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H.579

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Criminal procedure; classification of property offenses

Statement of purpose of bill as introduced: This bill proposes to establish a classification system for criminal property offenses.

An act relating to establishing a classification system for criminal property offenses

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

Sec. 1. 13 V.S.A. § 55 is added to read:

§ 55. CLASSIFICATION OF PROPERTY OFFENSES

(a) All criminal property offenses to which this section applies shall be classified as follows:

(1) If the value of the property that is at issue in the offense is less than \$100.00, the offense shall be a Class D misdemeanor.

(2) If the value of the property that is at issue in the offense is less than \$1,000.00 and equal to or greater than \$100.00, the offense shall be a Class C misdemeanor.

1 (3) If the value of the property that is at issue in the offense is less than
2 \$10,000.00 and equal to or greater than \$1,000.00, the offense shall be a Class
3 A misdemeanor.

4 (4) If the value of the property that is at issue in the offense is less than
5 \$100,000.00 and equal to or greater than \$10,000.00, the offense shall be a
6 Class D felony.

7 (5) If the value of the property that is at issue in the offense is equal to
8 or greater than \$100,000.00, the offense shall be a Class C felony.

9 (b) For each subsequent offense, the classification shall be increased by one
10 class, provided that the maximum classification for any offense subject to this
11 section shall be a Class C felony.

12 Sec. 2. 9 V.S.A. § 4043 is amended to read:

13 § 4043. FRAUDULENT USE

14 (a) A person shall not with intent to defraud, obtain, or attempt to obtain
15 money, property, services, or any other thing of value, by the use of a credit
16 card which he or she knows, or reasonably shall have known, to have been
17 stolen, forged, revoked, cancelled, unauthorized, or invalid for use by him or
18 her for such purpose.

19 (b) A person who violates this section shall be sentenced pursuant to 13
20 V.S.A. §§ 52, 53, and 55.

1 Sec. 3. 9 V.S.A. § 4044 is amended to read:

2 § 4044. ~~PENALTY~~

3 ~~(a) A person who violates section 4043 of this title shall be fined not more~~
4 ~~than \$500.00 or be imprisoned not more than six months, or both, if the~~
5 ~~aggregate value of the money, property, services, or other things of value so~~
6 ~~obtained is \$50.00 or less.~~

7 ~~(b) A person who violates section 4043 of this title shall be fined not more~~
8 ~~than \$1,000.00 or be imprisoned not more than one year, or both, if the~~
9 ~~aggregate value of the money, property, services, or other things of value so~~
10 ~~obtained exceeds \$50.00. [Repealed.]~~

11 Sec. 4. 13 V.S.A. § 1801 is amended to read:

12 § 1801. FORGERY AND COUNTERFEITING OF PAPERS,
13 DOCUMENTS, ETC.

14 A person who wittingly, falsely, and deceitfully makes, alters, forges, or
15 counterfeits, or wittingly, falsely, or deceitfully causes to be made, altered,
16 forged, or counterfeited, or procures, aids, or counsels the making, altering,
17 forging, or counterfeiting, of a writ, process, public record, or any certificate,
18 return, or attestation of a clerk of a court, public register, notary public, justice,
19 or other public officer, in relation to a matter wherein such certificate, return,
20 or attestation may be received as legal proof, or a charter, deed, or any
21 evidence or muniment of title to property, will, terminal care document,

1 testament, bond, or writing obligatory, letter of attorney, policy of insurance,
2 bill of lading, bill of exchange, promissory note, or an order drawn on a person
3 or corporation, or on a State, county, or town or school district treasurer, for
4 money or other property, or an acquittance or discharge for money or other
5 property, or an acceptance of a bill of exchange, or indorsement or assignment
6 of a bill of exchange or promissory note, for the payment of money, or any
7 accountable receipt for money, goods, or other property, or certificate of stock,
8 with intent to injure, or defraud a person, shall be ~~imprisoned not more than 10~~
9 ~~years and fined not more than \$1,000.00, or both~~ sentenced pursuant to
10 sections 52, 53, and 55 of this title.

