

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 194A.990 is amended to read as follows:

4 (1) Any person who violates the provisions of KRS 194A.505(1), (2), or (7) shall be
5 guilty of:

6 ***(a)*** A Class ~~B~~[A] misdemeanor ~~if~~[, unless] the sum total of benefits received in
7 excess of that to which the person was entitled at the time of the offense was
8 committed is valued at or *below five hundred dollars (\$500)*~~[over one~~
9 ~~hundred dollars (\$100), in which case it is a Class D felony]~~;

10 ***(b)*** *A Class A misdemeanor if the sum total of benefits received in excess of that*
11 *to which the person was entitled at the time of the offense was committed is*
12 *valued at more than five hundred dollars (\$500) but less than one thousand*
13 *dollars (\$1,000); or*

14 ***(c)*** *A Class D felony:*

15 *1. If the sum total of benefits received in excess of that to which the*
16 *person was entitled at the time of the offense was committed is valued*
17 *at or above one thousand dollars (\$1,000); or*

18 *2. If the person has three (3) or more convictions of paragraph (b) of this*
19 *subsection within the last five (5) years. In determining the five (5)*
20 *year period under paragraph (b) of this subsection, the period shall be*
21 *measured from the dates on which the offenses occurred for which the*
22 *judgments of conviction were entered.*

23 (2) Any person who violates KRS 194A.505(3) shall be guilty of a Class D felony.

24 (3) Any person who violates the provisions of KRS 194A.505(4) or (5) shall be guilty
25 of a Class C felony.

26 (4) Any person who violates the provisions of KRS 194A.505(6) shall be guilty of a
27 Class D felony, unless the purpose of the violation is to obtain ten thousand dollars

1 (\$10,000) or more, in which case it shall be a Class C felony.

2 (5) Any person who violates KRS 194A.505(1) to (6) shall, in addition to any other
3 penalties provided by law, forfeit and pay a civil penalty of payment to the cabinet
4 in the amount of all benefits and payments to which the person was not entitled.

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

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

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

14 ➔Section 2. KRS 205.8463 is amended to read as follows:

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

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

26 (3) No person shall, with intent to defraud, knowingly make, or induce, or seek to
27 induce the making of a false statement or false representation of a material fact with

1 respect to the conditions or operations of an institution or facility in order that the
2 institution or facility may qualify, upon initial certification or upon recertification,
3 as a hospital, skilled-nursing facility, intermediate-care facility, home-health
4 agency, or other provider of services to the Medical Assistance Program.

5 (4) No person shall, in any matter within the jurisdiction of the Cabinet for Health and
6 Family Services under this chapter, knowingly falsify, conceal, or cover up by any
7 trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent
8 statement or representation, or make or use any false writing or document knowing
9 the same to contain any false, fictitious, or fraudulent statement or entry.

10 (5) (a) Any person who violates subsections (1) and (2) of this section shall be guilty
11 of:

12 1. A Class ~~B~~A misdemeanor ~~if~~unless the sum total of benefits or
13 payments claimed in any application, claim, report, or document, or in
14 any combination or aggregation thereof, is valued at or below five
15 hundred dollars (\$500)~~three hundred dollars (\$300) or more in which~~
16 ~~ease it shall be a Class D felony~~;

17 2. A Class A misdemeanor if the sum total of benefits or payments
18 claimed in any application, claim, report, or document, or in any
19 combination or aggregation thereof, is valued at more than five
20 hundred dollars (\$500) but less than one thousand dollars (\$1,000); or

21 3. A Class D felony:

22 a. If the sum total of benefits or payments claimed in any
23 application, claim, report, or document, or in any combination
24 or aggregation thereof, is valued at or above one thousand
25 dollars (\$1,000); or

26 b. If the person has three (3) or more convictions of subparagraph
27 2. of this paragraph within the last five (5) years. In determining

1 *the five (5) year period under subparagraph 2. of this paragraph,*
 2 *the period shall be measured from the dates on which the*
 3 *offenses occurred for which the judgments of conviction were*
 4 *entered.*

5 (b) Any person who violates the provisions of subsection (3) of this section shall
 6 be guilty of a Class C felony.

7 (c) Any person who violates the provisions of subsection (4) of this section shall
 8 be guilty of a Class D felony.

