

H.423

Introduced by Representatives LaLonde of South Burlington, Colburn of  
Burlington, Viens of Newport City, and Willhoit of  
St. Johnsbury

Referred to Committee on

Date:

Subject: Crimes; felonies and misdemeanors; monetary threshold

Statement of purpose of bill as introduced: This bill proposes to increase the  
monetary threshold for felony treatment of crimes.

An act relating to monetary thresholds for criminal penalties

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 15 is added to read:

§ 15. MONETARY THRESHOLD; MISDEMEANORS AND FELONIES

Whenever a section of Vermont Statute contains a provision referring to this  
section for purposes of establishing a monetary threshold for determining the  
appropriate penalty for the violation, the monetary threshold shall be:

(1) \$2,000.00; or

(2) \$3,000.00.

1       Sec. 2. 13 V.S.A. § 1101 is amended to read:

2       § 1101. BRIBING PUBLIC OFFICERS OR EMPLOYEES

3                               \* \* \*

4       (b) A person who violates this section shall;

5               (1) if the value of the gift or gratuity is less than ~~\$500.00 in value~~ the  
6       monetary threshold set forth in subdivision 15(1) of this title, be imprisoned  
7       not more than two years or fined not more than \$5,000.00, or both;

8               (2) ~~A person who violates this section shall~~, if the value of the gift or  
9       gratuity is ~~\$500.00 or more in value~~ equal to or greater than the monetary  
10      threshold set forth in subdivision 15(1) of this title, be imprisoned not more  
11      than five years or fined not more than \$10,000.00, or both.

12      Sec. 3. 13 V.S.A. § 1102 is amended to read:

13      § 1102. PUBLIC OFFICERS OR EMPLOYEES ACCEPTING BRIBES

14                               \* \* \*

15      (b) A person who violates this section shall;

16              (1) if the value of the gift, gratuity, or benefit is less than ~~\$500.00 in~~  
17      ~~value~~ the monetary threshold set forth in subdivision 15(1) of this title, be  
18      imprisoned not more than two years or fined not more than \$5,000.00, or both;

19              (2) ~~A person who violates this section shall~~, if the value of the gift,  
20      gratuity, or benefit is ~~\$500.00 or more in value~~ equal to or greater than the

1 monetary threshold set forth in subdivision 15(1) of this title, be imprisoned  
2 not more than 10 years or fined not more than \$10,000.00, or both.

3 Sec. 4. 13 V.S.A. § 1106 is amended to read:

4 § 1106. KICKBACKS; PURCHASING SUPPLIES

5 \* \* \*

6 (b) A person who violates this section shall;

7 (1) if the value of the benefit ~~has a value of less than \$500.00~~ is less than  
8 the monetary threshold set forth in subdivision 15(1) of this title, be  
9 imprisoned not more than two years or fined not more than \$5,000.00, or  
10 both; or

11 (2) ~~A person who violates this section shall,~~ if the value of the benefit is  
12 ~~\$500.00 or more in value~~ equal to or greater than the monetary threshold set  
13 forth in subdivision 15(1) of this title, be imprisoned not more than five years  
14 or fined not more than \$10,000.00, or both.

15 Sec. 5. 13 V.S.A. § 1107 is amended to read:

16 § 1107. KICKBACKS; GRANTING LICENSES

17 \* \* \*

18 (b) A person who violates this section shall;

19 (1) if the value of the benefit is less than ~~\$500.00~~ the monetary threshold  
20 set forth in subdivision 15(1) of this title, be imprisoned not more than two  
21 years or fined not more than \$5,000.00, or both; or

Sec. 6. 13 V.S.A. § 1108 is amended to read:

## § 1108. KICKBACKS; PRIVATE CORPORATIONS

\* \* \*

(b) A person who violates this section shall;

(1) if the value of the benefit is less than \$ ~~500.00~~ the monetary threshold set forth in subdivision 15(1) of this title, be imprisoned not more than two years or fined not more than \$ 5,000.00, or both; or

(2) ~~A person who violates this section shall,~~ if the value of the benefit is \$ 500.00 or more equal to or greater than the monetary threshold set forth in subdivision 15(1) of this title, be imprisoned not more than five years or fined not more than \$ 10,000.00, or both.

Sec. 7. 13 V.S.A. § 1380 is amended to read:

## § 1380. FINANCIAL EXPLOITATION

\* \* \*

(b) A person who violates subsection (a) of this section, and exploits money, funds, or property ~~of no more than \$500.00 in value~~ with a value that is less than the monetary threshold set forth in subdivision 15(1) of this title, shall

1 be imprisoned not more than 18 months or fined not more than \$10,000.00,  
2 or both.