11 Sec. 5. 13 V.S.A. § 1802 is amended to read:

12 § 1802. UTTERING FORGED OR COUNTERFEITED INSTRUMENT

13 A person who utters and publishes as true a forged, altered, or counterfeited
14 record, deed, instrument, or other writing mentioned in section 1801 of this
15 title, knowing the same to be false, altered, forged, or counterfeited, with intent
16 to injure or defraud a person, shall be ~~imprisoned not more than 10 years and~~
17 ~~fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53,
18 and 55 of this title.

1 Sec. 6. 13 V.S.A. § 1804 is amended to read:

2 § 1804. COUNTERFEITING PAPER MONEY

3 A person who falsely makes, alters, forges, or counterfeits, or procures to be
4 made, altered, forged, or counterfeited, or aids or assists in making, altering,
5 forging, or counterfeiting, a note, or imitation of, or purporting to be a note
6 issued by the United States, used as currency, or a bank bill or promissory
7 note, or imitation of, or purporting to be a bank bill or promissory note, issued
8 by a banking company incorporated by the Congress of the United States or by
9 the legislature of a state of the United States or of another country, with intent
10 to injure or defraud a person; and a person who utters, passes, or gives in
11 payment, or offers to pass or give in payment, or procures to be offered,
12 passed, or given in payment, or has in his or her possession with intent to offer,
13 pass, or give in payment, such altered, forged, counterfeited, or imitated note,
14 bank bill, or promissory note, knowing the same to be altered, forged,
15 counterfeited, or imitated, shall be ~~imprisoned not more than 14 years and~~
16 ~~fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53,
17 and 55 of this title.

18 Sec. 7. 13 V.S.A. § 1816 is amended to read:

19 § 1816. POSSESSION OR USE OF CREDIT CARD SKIMMING DEVICES

20 AND RE-ENCODERS

1 shall be ~~imprisoned not more than 10 years or fined not more than \$2,000.00,~~
2 ~~or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

3 Sec. 9. 13 V.S.A. § 2002 is amended to read:

4 § 2002. FALSE PRETENSES OR TOKENS

5 A person who designedly by false pretenses or by privy or false token and
6 with intent to defraud, obtains from another person money or other property, or
7 a release or discharge of a debt or obligation, or the signature of a person to a
8 written instrument, the false making whereof would be punishable as forgery,
9 shall be ~~imprisoned not more than 10 years or fined not more than \$2,000.00,~~
10 ~~or both, if the money or property so obtained exceeds \$900.00 in value. A~~
11 ~~person who violates this section shall be imprisoned for not more than one year~~
12 ~~or fined not more than \$1,000.00, or both, if the money or property obtained in~~
13 ~~violation of this section is valued at \$900.00 or less~~ sentenced pursuant to
14 sections 52, 53, and 55 of this title.

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

16 § 2029. HOME IMPROVEMENT FRAUD

17 * * *

18 (d)(1) A person who violates subsection (b) of this section shall be
19 ~~imprisoned not more than two years or fined not more than \$1,000.00, or both,~~
20 ~~if the loss to a single consumer is less than \$1,000.00~~ sentenced pursuant to
21 sections 52, 53, and 55 of this title.

1 person who is convicted of a second or subsequent violation of this section
2 involving a separate scheme ~~shall be imprisoned for not more than 10 years or~~
3 ~~fined not more than \$10,000.00, or both~~ commits a Class C felony.

4 Sec. 12. 13 V.S.A. § 2031 is amended to read:

5 * * *

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

7 (1) ~~if the benefit wrongfully obtained or the loss suffered by any person~~
8 ~~as a result of the violation has a value of less than \$900.00, be imprisoned for~~
9 ~~not more than six months or fined not more than \$5,000.00, or both; or~~

10 (2) ~~if the benefit wrongfully obtained or the loss suffered by any person~~
11 ~~as a result of the violation has a value of more than \$900.00, be imprisoned for~~
12 ~~not more than five years or fined not more than \$10,000.00, or both; or~~

13 (3) ~~for a second or subsequent offense, regardless of the value of the~~
14 ~~benefit wrongfully obtained, be imprisoned not more than five years or fined~~
15 ~~not more than \$20,000.00, or both~~ be sentenced pursuant to sections 52, 53,
16 and 55 of this title.

