 13 issued; or
- 14 (c) Uses a credit or debit card obtained or retained in violation of KRS 434.570 to
 15 434.650, or any of such sections, or a credit or debit card which he knows is
 16 forged, expired, or revoked, as authority or identification to cash or attempts
 17 to cash or otherwise negotiate or transfer a check or other order for payment
 18 of money, whether or not negotiable, if said negotiation or transfer or attempt
 19 to negotiate or transfer would constitute a crime under KRS 514.040 or
 20 516.030; or
- 21 (d) Deposits into his account or any account, via an automated banking device, a
 22 false, fictitious, forged, altered, or counterfeit check, draft, money order, or
 23 any other such document not his lawful or legal property,
 24 is guilty of a Class A misdemeanor, if the value of all money, goods, services, or
 25 other things of value obtained in violation of this section over a six (6) month period
 26 is less than one thousand five hundred~~five hundred~~ dollars (\$1,500)~~(\$500)~~, a
 27 Class D felony if such value is one thousand five hundred~~five hundred~~ dollars

1 ~~(\$1,500)~~ ~~[((\$500)]~~ or more but is less than ten thousand dollars (\$10,000), or a Class
 2 C felony if such value is ten thousand dollars (\$10,000) or more.

3 (2) A person who receives money, goods, services, or anything else of value as a result
 4 of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any
 5 other such document having been deposited into an account via an automated
 6 banking device, knowing at the time of receipt of the money, goods, services, or
 7 item of value that the document so deposited was false, fictitious, forged, altered, or
 8 counterfeit or that the above described deposited item was not his lawful or legal
 9 property, violates this subsection and is subject to the penalties set forth in
 10 subsection (1) of this section.

11 (3) Knowledge of revocation shall be presumed to have been received by a cardholder
 12 four (4) days after it has been mailed to him at the address set forth on the credit or
 13 debit card or at his last known address by registered or certified mail, return receipt
 14 requested, and, if the address is more than five hundred (500) miles from the place of
 15 mailing, by air mail. If the address is located outside the United States, Puerto Rico,
 16 the Virgin Islands, the Canal Zone, and Canada, notice shall be presumed to have
 17 been received ten (10) days after mailing by registered or certified mail.

18 ➔Section 12. KRS 434.655 is amended to read as follows:

19 (1) A cardholder who fraudulently uses a credit or debit card to obtain money, goods,
 20 services, or anything else of value after said cardholder has reported to the issuer
 21 said credit or debit card lost, as stolen, or not received is deemed to have used said
 22 credit or debit card in order to defraud the issuer; and said cardholder shall be guilty
 23 of a Class A misdemeanor if the value of all money, goods, services, or other things
 24 of value furnished in violation of this section over a six (6) month period is less than
 25 one thousand five hundred ~~five hundred~~ dollars ~~(\$1,500)~~ ~~[((\$500)]~~, a Class D
 26 felony if such value is one thousand five hundred ~~five hundred~~ dollars
 27 ~~(\$1,500)~~ ~~[((\$500)]~~ or more but is less than ten thousand dollars (\$10,000), or a Class

1 C felony if such value is ten thousand dollars (\$10,000) or more.

2 (2) A cardholder who, after using a credit or debit card, fraudulently reports to the
 3 issuer that such usage or transaction was not made by said cardholder, or that said
 4 credit or debit card was lost, stolen, or not received at the time of such usage or
 5 transaction, in order to defraud the issuer, the cardholder, or any other person in
 6 connection with said usage, shall be guilty of a Class A misdemeanor if the value of
 7 all money, goods, services, or other things of value furnished in violation of this
 8 section over a six (6) month period is less than one thousand five hundred~~five~~
 9 ~~hundred~~ dollars ~~(\$1,500)~~~~(\$500)~~, a Class D felony if such value is one thousand
 10 five hundred~~five hundred~~ dollars ~~(\$1,500)~~~~(\$500)~~ or more but is less than ten
 11 thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars
 12 (\$10,000) or more.