9 ➔Section 3. KRS 238.995 is amended to read as follows:

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

12 (2) Any person who makes any materially false or misleading statement in making
 13 application for licensure or in submitting reports required under this chapter, or any
 14 person who willfully fails to maintain records or make entries required under this
 15 chapter, or any person who willfully refuses to produce for inspection any books,
 16 documents, or records required under this chapter shall be guilty of a Class A
 17 misdemeanor.

18 (3) Any person who engages in conduct designed to corrupt the outcome of any
 19 charitable gaming activity with purpose to defraud or knowing that he is facilitating
 20 a fraud shall be guilty of:

21 *(a) A Class B misdemeanor if the amount involved is five hundred dollars*
 22 *(\$500) or less;*

23 (b) A Class A misdemeanor if the amount involved is *more than five hundred*
 24 *dollars (\$500) but* less than *one thousand*~~three hundred~~ dollars
 25 *(\$1,000)*~~(\$300)~~; *or*~~and~~

26 (c) A Class D felony:

27 *1.* If the amount involved is *one thousand*~~three hundred~~ dollars

1 (\$1,000)[(\$300)] or more; or

2 2. If the person has three (3) or more convictions of paragraph (b) of this
 3 subsection within in the last five (5) years. In determining the five (5)
 4 year period under paragraph (b) of this subsection, the period shall be
 5 measured from the dates on which the offenses occurred for which the
 6 judgments of conviction were entered.

7 (4) Any person who knowingly diverts charitable gaming funds from legitimate
 8 charitable purpose or lawful expenses allowed under this chapter to his financial
 9 benefit or the financial benefit of another person shall be guilty of:

10 (a) A Class B misdemeanor if the amount involved is five hundred dollars
 11 (\$500) or less;

12 (b) A Class A misdemeanor if the amount involved is more than five hundred
 13 dollars (\$500) but less than one thousand[three hundred] dollars
 14 (\$1,000)[(\$300)]; or[and]

15 (c) A Class D felony;

16 1. If the amount involved is one thousand[three hundred] dollars
 17 (\$1,000)[(\$300)] or more; or

18 2. If the person has three (3) or more convictions of paragraph (b) of this
 19 subsection within in the last five (5) years. In determining the five (5)
 20 year period under paragraph (b) of this subsection, the period shall be
 21 measured from the dates on which the offenses occurred for which the
 22 judgments of conviction were entered.

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

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

1 (7) No person shall make or cause a false entry to be made in the business records of a
 2 charitable organization; alter, erase, obliterate, delete, remove, or destroy a true
 3 entry in the business records of a charitable organization; omit to make a true entry
 4 in the business records of a charitable organization in violation of a duty to do so
 5 that he knows to be imposed upon him by law or by the nature of his position; or
 6 prevent the making of a true entry or cause the omission thereof in the business
 7 records of a charitable organization.

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

10 ➔Section 4. KRS 341.990 is amended to read as follows:

11 (1) Except as otherwise provided in subsection (11) of this section, any employee of
 12 any state agency who violates any of the provisions of KRS 341.110 to 341.230
 13 shall be guilty of a Class B misdemeanor.

14 (2) Any person subpoenaed to appear and testify or produce evidence in an inquiry,
 15 investigation, or hearing conducted under this chapter who fails to obey the
 16 subpoena shall be guilty of a Class B misdemeanor.

17 (3) Any subject employer, or officer or agent of a subject employer, who violates
 18 subsection (1) of KRS 341.470 shall be guilty of a Class A misdemeanor.

19 (4) Any person who violates subsection (2) of KRS 341.470 shall be guilty of a Class A
 20 misdemeanor.

21 (5) Any person who knowingly makes a false statement or representation of a material
 22 fact or knowingly fails to disclose a material fact to the secretary to obtain or
 23 increase any benefit under this chapter or under an employment security law of any
 24 other state, or of the federal government, either for himself or for any other person,
 25 business entity, or organization shall be guilty of:

26 (a) A Class ~~B~~^A misdemeanor ~~if~~^{unless} the value of the benefits procured or
 27 attempted to be procured is five hundred dollars (\$500)~~one hundred dollars~~

1 ~~(\$100)}~~ or less~~[more, in which case he shall be guilty of a Class D felony];~~

2 (b) A Class A misdemeanor if the value of the benefits procured or attempted to
 3 be procured is more than five hundred dollars (\$500) but less than one
 4 thousand dollars (\$1,000); or

5 (c) A Class D felony:

6 1. If the value of the benefits procured or attempted to be procured is one
 7 thousand dollars (\$1,000) or more; or

8 2. If the person has three (3) or more convictions of paragraph (b) of this
 9 subsection within in the last five (5) years. In determining the five (5)
 10 year period under paragraph (b) of this subsection, the period shall be
 11 measured from the dates on which the offenses occurred for which the
 12 judgments of conviction were entered.