17 * * *

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

19 § 2501. GRAND AND PETIT LARCENY

20 A person who steals from the actual or constructive possession of another,
21 other than from his or her person, money, goods, chattels, bank notes, bonds,

1 promissory notes, bills of exchange or other bills, orders, or certificates, or a
2 book of accounts for or concerning money, or goods due or to become due or
3 to be delivered, or a deed or writing containing a conveyance of land, or any
4 other valuable contract in force, or a receipt, release or defeasance, writ,
5 process, or public record, shall be ~~imprisoned not more than 10 years or fined~~
6 ~~not more than \$5,000.00, or both, if the money or other property stolen exceeds~~
7 ~~\$900.00 in value~~ sentenced pursuant to sections 52, 53, and 55 of this title.

8 Sec. 14. 13 V.S.A. § 2502 is amended to read:

9 § 2502. ~~PETIT LARCENY~~

10 ~~For offenses mentioned in section 2501 of this title where the money or~~
11 ~~other property stolen does not exceed \$900.00 in value, the court may sentence~~
12 ~~the person convicted to imprisonment for not more than one year or to pay a~~
13 ~~fine of not more than \$1,000.00, or both. [Repealed.]~~

14 Sec. 15. 13 V.S.A. § 2503 is amended to read:

15 § 2503. LARCENY FROM THE PERSON

16 A person who steals or attempts to steal from the person and custody of
17 another, property, the subject of larceny, ~~shall be imprisoned not more than 10~~
18 ~~years or fined not more than \$500.00, or both~~ commits a Class C felony.

19 Sec. 16. 13 V.S.A. § 2531 is amended to read:

20 § 2531. EMBEZZLEMENT GENERALLY

1 ~~(a)~~ An officer, agent, bailee for hire, clerk, or servant of a banking
2 association or an incorporated company, or a clerk, agent, bailee for hire,
3 officer, or servant of a private person, partnership, trades union, joint stock
4 company, unincorporated association, fraternal or benevolent association,
5 except apprentices and other persons under the age of 16 years, who embezzles
6 or fraudulently converts to his or her own use, or takes or secretes with intent
7 to embezzle or fraudulently convert to his or her own use, money or other
8 property that comes into his or her possession or is under his or her care by
9 virtue of such employment, notwithstanding he or she may have an interest in
10 such money or property, shall be guilty of embezzlement and sentenced
11 pursuant to sections 52, 53, and 55 of this title.

12 ~~(b) If the money or property embezzled does not exceed \$100.00 in value,~~
13 ~~the person shall be imprisoned not more than one year or fined not more than~~
14 ~~\$1,000.00, or both. If the money or property embezzled exceeds \$100.00 in~~
15 ~~value, the person shall be imprisoned not more than 10 years or fined not more~~
16 ~~than \$10,000.00, or both.~~

17 Sec. 17. 13 V.S.A. § 2532 is amended to read:

18 § 2532. OFFICER OR SERVANT OF INCORPORATED BANK

19 A cashier or other officer, agent, or servant of an incorporated bank who
20 embezzles or fraudulently converts to his or her own use bullion, money, notes,
21 bills, obligations, or securities or other effects or property belonging to and in

1 the possession of such bank or belonging to any person and deposited therein,
2 shall be guilty of larceny and shall be ~~imprisoned not more than 10 years or~~
3 ~~fined not more than \$1,000.00, or both~~ sentenced pursuant to sections 52, 53,
4 and 55 of this title.