3 (c) A person who violates subsection (a) of this section, and exploits  
4 money, funds, or property ~~in excess of \$500.00 in value~~ with a value that is  
5 equal to or greater than the monetary threshold set forth in subdivision 15(1) of  
6 this title, shall be imprisoned not more than 10 years or fined not more than  
7 \$10,000.00, or both.

8 Sec. 8. 13 V.S.A. § 2002 is amended to read:

9 § 2002. FALSE PRETENSES OR TOKENS

10 A person who designedly by false pretenses or by privy or false token and  
11 with intent to defraud, obtains from another person money or other property, or  
12 a release or discharge of a debt or obligation, or the signature of a person to a  
13 written instrument, the false making whereof would be punishable as forgery,  
14 shall:

15 (1) if the value of the money or property so obtained is equal to or  
16 greater than the monetary threshold set forth in subdivision 15(2) of this title,  
17 be imprisoned not more than 10 years or fined not more than \$2,000.00, or  
18 both, ~~if the money or property so obtained exceeds \$900.00 in value;~~ or

19 (2) ~~A person who violates this section shall~~ if the value of the money or  
20 property so obtained is less than the monetary threshold set forth in subdivision  
21 15(2) of this title, be imprisoned for not more than one year or fined not more

1 than \$1,000.00, or both, ~~if the money or property obtained in violation of this~~  
2 ~~section is valued at \$900.00 or less.~~

3 Sec. 9. 13 V.S.A. § 2021 is amended to read:

4 § 2021. TELECOMMUNICATIONS FRAUD AND FACILITATION OF  
5 TELECOMMUNICATIONS FRAUD

6 \* \* \*

7 (c) Penalties. A person who is convicted of telecommunications fraud  
8 shall:

9 (1) if the benefit has a value ~~of less than \$500.00~~ that is less than the  
10 monetary threshold set forth in subdivision 15(1) of this title, be imprisoned  
11 not more than two years or fined not more than \$5,000.00, or both; or

12 (2) if the benefit ~~is \$500.00 or more in value~~ has a value that is equal to  
13 or greater than the monetary threshold set forth in subdivision 15(1) of this  
14 title, be imprisoned not more than five years or fined not more than  
15 \$10,000.00, or both.

16 \* \* \*

17 Sec. 10. 13 V.S.A. § 2029 is amended to read:

18 § 2029. HOME IMPROVEMENT FRAUD

19 \* \* \*

20 (d)(1) A person who violates subsection (b) of this section shall be  
21 imprisoned not more than two years or fined not more than \$1,000.00, or both,

1 if the loss to a single consumer is less than ~~\$1,000.00~~ the monetary threshold  
2 set forth in subdivision 15(2) of this title.

3 (2) A person who is convicted of a second or subsequent violation of  
4 subdivision (1) of this subsection shall be imprisoned not more than three years  
5 or fined not more than \$5,000.00, or both.

6 (3) A person who violates subsection (b) of this section shall be  
7 imprisoned not more than three years or fined not more than \$5,000.00, or  
8 both, if:

9 (A) the loss to a single consumer is ~~\$1,000.00 or more~~ not less than  
10 the monetary threshold set forth in subdivision 15(2) of this title; or

11 (B) the loss to more than one consumer is ~~\$2,500.00 or more~~ equal to  
12 or greater than 2.5 times the monetary threshold set forth in subdivision 15(2)  
13 of this title in the aggregate.

14 \* \* \*

15 Sec. 11. 13 V.S.A. § 2031 is amended to read:

16 § 2031. INSURANCE FRAUD

17 \* \* \*

18 (c) Penalties. A person who violates subsection (b) of this section shall:

19 (1) if the benefit wrongfully obtained or the loss suffered by any person  
20 as a result of the violation has a value ~~of less than \$900.00~~ that is less than the

1 monetary threshold set forth in subdivision 15(2) of this title, be imprisoned

2 for not more than six months or fined not more than \$5,000.00, or both; or

3 (2) if the benefit wrongfully obtained or the loss suffered by any person

4 as a result of the violation has a value ~~of more than \$900.00~~ that is equal to or

5 greater the monetary threshold set forth in subdivision 15(2) of this title, be

6 imprisoned for not more than five years or fined not more than \$10,000.00, or

7 both; or

8 \* \* \*

9 Sec. 12. 13 V.S.A. § 2501 is amended to read:

10 § 2501. GRAND LARCENY

11 A person who steals from the actual or constructive possession of another,

12 other than from his or her person, money, goods, chattels, bank notes, bonds,

13 promissory notes, bills of exchange or other bills, orders, or certificates, or a

14 book of accounts for or concerning money, or goods due or to become due or

15 to be delivered, or a deed or writing containing a conveyance of land, or any

16 other valuable contract in force, or a receipt, release or defeasance, writ,

17 process, or public record, shall be imprisoned not more than 10 years or fined

18 not more than \$5,000.00, or both, if the value of the money or other property

19 ~~stolen exceeds \$900.00 in value~~ is equal to or greater than the monetary

20 threshold set forth in subdivision 15(2) of this title.