13 (6) (a) Any person who knowingly makes a false statement or representation, or who
 14 knowingly fails to disclose a material fact to prevent or reduce the payment of
 15 benefits to any worker entitled thereto, or to avoid becoming or remaining
 16 subject to this chapter, or to avoid or reduce any payment required of an
 17 employing unit under this chapter shall be guilty of:

18 1. A Class B~~[A]~~ misdemeanor if~~[unless]~~ the liability avoided or attempted
 19 to be avoided is five hundred dollars (\$500)~~[one hundred dollars~~
 20 ~~(\$100)]~~ or less~~[more, in which case he shall be guilty of a Class D~~
 21 ~~felony];~~

22 2. A Class A misdemeanor if the liability avoided or attempted to be
 23 avoided is more than five hundred dollars (\$500) but less than one
 24 thousand dollars (\$1,000); or

25 3. A Class D felony:

26 a. If the liability avoided or attempted to be avoided is one thousand
 27 dollars (\$1,000) or more; or

1 *b. If the person has three (3) or more convictions of subparagraph*
2 *2. of this paragraph within in the last five (5) years. In*
3 *determining the five (5) year period under subparagraph 2. of*
4 *this paragraph, the period shall be measured from the dates on*
5 *which the offenses occurred for which the judgments of*
6 *conviction were entered.*

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

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

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

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

25 (10) Proceeds from all penalties imposed under subsection (9) of this section and KRS
26 341.540 shall be deposited in the unemployment compensation administration
27 account and shall be expended solely for the cost of administration of this chapter

1 consistent with KRS 341.240.

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

4 ➔Section 5. KRS 434.650 is amended to read as follows:

5 (1) (a) A person who, with intent to defraud the issuer, a participating party, a person,
6 or organization providing money, goods, services, or anything else of value, or any
7 other person:

8 ~~1.(a)~~ Uses for the purpose of obtaining money, goods, services, or
9 anything else of value a credit or debit card obtained or retained in
10 violation of KRS 434.570 to 434.650, or any of such sections, or a credit
11 or debit card which he knows is forged, expired, or revoked;~~or~~

12 ~~2.(b)~~ Obtains money, goods, services, or anything else of value by
13 representing without consent of the cardholder that he is the holder of a
14 specified card or by representing that he is the holder of a card and such
15 card has not in fact been issued;~~or~~

16 ~~3.(c)~~ Uses a credit or debit card obtained or retained in violation of KRS
17 434.570 to 434.650, or any of such sections, or a credit or debit card
18 which he knows is forged, expired, or revoked, as authority or
19 identification to cash or attempts to cash or otherwise negotiate or
20 transfer a check or other order for payment of money, whether or not
21 negotiable, if said negotiation or transfer or attempt to negotiate or
22 transfer would constitute a crime under KRS 514.040 or 516.030; or

23 ~~4.(d)~~ Deposits into his account or any account, via an automated
24 banking device, a false, fictitious, forged, altered, or counterfeit check,
25 draft, money order, or any other such document not his lawful or legal
26 property;~~or~~

27 is guilty *as provided in paragraph (b) of this subsection.*

1 (b) The penalty for violating paragraph (a) of this subsection is:~~[of a Class A~~
2 ~~misdemeanor,]~~

3 1. A Class B misdemeanor if the value of all money, goods, services, or
4 other things of value obtained in violation of this section over a six (6)
5 month period is less than five hundred dollars (\$500);

6 2. A Class A misdemeanor if the value of all money, goods, services, or
7 other things of value obtained in violation of this section over a six (6)
8 month period is five hundred dollars (\$500) or more but less than one
9 thousand dollars (\$1,000);~~[five hundred dollars (\$500),]~~