5 Sec. 18. 13 V.S.A. § 2533 is amended to read:

6 § 2533. RECEIVER OR TRUSTEE

7 A receiver or trustee appointed by the court in any litigation in this State,
8 who embezzles or fraudulently converts to his or her own use any money or
9 other property in his or her hands as such receiver or trustee, shall be guilty of
10 larceny and shall be ~~imprisoned not more than 10 years or fined not more than~~
11 ~~\$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

12 Sec. 19. 13 V.S.A. § 2537 is amended to read:

13 § 2537. PERSON HOLDING PROPERTY IN OFFICIAL CAPACITY OR
14 BELONGING TO THE STATE OR A MUNICIPALITY

15 A State, county, town, or municipal officer or other person who in his or her
16 official capacity receives, collects, controls, or holds money, obligations,
17 securities, or other property, who embezzles or fraudulently converts to his or
18 her own use any of such money, obligations, securities, or other property, or a
19 person who embezzles or fraudulently converts to his or her own use money or
20 other property belonging to the State or to a county or municipality, or a
21 municipal corporation, or a special purpose district, shall be guilty of larceny

1 and shall be ~~imprisoned not more than 10 years or fined not more than~~
2 ~~\$1,000.00, or both~~ sentenced pursuant to sections 52, 53, and 55 of this title.

3 Sec. 20. 13 V.S.A. § 2561 is amended to read:

4 § 2561. PENALTY FOR RECEIVING STOLEN PROPERTY; VENUE

5 (a) A person who is a dealer in property who buys, receives, sells,
6 possesses unless with the intent to restore to the owner, or aids in the
7 concealment of property, knowing or believing the property to be stolen, shall
8 be ~~punished the same as for the stealing of such property~~ sentenced pursuant to
9 sections 52, 53, and 55 of this title.

10 (b) A person who buys, receives, sells, possesses unless with the intent to
11 restore to the owner, or aids in the concealment of stolen property, knowing the
12 same to be stolen, shall be ~~punished the same as for the stealing of such~~
13 ~~property~~ sentenced pursuant to sections 52, 53, and 55 of this title.

14 * * *

15 Sec. 21. 13 V.S.A. § 2577 is amended to read:

16 § 2577. PENALTY

17 (a) A person convicted of the offense of retail theft of merchandise ~~having~~
18 ~~a retail value not in excess of \$900.00 shall be punished by a fine of not more~~
19 ~~than \$500.00 or imprisonment for not more than six months, or both.~~

1 ~~(b) A person convicted of the offense of retail theft of merchandise having a~~
2 ~~retail value in excess of \$900.00 shall be punished by a fine of not more than~~
3 ~~\$1,000.00 or imprisonment for not more than 10 years, or both.~~

4 ~~(c) Notwithstanding the provisions of subsections (a) and (b) of this section,~~
5 ~~a person convicted of retail theft pursuant to:~~

6 ~~(1) Subdivision 2575(4) of this title shall be imprisoned not more than~~
7 ~~two years or fined not more than \$1,000.00, or both.~~

8 ~~(2) Subdivision 2575(5), (6), or (7) of this title shall be imprisoned for~~
9 ~~not more than 10 years or fined not more than \$5,000.00, or both shall be~~
10 ~~sentenced pursuant to sections 52, 53, and 55 of this title.~~

11 Sec. 22. 13 V.S.A. § 2582 is amended to read:

12 § 2582. THEFT OF SERVICES

13 (a) A person who purposely obtains services that he or she knows are
14 available only for compensation, by deception or threat, or by false token or
15 other means to avoid payment for the service shall ~~if the services exceed~~
16 ~~\$900.00 in value be imprisoned for not more than 10 years or fined not more~~
17 ~~than \$5,000.00, or both. Otherwise, a person who violates a provision of this~~
18 ~~subsection shall be imprisoned for not more than one year or fined not more~~
19 ~~than \$1,000.00, or both be sentenced pursuant to sections 52, 53, and 55 of this~~
20 ~~title.~~ Where compensation for service is ordinarily paid immediately upon the
21 rendering of such service, as in the case of hotels, restaurants, and

1 transportation, refusal to pay or absconding without payment or offer to pay
2 gives rise to a rebuttable presumption that the service was obtained by
3 deception as to intention to pay.