13 ➔Section 13. KRS 434.660 is amended to read as follows:

14 A person, business organization, or financial institution who is authorized by an issuer to
 15 furnish money, goods, services, or anything else of value upon presentation of a credit or
 16 debit card by a cardholder, or any agent or employee of such person, business
 17 organization, or financial institution, who, with intent to defraud the issuer, a participating
 18 party, the cardholder, or any other person, furnishes money, goods, or services or anything
 19 else of value upon presentation of a credit or debit card obtained or retained in violation of
 20 KRS 434.570 to 434.650, or any of such sections, or a credit or debit card which he
 21 knows is forged, expired, or revoked is guilty of a Class A misdemeanor, if the value of all
 22 money, goods, services, or other things of value furnished in violation of this section over
 23 a six (6) month period is less than one thousand five hundred~~five hundred~~ dollars
 24 ~~(\$1,500)~~~~(\$500)~~, a Class D felony if such value is one thousand five hundred~~five~~
 25 ~~hundred~~ dollars ~~(\$1,500)~~~~(\$500)~~ or more but is less than ten thousand dollars (\$10,000),
 26 or a Class C felony if such value is ten thousand dollars (\$10,000) or more.

27 ➔Section 14. KRS 434.670 is amended to read as follows:

1 A person, business organization, or financial institution who is authorized by an issuer to
 2 furnish money, goods, services, or anything else of value upon presentation of a credit or
 3 debit card by a cardholder, or any agent or employee of such person, business
 4 organization, or financial institution, who, with intent to defraud the issuer, a participating
 5 party, the cardholder, or any other person, fails to furnish money, goods, services, or
 6 anything else of value which he represents in writing to the issuer that he has furnished
 7 over a six (6) month period is guilty of a Class A misdemeanor if the difference between
 8 the value of all money, goods, services, or anything else of value actually furnished and the
 9 value represented to the issuer to have been furnished is less than **one thousand five**
 10 **hundred**~~five hundred~~ dollars **(\$1,500)**~~(\$500)~~, a Class D felony if such value is **one**
 11 **thousand five hundred**~~five hundred~~ dollars **(\$1,500)**~~(\$500)~~ or more but is less than ten
 12 thousand dollars (\$10,000), or a Class C felony if such value is ten thousand dollars
 13 (\$10,000) or more.

14 ➔Section 15. KRS 434.690 is amended to read as follows:

15 (1) A person who receives money, goods, services, or anything else of value obtained in
 16 violation of KRS 434.650, knowing or believing that it was so obtained is guilty of a
 17 Class A misdemeanor, if the value of all money, goods, services, and other things of
 18 value received in violation of this section over a six (6) month period is less than **one**
 19 **thousand five hundred**~~five hundred~~ dollars **(\$1,500)**~~(\$500)~~, a Class D felony if
 20 such value is **one thousand five hundred**~~five hundred~~ dollars **(\$1,500)**~~(\$500)~~ or
 21 more but is less than ten thousand dollars (\$10,000), or a Class C felony if such
 22 value is ten thousand dollars (\$10,000) or more.

23 (2) A person who possesses three (3) or more tickets for airline, railroad, steamship, or
 24 other transportation service, which tickets were obtained by the use of a stolen or
 25 forged credit or debit card is presumed to know that such tickets were so obtained.

26 ➔Section 16. KRS 434.850 is amended to read as follows:

27 (1) A person is guilty of unlawful access to a computer in the second degree when he or

1 she, without the effective consent of the owner, knowingly and willfully, directly or
 2 indirectly accesses, causes to be accessed, or attempts to access any computer
 3 software, computer program, data, computer, computer system, computer network,
 4 or any part thereof, which results in the loss or damage of one thousand five
 5 hundred~~three hundred~~ dollars (\$1,500)~~(\$300)~~ or more.

6 (2) Unlawful access to a computer in the second degree is a Class D felony.

7 ➔Section 17. KRS 434.851 is amended to read as follows:

8 (1) A person is guilty of unlawful access in the third degree when he or she, without the
 9 effective consent of the owner, knowingly and willfully, directly or indirectly
 10 accesses, causes to be accessed, or attempts to access any computer software,
 11 computer program, data, computer, computer system, computer network, or any
 12 part thereof, which results in the loss or damage of less than one thousand five
 13 hundred~~three hundred~~ dollars (\$1,500)~~(\$300)~~.

14 (2) Unlawful access to a computer in the third degree is a Class A misdemeanor.

15 ➔Section 18. KRS 514.030 is amended to read as follows:

16 (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by
 17 unlawful taking or disposition when he unlawfully:

18 (a) Takes or exercises control over movable property of another with intent to
 19 deprive him thereof; or

20 (b) Obtains immovable property of another or any interest therein with intent to
 21 benefit himself or another not entitled thereto.