10 3. A Class D felony:_____

11 a. If the value of all money, goods, services, or other things of value
12 obtained in violation of this section over a six (6) month
13 period~~[such value]~~ is one thousand dollars (\$1,000)~~[five hundred~~
14 ~~dollars (\$500)]~~ or more but is less than ten thousand dollars
15 (\$10,000);~~[,]~~ or

16 b. If the person has three (3) or more convictions of subparagraph
17 2. of this paragraph within the last five (5) years. In determining
18 the five (5) year period under subparagraph 2. of this paragraph,
19 the period shall be measured from the dates on which the
20 offenses occurred for which the judgments of conviction were
21 entered; or

22 4. A Class C felony if the value of all money, goods, services, or other
23 things of value obtained in violation of this section over a six (6)
24 month period~~[such value]~~ is ten thousand dollars (\$10,000) or more.

25 (2) A person who receives money, goods, services, or anything else of value as a result
26 of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any
27 other such document having been deposited into an account via an automated

1 banking device, knowing at the time of receipt of the money, goods, services, or
 2 item of value that the document so deposited was false, fictitious, forged, altered, or
 3 counterfeit or that the above described deposited item was not his lawful or legal
 4 property, violates this subsection and is subject to the penalties set forth in
 5 subsection (1) of this section.

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

13 ➔Section 6. KRS 434.655 is amended to read as follows:

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

19 (a) A Class ~~B~~[A] misdemeanor if the value of all money, goods, services, or other
 20 things of value furnished in violation of this section over a six (6) month
 21 period is ~~less than~~ five hundred dollars (\$500) or less;~~;~~

22 (b) A Class A misdemeanor if the value of all money, goods, services, or other
 23 things of value furnished in violation of this section over a six (6) month
 24 period is more than five hundred dollars (\$500) but less than one thousand
 25 dollars (\$1,000);

26 (c) A Class D felony;

27 1. If ~~the~~~~such~~ value of all money, goods, services, or other things of

1 value furnished in violation of this section over a six (6) month period
 2 is one thousand~~[five hundred]~~ dollars (\$1,000)~~[(500)]~~ or more but is
 3 less than ten thousand dollars (\$10,000);~~[,]~~ or

4 2. If the person has three (3) or more convictions of paragraph (b) of this
 5 subsection within the last five (5) years. In determining the five (5)
 6 year period under paragraph (b) of this subsection, the period shall be
 7 measured from the dates on which the offenses occurred for which the
 8 judgments of conviction were entered; or

9 (d) A Class C felony if such value is ten thousand dollars (\$10,000) or more.

10 (2) A cardholder who, after using a credit or debit card, fraudulently reports to the
 11 issuer that such usage or transaction was not made by said cardholder, or that said
 12 credit or debit card was lost, stolen, or not received at the time of such usage or
 13 transaction, in order to defraud the issuer, the cardholder, or any other person in
 14 connection with said usage, shall be guilty of:

15 (a) A Class B~~[A]~~ misdemeanor if the value of all money, goods, services, or other
 16 things of value furnished in violation of this section over a six (6) month
 17 period is~~[less than]~~ five hundred dollars (\$500) or less;~~[,]~~

18 (b) A Class A misdemeanor if the value of all money, goods, services, or other
 19 things of value furnished in violation of this section over a six (6) month
 20 period is more than five hundred dollars (\$500) but less than one thousand
 21 dollars (\$1,000);

22 (c) A Class D felony:

23 1. If ~~the~~^{such} value of all money, goods, services, or other things of
 24 value furnished in violation of this section over a six (6) month period
 25 is one thousand~~[five hundred]~~ dollars (\$1,000)~~[(500)]~~ or more but is
 26 less than ten thousand dollars (\$10,000);~~[,]~~ or

27 2. If the person has three (3) or more convictions of paragraph (b) of this

1 subsection within the last five (5) years. In determining the five (5)
 2 year period under paragraph (b) of this subsection, the period shall be
 3 measured from the dates on which the offenses occurred for which the
 4 judgments of conviction were entered; or

5 **(d)** A Class C felony if such value is ten thousand dollars (\$10,000) or more.