4 (b) A person who, having control over the disposition of services of others,
5 to which he or she is not entitled, knowingly diverts such services to the
6 person's own benefit or to the benefit of another not entitled thereto shall ~~if the~~
7 ~~services exceed \$900.00 in value be imprisoned for not more than 10 years or~~
8 ~~fined not more than \$5,000.00, or both. Otherwise a person who violates a~~
9 ~~provision of this subsection shall be imprisoned for not more than one year or~~
10 ~~fined not more than \$1,000.00, or both~~ be sentenced pursuant to sections 52,
11 53, and 55 of this title.

12 Sec. 23. 13 V.S.A. § 2591 is amended to read:

13 § 2591. THEFT OF RENTED PROPERTY

14 (a) A person who converts to his or her own use any personal property,
15 other than a motor vehicle leased or rented pursuant to a written agreement that
16 has been entrusted to the person under an agreement in writing that provides
17 for the delivery of that personal property to a particular person or place or at a
18 particular time, abandons it, or refuses or neglects to deliver it to the person or
19 place and at the time specified in the written agreement, or who destroys,
20 secretes, appropriates, converts, sells, or attempts to sell all or any part of it, or

1 who removes or permits or causes it to be removed from this State, without the
2 consent of its owner, shall be:

3 (1) ~~if the value of the property involved is \$900.00 or less, imprisoned~~
4 ~~not more than six months or fined not more than \$500.00, or both;~~

5 (2) ~~if the property involved exceeds \$900.00 in value:~~

6 (A) ~~imprisoned for not more than two years or fined not more than~~
7 ~~\$1,000.00, or both; or~~

8 (B) ~~imprisoned for not more than five years or fined not more than~~
9 ~~\$5,000.00 if the person has been previously convicted of a violation of this~~
10 ~~subdivision (a)(2) of this section sentenced pursuant to sections 52, 53, and 55~~
11 ~~of this title.~~

12 * * *

13 Sec. 24. 13 V.S.A. § 2592 is amended to read:

14 § 2592. FAILURE TO RETURN A RENTED OR LEASED MOTOR
15 VEHICLE

16 * * *

17 (b) A person who violates this section ~~shall be imprisoned for not more~~
18 ~~than three years or fined not more than \$3,000.00, or both~~ commits a Class E
19 felony. If the person has been previously convicted of a violation of this
20 section, the person ~~shall be imprisoned not more than five years or fined not~~
21 ~~more than \$5,000.00, or both~~ commits a Class D felony.

1 (2) deface the mark of a log, forest product, or other valuable timber in a
2 river or other place.

3 (b) Any person who violates subsection (a) of this section ~~shall:~~

4 (1) for a first offense, ~~be imprisoned not more than one year or fined not~~
5 ~~more than \$20,000.00, or both~~ commits a Class B misdemeanor; or

6 (2) for a second or subsequent offense, ~~be imprisoned not more than two~~
7 ~~years or fined not more than \$50,000.00, or both~~ commits a Class A
8 misdemeanor.

9 Sec. 27. 13 V.S.A. § 3701 is amended to read:

10 § 3701. UNLAWFUL MISCHIEF

11 (a) A person who, with intent to damage property, and having no right to
12 do so or any reasonable ground to believe that he or she has such a right, does
13 any damage to any property ~~which is valued in an amount exceeding \$1,000.00~~
14 ~~shall be imprisoned for not more than five years or fined not more than~~
15 ~~\$5,000.00, or both~~ shall be sentenced pursuant to sections 52, 53, and 55 of
16 this title.

17 (b) ~~A person who, with intent to damage property, and having no right to~~
18 ~~do so or any reasonable ground to believe that he or she has such a right, does~~
19 ~~any damage to any property which is valued in an amount exceeding \$250.00~~
20 ~~shall be imprisoned for not more than one year or fined not more than~~
21 ~~\$1,000.00, or both.~~

1 ~~(e)~~ A person who, having no right to do so or any reasonable ground to
2 believe that he or she has such a right, intentionally does any damage to
3 property of any value not exceeding \$250.00 shall be imprisoned for not more
4 than six months or fined not more than \$500.00, or both.