22 (2) Theft by unlawful taking or disposition is a Class A misdemeanor unless:

23 (a) The property is a firearm (regardless of the value of the firearm), in which case
 24 it is a Class D felony;

25 (b) The property is anhydrous ammonia (regardless of the value of the ammonia),
 26 in which case it is a Class D felony unless it is proven that the person violated
 27 this section with the intent to manufacture methamphetamine in violation of

1 KRS 218A.1432, in which case it is a Class B felony for the first offense and a
2 Class A felony for each subsequent offense;

3 (c) The property is one (1) or more controlled substances valued collectively at
4 less than ten thousand dollars (\$10,000), in which case it is a Class D felony;

5 (d) The value of the property is **one thousand five hundred**~~five hundred~~ dollars
6 **(\$1,500)**~~(\$500)~~ or more but less than ten thousand dollars (\$10,000), in
7 which case it is a Class D felony;

8 (e) The value of the property is ten thousand dollars (\$10,000) or more but less
9 than one million dollars (\$1,000,000), in which case it is a Class C felony;

10 (f) The value of the property is one million dollars (\$1,000,000) or more but less
11 than ten million dollars (\$10,000,000), in which case it is a Class B felony; or

12 (g) The value of the property is ten million dollars (\$10,000,000) or more, in
13 which case it is a Class B felony.

14 (3) Any person convicted under subsection (2)(g) of this section shall not be released on
15 probation or parole until he or she has served at least fifty percent (50%) of the
16 sentence imposed, any statute to the contrary notwithstanding.

17 ➔Section 19. KRS 514.040 is amended to read as follows:

18 (1) A person is guilty of theft by deception when the person obtains property or services
19 of another by deception with intent to deprive the person thereof. A person deceives
20 when the person intentionally:

21 (a) Creates or reinforces a false impression, including false impressions as to law,
22 value, intention, or other state of mind;

23 (b) Prevents another from acquiring information which would affect judgment of a
24 transaction;

25 (c) Fails to correct a false impression which the deceiver previously created or
26 reinforced or which the deceiver knows to be influencing another to whom the
27 person stands in a fiduciary or confidential relationship;

- 1 (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the
2 enjoyment of property which the person transfers or encumbers in
3 consideration for the property obtained, whether the impediment is or is not
4 valid or is or is not a matter of official record; or
- 5 (e) Issues or passes a check or similar sight order for the payment of money,
6 knowing that it will not be honored by the drawee.
- 7 (2) The term "deceive" does not, however, include falsity as to matters having no
8 pecuniary significance or puffing by statements unlikely to deceive ordinary persons
9 in the group addressed.
- 10 (3) Deception as to a person's intention to perform a promise shall not be inferred from
11 the fact alone that he did not subsequently perform the promise.
- 12 (4) For purposes of subsection (1) of this section, a maker of a check or similar sight
13 order for the payment of money is presumed to know that the check or order, other
14 than a postdated check or order, would not be paid, if:
- 15 (a) The maker had no account with the drawee at the time the check or order was
16 issued; or
- 17 (b) Payment was refused by the drawee for lack of funds, upon presentation within
18 thirty (30) days after issue, and the maker failed to make good within ten (10)
19 days after receiving notice of that refusal. Notice of the refusal may include a
20 citation to this section and a description of this section's criminal penalties and
21 shall be deemed properly addressed when mailed to the address printed or
22 written on the check or sight order or provided by the drawer or maker upon
23 issuance of the check or sight order. The notice, if mailed, shall be deemed
24 received by the addressee seven (7) days after it is placed in the United States
25 mail. The notice may be sent by first-class mail if supported by an affidavit of
26 service setting out the contents of the notice, the address to which the notice
27 was mailed, that correct postage was applied, and the date the notice was

1 placed in the United States mail. A maker makes good on a check or similar
 2 sight order for the payment of money by paying to the holder the face amount
 3 of the instrument, together with any merchant's posted bad check handling fee
 4 not to exceed fifty dollars (\$50) and any fee imposed pursuant to subsection
 5 (5) of this section.

6 (5) If a county attorney issues notice to a maker that a drawee has refused to honor an
 7 instrument due to a lack of funds as described in subsection (4)(b) of this section, the
 8 county attorney may charge a fee to the maker of fifty dollars (\$50), if the
 9 instrument is paid. Money paid to the county attorney pursuant to this section shall
 10 be used only for payment of county attorney office operating expenses. Excess fees
 11 held by the county attorney on June 30 of each year shall be turned over to the
 12 county treasurer before the end of the next fiscal year for use by the fiscal court of
 13 the county.