6 ➔Section 7. KRS 434.690 is amended to read as follows:

7 (1) A person who receives money, goods, services, or anything else of value obtained in
 8 violation of KRS 434.650, knowing or believing that it was so obtained is guilty of:

9 **(a)** A Class ~~B~~^A misdemeanor, if the value of all money, goods, services, and
 10 other things of value received in violation of this section over a six (6) month
 11 period is ~~less than~~ five hundred dollars (\$500) or less; ~~;~~

12 **(b)** A Class A misdemeanor if the value of all money, goods, services, and other
 13 things of value received in violation of this section over a six (6) month
 14 period is more than five hundred dollars (\$500) but less than one thousand
 15 dollars (\$1,000);

16 **(c)** A Class D felony:

17 **1.** If ~~the~~^{such} 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
 19 more is one thousand~~five hundred~~ dollars (\$1,000)~~(\$500)~~ or more
 20 but is less than ten thousand dollars (\$10,000); ~~;~~ or

21 **2.** If the person has three (3) or more convictions of paragraph (b) of this
 22 subsection within the last five (5) years. In determining the five (5)
 23 year period under paragraph (b) of this subsection, the period shall be
 24 measured from the dates on which the offenses occurred for which the
 25 judgments of conviction were entered; or

26 **(d)** A Class C felony if such value is ten thousand dollars (\$10,000) or more.

27 (2) A person who possesses three (3) or more tickets for airline, railroad, steamship, or

1 other transportation service, which tickets were obtained by the use of a stolen or
2 forged credit or debit card is presumed to know that such tickets were so obtained.

3 ➔Section 8. KRS 514.030 is amended to read as follows:

- 4 (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by
5 unlawful taking or disposition when he unlawfully:
- 6 (a) Takes or exercises control over movable property of another with intent to
7 deprive him thereof; or
 - 8 (b) Obtains immovable property of another or any interest therein with intent to
9 benefit himself or another not entitled thereto.
- 10 (2) Theft by unlawful taking or disposition is ~~a Class A misdemeanor unless~~:
- 11 (a) ***If*** the property is a firearm (regardless of the value of the firearm), ~~in which~~
12 ~~case it is~~ a Class D felony;
 - 13 (b) ***If*** the property is anhydrous ammonia (regardless of the value of the
14 ammonia), ~~in which case it is~~ a Class D felony unless it is proven that the
15 person violated this section with the intent to manufacture methamphetamine
16 in violation of KRS 218A.1432, in which case it is a Class B felony for the
17 first offense and a Class A felony for each subsequent offense;
 - 18 (c) ***If*** the property is one (1) or more controlled substances valued collectively at
19 less than ten thousand dollars (\$10,000), ~~in which case it is~~ a Class D felony;
 - 20 (d) ***If the value of the property is less than five hundred dollars (\$500), a Class***
21 ***B misdemeanor;***
 - 22 (e) ***If the value of the property is five hundred dollars (\$500) or more but less***
23 ***than one thousand dollars (\$1,000), a Class A misdemeanor;***
 - 24 (f) ***If the person has three (3) or more convictions of paragraph (e) of this***
25 ***subsection within the last five (5) years, a Class D felony. In determining***
26 ***the five (5) year period under paragraph (e) of this subsection, the period***
27 ***shall be measured from the dates on which the offenses occurred for which***

1 *the judgments of conviction were entered:*

2 (g) *If* the value of the property is *one thousand dollars (\$1,000)*~~five hundred~~
3 ~~dollars (\$500)~~ or more but less than ten thousand dollars (\$10,000), ~~in which~~
4 ~~case it is~~ a Class D felony;

5 (h)~~(e)~~ *If* the value of the property is ten thousand dollars (\$10,000) or more but
6 less than one million dollars (\$1,000,000), ~~in which case it is~~ a Class C
7 felony;

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

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

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

16 ➔Section 9. KRS 514.040 is amended to read as follows:

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

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

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

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

27 (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the

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

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

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

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

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

19 (8) Theft by deception is: ~~[-] a Class A misdemeanor unless~~

20 (a) If the value of the property, service, or the amount of the check or sight order
21 referred to in subsection (6) or (7) of this section is *less than five hundred*
22 *dollars (\$500), a Class B misdemeanor;* ~~[-]~~