5 ~~(d)~~ 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 by means of an explosive ~~shall be imprisoned for~~
8 ~~not more than five years or fined not more than \$5,000.00, or both~~ commits a
9 Class D felony.

10 ~~(e)(c)~~ For the purposes of As used in this section “property” means real or
11 personal property.

12 ~~(f)(d)~~ A person who suffers damages as a result of a violation of this
13 section may recover those damages together with reasonable attorney’s fees in
14 a civil action under this section.

15 Sec. 28. 13 V.S.A. § 3705 is amended to read:

16 § 3705. UNLAWFUL TRESPASS

17 (a)(1) A person ~~shall be imprisoned for not more than three months or fined~~
18 ~~not more than \$500.00, or both~~ commits a Class D misdemeanor, if, without
19 legal authority or the consent of the person in lawful possession, he or she
20 enters or remains on any land or in any place as to which notice against
21 trespass is given by:

1 Sec. 29. 13 V.S.A. § 3732 is amended to read:

2 § 3732. UNAUTHORIZED REMOVAL OF BOOKS FROM LIBRARY

3 A person who removes from a free public library, or a free town, village, or
4 traveling library, a book, paper, magazine, document, or other reading matter,
5 or an art book, picture, print, plate, or other art work, kept in such library for
6 public use or circulation, without the consent of the librarian or other person in
7 charge of such library, ~~shall be fined not more than \$50.00 for each offense,~~
8 ~~half to the use of~~ commits a Class E misdemeanor. One-half of the criminal
9 fine shall be paid to the library from which the same was so removed, and the
10 ~~other half to the use of~~ one-half shall be paid to the treasury liable for the costs
11 of prosecution.

12 Sec. 30. 13 V.S.A. § 3733 is amended to read:

13 § 3733. MILLS, DAMS OR BRIDGES

14 A person who willfully and maliciously injures, removes, or opens a dam,
15 reservoir, gate, or flume or injures or removes the wheels, mill gear, or
16 machinery of a water mill, or injures, removes, or destroys a public or toll
17 bridge, ~~shall be imprisoned not more than five years or fined not more than~~
18 ~~\$500.00, or both~~ commits a Class D felony.

19 Sec. 31. 13 V.S.A. § 3738 is amended to read:

20 § 3738. OBSTRUCTION AND USE OF PRIVATE ROADS AND LANDS

21 BY MOTOR VEHICLE

1 Sec. 33. 13 V.S.A. § 3740 is amended to read:

2 § 3740. DAMAGE TO STATE LAND

3 A person who operates a motor vehicle, as defined in 23 V.S.A. § 4, on any
4 land, that is owned or held by the State, in such a manner as to purposely and
5 maliciously cause injury, damage, erosion, or waste to the land ~~shall be fined~~
6 ~~not more than \$500.00~~ commits a Class E misdemeanor. For the purposes of
7 this section “land” does not include a highway as defined in 23 V.S.A. § 4.

8 Sec. 34. 13 V.S.A. § 3761 is amended to read:

9 § 3761. UNAUTHORIZED REMOVAL OF HUMAN REMAINS

10 A person who, not being authorized by law, intentionally excavates,
11 disinters, removes, or carries away a human body, or the remains thereof,
12 interred or entombed in this State or intentionally excavates, disinters,
13 removes, or carries away an object interred or entombed with a human body in
14 this State, or knowingly aids in such excavation, disinterment, removal, or
15 carrying away, or is accessory thereto, ~~shall be imprisoned not more than 15~~
16 ~~years or fined not more than \$10,000.00, or both~~ commits a Class C felony.