14 (6) A person is guilty of theft by deception when the person issues a check or similar
 15 sight order in payment of all or any part of any tax payable to the Commonwealth
 16 knowing that it will not be honored by the drawee.

17 (7) A person is guilty of theft by deception when the person issues a check or similar
 18 sight order in payment of all or any part of a child support obligation knowing that it
 19 will not be honored by the drawee.

20 (8) Theft by deception is a Class A misdemeanor unless the value of the property,
 21 service, or the amount of the check or sight order referred to in subsection (6) or (7)
 22 of this section is:

23 (a) **One thousand five hundred**~~Five hundred~~ dollars **(\$1,500)**~~(\$500)~~ or more
 24 but less than ten thousand dollars (\$10,000), in which case it is a Class D
 25 felony; or

26 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

27 ➔Section 20. KRS 514.050 is amended to read as follows:

1 (1) Except as provided in KRS 365.710, a person is guilty of theft of property lost,
2 mislaid, or delivered by mistake when:

3 (a) He comes into control of the property of another that he knows to have been
4 lost, mislaid, or delivered under a mistake as to the nature or amount of the
5 property or the identity of the recipient; and

6 (b) With intent to deprive the owner thereof, he fails to take reasonable measures
7 to restore the property to a person entitled to have it.

8 (2) Theft of property lost, mislaid, or delivered by mistake is a Class A misdemeanor
9 unless the value of the property is:

10 (a) **One thousand five hundred**~~Five hundred~~ dollars **(\$1,500)**~~(\$500)~~ or more
11 but less than ten thousand dollars (\$10,000), in which case it is a Class D
12 felony; or

13 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

14 ➔Section 21. KRS 514.060 is amended to read as follows:

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

16 (a) The person intentionally obtains services by deception or threat or by false
17 token or other means to avoid payment for the services which he knows are
18 available only for compensation;

19 (b) The person intentionally obtains wireless communications services or access to
20 services by any of the following means:

21 1. Unauthorized interception of any electronic serial number, mobile
22 identification number, personal identification number, or like identifying
23 number;

24 2. Unauthorized interception of any cellular service or personal
25 communications service as terms may be defined in 47 C.F.R. parts 22
26 and 24 respectively;

27 3. Unauthorized interception of any similar telephone service; or

- 1 4. Use of deception, threat, or other means to avoid payment for the
 2 services which the person knows are available only for charge or
 3 compensation; or
- 4 (c) Having control over or unauthorized access to the use of the services of others
 5 to which the person is not entitled, the person intentionally diverts the services
 6 to the person's own benefit or the benefit of another not entitled thereto.
- 7 (2) Where compensation for services is ordinarily paid immediately upon the rendering
 8 of the services, as in the case of hotels and restaurants, refusal to pay or absconding
 9 without payment or offer to pay shall be prima facie evidence that the services were
 10 obtained by deception as to intention to pay.
- 11 (3) In any prosecution for theft of gas, water, electricity, or other public service, where
 12 the utility supplying the service had installed a meter or other device to record the
 13 amount of service supplied, proof that:
- 14 (a) The meter or other device has been altered, tampered with, or bypassed in a
 15 manner so as to prevent or reduce the recording thereof; or
- 16 (b) Service has been, after having been disconnected by the utility supplying
 17 service, reconnected without authorization of the utility
 18 shall be prima facie evidence of the intent to commit theft of service by the person or
 19 persons obligated to pay for service supplied through the meter or other device.
- 20 (4) Theft of services is a Class A misdemeanor unless the value of the service is:
- 21 (a) **One thousand five hundred**~~Five hundred~~ dollars **(\$1,500)**~~(\$500)~~ or more
 22 but less than ten thousand dollars (\$10,000), in which case it is a Class D
 23 felony; or
- 24 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- 25 ➔Section 22. KRS 514.070 is amended to read as follows:
- 26 (1) A person is guilty of theft by failure to make required disposition of property
 27 received when:

- 1 (a) He obtains property upon agreement or subject to a known legal obligation to
 2 make specified payment or other disposition whether from such property or its
 3 proceeds or from his own property to be reserved in equivalent amount; and
- 4 (b) He intentionally deals with the property as his own and fails to make the
 5 required payment or disposition.
- 6 (2) The provisions of subsection (1) apply notwithstanding that it may be impossible to
 7 identify particular property as belonging to the victim at the time of the actor's
 8 failure to make the required payment or disposition.
- 9 (3) An officer or employee of the government or of a financial institution is presumed:
- 10 (a) To know any legal obligation relevant to his criminal liability under this
 11 section; and
- 12 (b) To have dealt with the property as his own when:
- 13 1. He fails to account or pay upon lawful demand; or
- 14 2. An audit reveals a shortage or falsification of accounts.
- 15 (4) Theft by failure to make required disposition of property received is a Class A
 16 misdemeanor unless the value of the property is:
- 17 (a) ***One thousand five hundred***~~Five hundred~~ dollars ***(\$1,500)***~~(\$500)~~ or more
 18 but less than ten thousand dollars (\$10,000), in which case it is a Class D
 19 felony; or
- 20 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- 21 (5) No person shall be convicted of theft by failure to make required disposition of
 22 property received when he or she has also been convicted of a violation of KRS
 23 522.050 arising out of the same incident.
- 24 ➔Section 23. KRS 514.080 is amended to read as follows:
- 25 (1) A person is guilty of theft by extortion when he intentionally obtains property of
 26 another by threatening to:
- 27 (a) Inflict bodily injury on anyone or commit any other criminal offense; or

- 1 (b) Accuse anyone of a criminal offense; or
- 2 (c) Expose any secret tending to subject any person to hatred, contempt, or
- 3 ridicule, or to impair his credit or business repute; or
- 4 (d) Use wrongfully his position as a public officer or servant or employee by
- 5 performing some act within or related to his official duties, either expressed or
- 6 implied, or by refusing or omitting to perform an official duty, either expressed
- 7 or implied, in a manner affecting some person adversely; or
- 8 (e) Bring about or continue a strike, boycott, or other collective unofficial action,
- 9 if the property is not demanded or received for the benefit of the group in
- 10 whose interest the actor purports to act; or
- 11 (f) Testify or provide information or withhold testimony or information with
- 12 respect to another's legal claim or defense.
- 13 (2) It is a defense to prosecution based on subsection (1)(b), (c), or (d) that the property
- 14 obtained by threat of accusation, exposure, lawsuit, or other invocation of official
- 15 action was claimed as restitution or indemnification for harm done in the
- 16 circumstances to which accusation, exposure, lawsuit, or other official action relates,
- 17 or as compensation for property or lawful services.
- 18 (3) Theft by extortion is a Class A misdemeanor unless the value of the property
- 19 obtained is:
- 20 (a) **One thousand five hundred**~~Five hundred~~ dollars **(\$1,500)**~~(\$500)~~ or more
- 21 but less than ten thousand dollars (\$10,000), in which case it is a Class D
- 22 felony; or
- 23 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- 24 ➔Section 24. KRS 514.090 is amended to read as follows:
- 25 (1) A person is guilty of theft of labor already rendered when, in payment of labor
- 26 already rendered by another, he intentionally issues or passes a check or similar sight
- 27 order for the payment of money, knowing that it will not be honored by the drawee.

- 1 (2) For purposes of subsection (1) of this section, an issuer of a check or similar sight
 2 order for the payment of money is presumed to know that the check or order, other
 3 than a postdated check or order, would not be paid, if:
- 4 (a) The issuer had no account with the drawee at the time the check or order was
 5 issued; or
- 6 (b) Payment was refused by the drawee for lack of funds, upon presentation within
 7 thirty days (30) after issue, and the issuer failed to make good within ten (10)
 8 days after receiving notice of that refusal.
- 9 (3) Theft of labor already rendered is a Class A misdemeanor unless the value of the
 10 labor rendered is:
- 11 (a) ***One thousand five hundred***~~Five hundred~~ dollars ***(\$1,500)***~~(\$500)~~ or more
 12 but less than ten thousand dollars (\$10,000), in which case it is a Class D
 13 felony; or
- 14 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- 15 ➔Section 25. KRS 514.110 is amended to read as follows:
- 16 (1) A person is guilty of receiving stolen property when he receives, retains, or disposes
 17 of movable property of another knowing that it has been stolen, or having reason to
 18 believe that it has been stolen, unless the property is received, retained, or disposed
 19 of with intent to restore it to the owner.
- 20 (2) The possession by any person of any recently stolen movable property shall be prima
 21 facie evidence that such person knew such property was stolen.
- 22 (3) Receiving stolen property is a Class A misdemeanor unless:
- 23 (a) The value of the property is ***one thousand five hundred***~~five hundred~~ dollars
 24 ***(\$1,500)***~~(\$500)~~ or more but less than ten thousand dollars (\$10,000), in
 25 which case it is a Class D felony;
- 26 (b) The value of the property is ten thousand dollars (\$10,000) or more, in which
 27 case it is a Class C felony;