23 (b) If the value of the property, service, or the amount of the check or sight
24 order referred to in subsection (6) or (7) of this section is five hundred
25 dollars (\$500) or more but less than one thousand dollars (\$1,000), a Class
26 A misdemeanor;

27 (c) If a person has three (3) or more convictions of paragraph (b) of this

1 subsection within the last five (5) years, a Class D felony. In determining
 2 the five (5) year period under paragraph (b) of this subsection, the period
 3 shall be measured from the dates on which the offenses occurred for which
 4 the judgments of conviction were entered;

5 ~~(d)(a)~~ If the value of the property, service, or the amount of the check or
 6 sight order referred to in subsection (6) or (7) of this section is one
 7 thousand dollars (\$1,000)~~Five hundred dollars (\$500)~~ or more but less than
 8 ten thousand dollars (\$10,000),~~in which case it is~~ a Class D felony; or

9 ~~(e)(b)~~ If the value of the property, service, or the amount of the check or
 10 sight order referred to in subsection (6) or (7) of this section is ten thousand
 11 dollars (\$10,000) or more,~~in which case it is~~ a Class C felony.

12 ➔Section 10. KRS 514.050 is amended to read as follows:

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

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

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

20 (2) Theft of property lost, mislaid, or delivered by mistake is:~~a Class A misdemeanor~~
 21 ~~unless~~

22 (a) If the value of the property is less than five hundred dollars (\$500), a Class
 23 B misdemeanor;~~;~~

24 (b) If the value of the property is five hundred dollars (\$500) or more but less
 25 than one thousand dollars (\$1,000), a Class A misdemeanor;

26 (c) If a person has three (3) or more convictions of paragraph (b) of this
 27 subsection within the last five (5) years, a Class D felony. In determining

1 the five (5) year period under paragraph (b) of this subsection, the period
 2 shall be measured from the dates on which the offenses occurred for which
 3 the judgments of conviction were entered;

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

7 ~~(e)(b)~~ If the value of the property is ten thousand dollars (\$10,000) or more,~~f~~
 8 ~~in which case it is~~ a Class C felony.

9 ➔Section 11. KRS 514.060 is amended to read as follows:

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

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

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

16 1. Unauthorized interception of any electronic serial number, mobile
 17 identification number, personal identification number, or like identifying
 18 number;

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

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

23 4. Use of deception, threat, or other means to avoid payment for the
 24 services which the person knows are available only for charge or
 25 compensation; or

26 (c) Having control over or unauthorized access to the use of the services of others
 27 to which the person is not entitled, the person intentionally diverts the services

1 to the person's own benefit or the benefit of another not entitled thereto.

2 (2) Where compensation for services is ordinarily paid immediately upon the rendering
3 of the services, as in the case of hotels and restaurants, refusal to pay or absconding
4 without payment or offer to pay shall be prima facie evidence that the services were
5 obtained by deception as to intention to pay.

6 (3) In any prosecution for theft of gas, water, electricity, or other public service, where
7 the utility supplying the service had installed a meter or other device to record the
8 amount of service supplied, proof that:

9 (a) The meter or other device has been altered, tampered with, or bypassed in a
10 manner so as to prevent or reduce the recording thereof; or

11 (b) Service has been, after having been disconnected by the utility supplying
12 service, reconnected without authorization of the utility

13 shall be prima facie evidence of the intent to commit theft of service by the person
14 or persons obligated to pay for service supplied through the meter or other device.

15 (4) Theft of services is: ~~[- a Class A misdemeanor unless -]~~

16 (a) If the value of the service is less than five hundred dollars (\$500), a Class B
17 misdemeanor; ~~[-]~~

18 (b) If the value of the service is five hundred dollars (\$500) or more but less
19 than one thousand dollars (\$1,000), a Class A misdemeanor;

20 (c) If a person has three (3) or more convictions of paragraph (b) of this
21 subsection within the last five (5) years, a Class D felony. In determining
22 the five (5) year period under paragraph (b) of this subsection, the period
23 shall be measured from the dates on which the offenses occurred for which
24 the judgments of conviction were entered;

25 (d) ~~(a)~~ If the value of the service is one thousand dollars (\$1,000) ~~Five~~
26 hundred dollars (\$500) or more but less than ten thousand dollars (\$10,000), ~~f~~
27 in which case it is a Class D felony; or

1 ~~(e)(b)~~ **If the value of the service is** ten thousand dollars (\$10,000) or more, ~~in~~
 2 ~~which case it is~~ a Class C felony.