17 Sec. 35. 13 V.S.A. § 3767 is amended to read:

18 § 3767. PENALTIES

19 (a) A person who violates a provision of sections 3764-3766 of this title
20 ~~shall, except as provided in subsection (b) of this section, be imprisoned not~~

1 ~~more than five years or fined not more than \$5,000.00, or both~~ commits a Class
2 D felony.

3 (b) A person who violates subsection 3766(c) of this title ~~shall be~~
4 ~~imprisoned not more than one year or fined not more than \$500.00, or both~~
5 commits a Class B misdemeanor.

6 Sec. 36. 13 V.S.A. § 3771 is amended to read:

7 § 3771. DISTURBING A FUNERAL SERVICE

8 * * *

9 (b) No person shall disturb or attempt to disturb a funeral service by
10 engaging in picketing within 100 feet of the service within one hour prior to
11 and two hours following the publicly announced time of the commencement of
12 the service.

13 (c) A person who violates this section ~~shall be imprisoned not more than 30~~
14 ~~days or fined not more than \$500.00, or both~~ commits a Class D misdemeanor.

15 Sec. 37. 13 V.S.A. § 3781 is amended to read:

16 § 3781. TAPPING GAS PIPES WITH INTENT TO DEFRAUD

17 A person who taps gas pipes with intent to take gas therefrom, or who
18 connects pipes with such gas pipes so that gas may be used without passing
19 through the meters for measurement, or who knowingly burns gas without
20 measurement by gas meters, without the consent of the owner, ~~shall be~~
21 ~~imprisoned not more than one year or fined not more than \$100.00, or both~~

1 commits a Class A misdemeanor. The owner of the gas may recover of the
2 person so unlawfully tapping or connecting such pipes or using gas, the actual
3 damages, with costs, in a civil action on this statute.

4 Sec. 38. 13 V.S.A. § 3782 is amended to read:

5 § 3782. TAPPING ELECTRIC LINES; INJURIES TO ELECTRIC PLANTS

6 A person who willfully commits or causes to be committed an act with
7 intent to injure a machine, apparatus, or structure appertaining to the works of
8 a person, firm, association, or corporation engaged in manufacturing, selling,
9 or distributing electrical energy in this State, or whereby such works may be
10 stopped, obstructed, or injured, or who taps an electrical line of a person, firm,
11 association, or corporation so that electricity can be taken therefrom, or
12 knowingly uses electricity taken from such line without the consent of such
13 person, firm, association, or corporation, ~~shall be imprisoned not more than~~
14 ~~two years or fined not more than \$300.00, or both~~ commits a Class A
15 misdemeanor. Such person shall also be liable to such person, firm,
16 association, or corporation or to anyone injured for actual damages, with full
17 costs, in a civil action on this statute.

18 Sec. 39. 13 V.S.A. § 3784 is amended to read:

19 § 3784. INTERFERING WITH METERS

20 A person, other than an authorized agent or employee acting for the owner,
21 manufacturer, or operator thereof, who maliciously opens, closes, breaks into,

1 or in any manner adjusts or interferes with a meter, or other regulating or
2 measuring device or appliance attached to or connected with wires, pipe lines,
3 mains, service pipes, or house pipes owned or used by a manufacturer or
4 furnisher of electricity, gas, or water ~~shall be imprisoned not more than three~~
5 ~~months or fined not more than \$100.00, or both~~ commits a Class D
6 misdemeanor.

7 Sec. 40. 13 V.S.A. § 3785 is amended to read:

8 § 3785. INJURING LIGHTS IN STREETS AND PUBLIC BUILDINGS

9 A person who willfully and maliciously breaks the glass about a street lamp
10 or gaslight, or a lamp or gaslight in the grounds about a public building, or,
11 without authority, lights such a lamp or gaslight or extinguishes the same when
12 lighted, or in any manner interferes therewith, or injures any part of the fixtures
13 supporting such lamp or gaslight, or defaces the same by painting or posting
14 notices thereon, or fastens a horse or animal thereto, ~~shall be imprisoned not~~
15 ~~more than three months or fined not more than \$50.00, or both~~ commits a
16 Class D misdemeanor.