1           ~~(2) Otherwise, a person who violates a provision of this subsection shall~~  
2           if the value of the services is less than the monetary threshold set forth in  
3           subdivision 15(2) of this title, be imprisoned for not more than one year or  
4           fined not more than \$1,000.00, or both.

5           ~~(b) Where~~ For the purposes of subsection (a) of this section, where  
6           compensation for service is ordinarily paid immediately upon the rendering of  
7           such service, as in the case of hotels, restaurants, and transportation, refusal to  
8           pay or absconding without payment or offer to pay gives rise to a rebuttable  
9           presumption that the service was obtained by deception as to intention to pay.

10          ~~(b)(c)~~ (c) A person who, having control over the disposition of services of  
11          others, to which he or she is not entitled, knowingly diverts such services to the  
12          person's own benefit or to the benefit of another not entitled thereto shall:

13               (1) if the value of the services exceed \$900.00 in value is equal to or  
14               greater than the monetary threshold set forth in subdivision 15(2) of this title,  
15               be imprisoned for not more than 10 years or fined not more than \$5,000.00,  
16               or both;

17           ~~(2) Otherwise a person who violates a provision of this subsection shall~~  
18           if the value of the services is less than the monetary threshold set forth in  
19           subdivision 15(2) of this title, be imprisoned for not more than one year or  
20           fined not more than \$1,000.00, or both.

1       Sec. 17. 13 V.S.A. § 2591 is amended to read:

2       § 2591. THEFT OF RENTED PROPERTY

3           (a) A person who converts to his or her own use any personal property,  
4       other than a motor vehicle leased or rented pursuant to a written agreement  
5       which has been entrusted to the person under an agreement in writing which  
6       provides for the delivery of that personal property to a particular person or  
7       place or at a particular time, abandons it, or refuses or neglects to deliver it to  
8       the person or place and at the time specified in the written agreement, or who  
9       destroys, secretes, appropriates, converts, sells, or attempts to sell all or any  
10      part of it, or who removes or permits or causes it to be removed from this ~~state~~  
11      State, without the consent of its owner, shall be:

12           (1) if the value of the property involved ~~is \$900.00 or less~~ is less than  
13      the monetary threshold set forth in subdivision 15(2) of this title, imprisoned  
14      not more than six months or fined not more than \$500.00, or both; or

15           (2) if the value of the property involved ~~exceeds \$900.00 in value~~ is  
16      equal to or greater than the monetary threshold set forth in subdivision 15(2) of  
17      this title:

18           (A) imprisoned for not more than two years or fined not more than  
19      \$1,000.00, or both; or

1 (B) imprisoned for not more than five years or fined not more than  
2 \$5,000.00 if the person has been previously convicted of a violation of this  
3 subdivision (a)(2) of this section.

4 \* \* \*

5 Sec. 18. 13 V.S.A. § 3016 is amended to read:

6 § 3016. FALSE CLAIM

7 \* \* \*

8 (b) A person who violates this section shall;

9 (1) if the prohibited act results in no loss to a governmental entity or  
10 benefit to the person or results in a loss to a governmental entity or benefit to  
11 the person of less than \$ 500.00 in value with a value that is less than the  
12 monetary threshold set forth in subdivision 15(1) of this title, be imprisoned  
13 not more than two years or fined not more than \$ 5,000.00, or both;

14 (2) A person who violates this section shall, if the prohibited act results  
15 in a loss to any governmental entity or a benefit to the person ~~of \$ 500.00 or~~  
16 ~~more in value~~ with a value that is equal to or greater than the monetary  
17 threshold set forth in subdivision 15(1) of this title, whether by a single act or  
18 by a common scheme or course of conduct involving one or more transactions,  
19 be imprisoned not more than five years, or fined not more than \$ 10,000.00,  
20 or both.

21 \* \* \*

1       Sec. 19. 13 V.S.A. § 3110 is amended to read:

2       § 3110. RAILROAD VANDALISM

3                               \* \* \*

4               (d) Penalty for vandalism of railroad property.

5               (1) A person who violates subsection (c) of this section shall be fined  
6       not more than \$500.00 or imprisoned for not more than six months, or both, if  
7       the violation results in property damage ~~of \$900.00 or less~~ that is less than the  
8       monetary threshold set forth in subdivision 15(2) of this title.

9               (2) A person who violates subsection (c) of this section shall be fined  
10      not more than \$1,000.00 or imprisoned for not more than one year, or both, if  
11      the violation results in bodily injury to another person or property damage ~~of~~  
12      ~~greater than \$900.00~~ that is equal to or greater than the monetary threshold set  
13      forth in subdivision 15(2) of this title.