3 ➔ Section 12. KRS 514.070 is amended to read as follows:

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

6 (a) He obtains property upon agreement or subject to a known legal obligation to
 7 make specified payment or other disposition whether from such property or its
 8 proceeds or from his own property to be reserved in equivalent amount; and

9 (b) He intentionally deals with the property as his own and fails to make the
 10 required payment or disposition.

11 (2) The provisions of subsection (1) apply notwithstanding that it may be impossible to
 12 identify particular property as belonging to the victim at the time of the actor's
 13 failure to make the required payment or disposition.

14 (3) An officer or employee of the government or of a financial institution is presumed:

15 (a) To know any legal obligation relevant to his criminal liability under this
 16 section; and

17 (b) To have dealt with the property as his own when:

18 1. He fails to account or pay upon lawful demand; or

19 2. An audit reveals a shortage or falsification of accounts.

20 (4) Theft by failure to make required disposition of property received is: ~~a Class A~~
 21 ~~misdemeanor unless~~

22 **(a) If the value of the property is less than five hundred dollars (\$500), a Class**
 23 **B misdemeanor;**

24 **(b) If the value of the property is five hundred dollars (\$500) or more but less**
 25 **than one thousand dollars (\$1,000), a Class A misdemeanor;** ~~;~~

26 **(c) If a person has three (3) or more convictions of paragraph (b) of this**
 27 **subsection within the last five (5) years, a Class D felony. In determining**

1 *the five (5) year period under paragraph (b) of this subsection, the period*
 2 *shall be measured from the dates on which the offenses occurred for which*
 3 *the judgments of conviction were entered;*

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

7 ~~(e)(b)~~ *If the value of the property is* ten thousand dollars (\$10,000) or more,~~f~~
 8 ~~in which case it is~~ a Class C felony.

9 (5) No person shall be convicted of theft by failure to make required disposition of
 10 property received when he or she has also been convicted of a violation of KRS
 11 522.050 arising out of the same incident.

12 ➔Section 13. KRS 514.080 is amended to read as follows:

13 (1) A person is guilty of theft by extortion when he intentionally obtains property of
 14 another by threatening to:

15 (a) Inflict bodily injury on anyone or commit any other criminal offense; or

16 (b) Accuse anyone of a criminal offense; or

17 (c) Expose any secret tending to subject any person to hatred, contempt, or
 18 ridicule, or to impair his credit or business repute; or

19 (d) Use wrongfully his position as a public officer or servant or employee by
 20 performing some act within or related to his official duties, either expressed or
 21 implied, or by refusing or omitting to perform an official duty, either
 22 expressed or implied, in a manner affecting some person adversely; or

23 (e) Bring about or continue a strike, boycott, or other collective unofficial action,
 24 if the property is not demanded or received for the benefit of the group in
 25 whose interest the actor purports to act; or

26 (f) Testify or provide information or withhold testimony or information with
 27 respect to another's legal claim or defense.

1 (2) It is a defense to prosecution based on subsection (1)(b), (c), or (d) that the property
 2 obtained by threat of accusation, exposure, lawsuit, or other invocation of official
 3 action was claimed as restitution or indemnification for harm done in the
 4 circumstances to which accusation, exposure, lawsuit, or other official action
 5 relates, or as compensation for property or lawful services.

6 (3) Theft by extortion is:~~[a Class A misdemeanor unless]~~
 7 (a) If the value of the property obtained is less than five hundred dollars (\$500),
 8 a Class B misdemeanor;~~[-]~~
 9 (b) If the value of the property obtained is five hundred dollars (\$500) or more
 10 but less than one thousand dollars (\$1,000), a Class A misdemeanor;
 11 (c) If a person has three (3) or more convictions of paragraph (b) of this
 12 subsection within the last five (5) years, a Class D felony. In determining
 13 the five (5) year period under paragraph (b) of this subsection, the period
 14 shall be measured from the dates on which the offenses occurred for which
 15 the judgments of conviction were entered;
 16 ~~(d)(a)~~ If the value of the property is one thousand dollars (\$1,000)~~[Five~~
 17 ~~hundred dollars (\$500)]~~ or more but less than ten thousand dollars (\$10,000),~~[~~
 18 ~~in which case it is]~~ a Class D felony; or
 19 ~~(e)(b)~~ If the value of the property is ten thousand dollars (\$10,000) or more,~~[~~
 20 ~~in which case it is]~~ a Class C felony.