1 (c) The property is a firearm, regardless of the value of the firearm, in which case
2 it is a Class D felony; or

3 (d) The property is anhydrous ammonia, regardless of the value of the ammonia, in
4 which case it is a Class D felony unless it is proven that the person violated this
5 section with the intent to manufacture methamphetamine in violation of KRS
6 218A.1432, in which case it is a Class B felony for the first offense and a Class
7 A felony for each subsequent offense.

8 ➔Section 26. KRS 514.120 is amended to read as follows:

9 (1) A person is guilty of obscuring the identity of a machine or other property when he
10 or she:

11 (a) Removes, defaces, covers, alters, destroys, or otherwise obscures the
12 manufacturer's serial number or any other distinguishing identification number
13 or mark, including property marked with a Social Security number or motor
14 vehicle operator's license number for identification purposes, upon any
15 automobile or other propelled vehicle, machine, or electrical or mechanical
16 device, or other property, including any part thereof, with intent to render it or
17 other property unidentifiable; or

18 (b) Possesses any automobile or other propelled vehicle, machine, or electrical or
19 mechanical device, or other property, including any part thereof, knowing that
20 the serial number or other identification number or mark, including property
21 marked with a Social Security number for identification purposes, has been
22 removed, defaced, covered, altered, destroyed, or otherwise obscured.

23 (2) Possession of any automobile or other propelled vehicle, machine, or electrical or
24 mechanical device, or other property, including any part thereof, on which the serial
25 number or any other distinguishing identification number or mark, including property
26 marked with a Social Security number or motor vehicle operator's license number
27 for identification purposes, has been removed, defaced, covered, altered, destroyed,

1 or otherwise obscured is prima facie evidence of knowledge of that fact.

2 (3) A person in possession of any property which is otherwise in violation of this section
 3 may apply in writing to the Department of Kentucky State Police, through any law
 4 enforcement agency in the county of his or her residence, for assignment of a
 5 number for the property providing he or she can show that he or she is the lawful
 6 owner of the property pursuant to the provisions of this section and KRS 16.200 and
 7 500.090. If a number is issued in conformity with the provisions of this section and
 8 KRS 16.200 and 500.090, then the person to whom it was issued and any person to
 9 whom the property is lawfully disposed of shall not be in violation of these sections.
 10 A person lawfully holding a certification issued pursuant to KRS 500.090 shall also
 11 be deemed in compliance with this section. This section shall apply only when the
 12 application has been filed by the defendant prior to arrest or authorization of a
 13 warrant of arrest for the defendant by a court.

14 (4) Obscuring the identity of a machine or other property is a Class A misdemeanor
 15 unless the value of the property is:

16 (a) One thousand five hundred~~Five hundred~~ dollars (\$1,500)~~(\$500)~~ or more
 17 but less than ten thousand dollars (\$10,000), in which case it is a Class D
 18 felony; or

19 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.

20 ➔Section 27. KRS 516.120 is amended to read as follows:

21 (1) A person is guilty of unlawfully using slugs in the first degree when:

22 (a) He makes, possesses or disposes of slugs with intent to enable a person to
 23 insert, deposit or use them in a coin machine; and

24 (b) The value of such slugs exceeds one thousand five hundred dollars
 25 (\$1,500)~~(\$100)~~.

26 (2) Unlawfully using slugs in the first degree is a Class D felony.

27 ➔Section 28. KRS 517.060 is amended to read as follows:

- 1 (1) A person is guilty of defrauding secured creditors when he destroys, damages,
2 removes, conceals, encumbers, transfers, or otherwise deals with property subject to
3 a security interest with intent either to lower the value of the secured interest or
4 unlawfully to hinder enforcement of that interest.
- 5 (2) Defrauding secured creditors is a Class A misdemeanor unless the value of the
6 property subject to the security interest is:
- 7 (a) ***One thousand five hundred***~~Five hundred~~ dollars ***(\$1,500)***~~(\$500)~~ or more
8 up to ten thousand dollars (\$10,000), in which case it is a Class D felony; or
9 (b) Ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.