14              (3) A person who violates subsection (c) of this section shall be fined  
15      not more than \$20,000.00 or imprisoned for not more than 15 years, or both, if  
16      the violation results in death or serious bodily injury to another person.

17                               \* \* \*

18      Sec. 20. 13 V.S.A. § 3701 is amended to read:

19      § 3701. UNLAWFUL MISCHIEF

20              (a) A person who, with intent to damage property, and having no right to  
21      do so or any reasonable ground to believe that he or she has such a right, does

1 any damage to any property which is valued in an amount ~~exceeding \$1,000.00~~  
2 equal to or greater than the monetary threshold set forth in subdivision 15(2) of  
3 this title shall be imprisoned for not more than five years or fined not more  
4 than \$5,000.00 or both.

5 (b) A person who, with intent to damage property, and having no right to  
6 do so or any reasonable ground to believe that he or she has such a right, does  
7 any damage to any property which is valued in an amount exceeding \$250.00  
8 but less than the monetary threshold set forth in subdivision 15(2) of this title  
9 shall be imprisoned for not more than one year or fined not more than  
10 \$1,000.00 or both.

11 \* \* \*

12 Sec. 21. 13 V.S.A. § 4103 is amended to read:

13 § 4103. ACCESS TO COMPUTER FOR FRAUDULENT PURPOSES

14 \* \* \*

15 (b) Penalties. A person convicted of the crime of access to computer for  
16 fraudulent purposes shall be:

17 (1) if the value of the matter involved ~~does not exceed \$500.00~~ is less  
18 than the monetary threshold set forth in subdivision 15(1) of this title,  
19 imprisoned not more than one year or fined not more than \$500.00, or both;  
20 (2) if the value of the matter involved ~~does not exceed \$500.00~~ is less  
21 than the monetary threshold set forth in subdivision 15(1) of this title, for a

1 second or subsequent offense, imprisoned not more than two years or fined not  
2 more than \$1,000.00, or both; or

3 (3) if the value of the matter involved ~~exceeds \$500.00~~ is equal to or  
4 greater than the monetary threshold set forth in subdivision 15(1) of this title,  
5 imprisoned not more than 10 years or fined not more than \$10,000.00, or both.

6 Sec. 22. 13 V.S.A. § 4104 is amended to read:

7 § 4104. ALTERATION, DAMAGE, OR INTERFERENCE

8 \* \* \*

9 (b) Penalties. A person convicted of violating this section shall be:

10 (1) if the damage or loss ~~does not exceed \$500.00~~ is less than the  
11 monetary threshold set forth in subdivision 15(1) of this title for a first offense,  
12 imprisoned not more than one year or fined not more than \$5,000.00, or both;

13 (2) if the damage or loss ~~does not exceed \$500.00~~ is less than the  
14 monetary threshold set forth in subdivision 15(1) of this title for a second or  
15 subsequent offense, imprisoned not more than two years or fined not more than  
16 \$10,000.00, or both; or

17 (3) if the damage or loss ~~exceeds \$500.00~~ is equal to or greater than the  
18 monetary threshold set forth in subdivision 15(1) of this title, imprisoned not  
19 more than 10 years or fined not more than \$25,000.00, or both.

1       Sec. 23. 13 V.S.A. § 4105 is amended to read:

2       § 4105. THEFT OR DESTRUCTION

3           (a)(1) A person shall not intentionally and without claim of right deprive  
4       the owner of possession, take, transfer, copy, conceal, or retain possession of,  
5       or intentionally and without lawful authority, destroy any computer system,  
6       computer network, computer software, computer program, or data contained in  
7       such computer, computer system, computer program, or computer network.

8           (2) Copying a commercially available computer program or computer  
9       software is not a crime under this section, provided that the computer program  
10      and computer software has a retail value of ~~\$500.00 or less~~ that is less than the  
11      monetary threshold set forth in subdivision 15(1) of this title and is not copied  
12      for resale.

13          (b) Penalties. A person convicted of violating this section shall be:

14           (1) if the damage or loss ~~does not exceed \$500.00~~ is less than the  
15      monetary threshold set forth in subdivision 15(1) of this title for a first offense,  
16      imprisoned not more than one year or fined not more than \$5,000.00, or both;

17           (2) if the damage or loss ~~does not exceed \$500.00~~ is less than the  
18      monetary threshold set forth in subdivision 15(1) of this title for a second or  
19      subsequent offense, imprisoned not more than two years or fined not more than  
20      \$10,000.00, or both; or



1                   (K) Possession of marijuana first offense (18 V.S.A. § 4230(a)(1))

2                   (L) Violation of municipal ordinances.

3       Sec. 25. EFFECTIVE DATE

4           This act shall take effect on July 1, 2017.