21 ➔Section 14. KRS 514.090 is amended to read as follows:

22 (1) A person is guilty of theft of labor already rendered when, in payment of labor
 23 already rendered by another, he intentionally issues or passes a check or similar
 24 sight order for the payment of money, knowing that it will not be honored by the
 25 drawee.

26 (2) For purposes of subsection (1) of this section, an issuer of a check or similar sight
 27 order for the payment of money is presumed to know that the check or order, other

1 than a postdated check or order, would not be paid, if:

2 (a) The issuer had no account with the drawee at the time the check or order was
3 issued; or

4 (b) Payment was refused by the drawee for lack of funds, upon presentation
5 within thirty days (30) after issue, and the issuer failed to make good within
6 ten (10) days after receiving notice of that refusal.

7 (3) Theft of labor already rendered is: ~~[- a Class A misdemeanor unless -]~~

8 (a) If the value of the labor rendered is less than five hundred dollars (\$500), a
9 Class B misdemeanor; [-]

10 (b) If the value of the labor rendered is five hundred dollars (\$500) or more but
11 less than one thousand dollars (\$1,000), a Class A misdemeanor;

12 (c) If a person has three (3) or more convictions of paragraph (b) of this
13 subsection within the last five (5) years, a Class D felony. In determining
14 the five (5) year period under paragraph (b) of this subsection, the period
15 shall be measured from the dates on which the offenses occurred for which
16 the judgments of conviction were entered;

17 (d) ~~(a)~~ If the value of the labor rendered is one thousand dollars
18 (\$1,000) ~~Five hundred dollars (\$500)~~ or more but less than ten thousand
19 dollars (\$10,000), ~~in which case it is~~ a Class D felony; or

20 (e) ~~(b)~~ If the value of the labor rendered is ten thousand dollars (\$10,000) or
21 more, ~~in which case it is~~ a Class C felony.

22 ➔Section 15. KRS 514.110 is amended to read as follows:

23 (1) A person is guilty of receiving stolen property when he receives, retains, or disposes
24 of movable property of another knowing that it has been stolen, or having reason to
25 believe that it has been stolen, unless the property is received, retained, or disposed
26 of with intent to restore it to the owner.

27 (2) The possession by any person of any recently stolen movable property shall be

1 prima facie evidence that such person knew such property was stolen.

2 (3) Receiving stolen property is~~[a Class A misdemeanor unless]~~:

3 (a) *If the value of the property is less than five hundred dollars (\$500), a Class*
4 *B misdemeanor;*

5 (b) *If the value of the property is five hundred dollars (\$500) or more but less*
6 *than one thousand dollars (\$1,000), a Class A misdemeanor;*

7 (c) *If a person has three (3) or more convictions of paragraph (b) of this*
8 *subsection within the last five (5) years, a Class D felony. In determining*
9 *the five (5) year period under paragraph (b) of this subsection, the period*
10 *shall be measured from the dates on which the offenses occurred for which*
11 *the judgments of conviction were entered;*

12 (d) *If the value of the property is one thousand dollars (\$1,000)*~~[five hundred~~
13 ~~dollars (\$500)]~~ or more but less than ten thousand dollars (\$10,000),~~[in which~~
14 ~~case it is]~~ a Class D felony;

15 (e)~~(b)]~~ *If the value of the property is ten thousand dollars (\$10,000) or more,*~~[in~~
16 ~~which case it is]~~ a Class C felony;

17 (f)~~(e)]~~ *If the property is a firearm, regardless of the value of the firearm,*~~[in~~
18 ~~which case it is]~~ a Class D felony; or

19 (g)~~(d)]~~ *If the property is anhydrous ammonia, regardless of the value of the*
20 *ammonia,*~~[in which case it is]~~ a Class D felony unless it is proven that the
21 person violated this section with the intent to manufacture methamphetamine
22 in violation of KRS 218A.1432, in which case it is a Class B felony for the
23 first offense and a Class A felony for each subsequent offense.