17 Sec. 41. 13 V.S.A. § 3786 is amended to read:

18 § 3786. TAPPING CABLE TELEVISION SYSTEMS; DAMAGE TO
19 EQUIPMENT

20 A person who willfully or maliciously damages, or causes to be damaged,
21 any wire, cable, conduit, apparatus, or equipment of a company operating a

1 cable television system, as defined in 30 V.S.A. § 501, or who commits any act
2 with intent to cause damage to any wire, cable, conduit, apparatus, or
3 equipment of a company operating such a system, or who taps, tampers with,
4 or connects any wire or device to the equipment of the cable television
5 company that would degrade the service rendered without authorization of the
6 company ~~may be fined not more than \$100.00~~ commits a Class E misdemeanor
7 and shall be liable in a civil action for three times the actual amount of
8 damages sustained thereby.

9 Sec. 42. 13 V.S.A. § 3831 is amended to read:

10 § 3831. CUTTING ICE AND NOT FENCING HOLE

11 A person who takes ice from water over which people are accustomed to
12 pass and does not place around the opening thereby made in the ice suitable
13 guards to prevent a person, team, or vehicle from falling into such hole or
14 opening ~~shall be fined not more than \$50.00~~ commits a Class E misdemeanor.

15 Sec. 43. 13 V.S.A. § 3833 is amended to read:

16 § 3833. UNLAWFUL TAKING OF TANGIBLE PERSONAL PROPERTY;

17 PENALTY

18 A person who, without the consent of the owner, takes and carries away or
19 causes to be taken and carried away any tangible personal property with the
20 intent of depriving the owner temporarily of the lawful possession of his or her
21 property ~~shall be fined not more than \$100.00~~ commits a Class E

1 misdemeanor. This section shall not be construed to limit or restrict
2 prosecutions for larceny or theft.

3 Sec. 44. 13 V.S.A. § 3834 is amended to read:

4 § 3834. REMOVAL OF SURVEYING MONUMENTS

5 A person who knowingly removes or alters monuments marking the
6 boundary of lands or knowingly defaces, alters, or removes marks upon any
7 tree, post, or stake that is a monument designating a point, course, or line in the
8 boundary of a parcel of land ~~shall be fined \$100.00~~ commits a Class E
9 misdemeanor and shall be civilly liable for the replacement cost and any
10 consequential damages. However, land surveyors in their professional practice
11 may perpetuate such monumentation by adding additional marks, or by
12 remonumenting nonsubstantial monuments or by the placing of new
13 monuments to preserve monuments to be destroyed or made inaccessible.

14 Sec. 45. 13 V.S.A. § 4102 is amended to read:

15 § 4102. UNAUTHORIZED ACCESS

16 A person who knowingly and intentionally and without lawful authority,
17 accesses any computer, computer system, computer network, computer
18 software, computer program, or data contained in such computer, computer
19 system, computer program, or computer network ~~shall be imprisoned not more~~
20 ~~than six months or fined not more than \$500.00, or both~~ commits a Class C
21 misdemeanor.

1 Sec. 46. 13 V.S.A. § 4103 is amended to read:

2 § 4103. ACCESS TO COMPUTER FOR FRAUDULENT PURPOSES

3 * * *

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

6 ~~(1) if the value of the matter involved does not exceed \$500.00,~~
7 ~~imprisoned not more than one year or fined not more than \$500.00, or both;~~

8 ~~(2) if the value of the matter involved does not exceed \$500.00, for a~~
9 ~~second or subsequent offense, imprisoned not more than two years or fined not~~
10 ~~more than \$1,000.00, or both; or~~

11 ~~(3) if the value of the matter involved exceeds \$500.00, imprisoned not~~
12 ~~more than 10 years or fined not more than \$10,000.00, or both sentenced~~
13 ~~pursuant to sections 52, 53, and 55 of this title.~~

14 Sec. 47. 13 V.S.A. § 4104 is amended to read:

15 § 4104. ALTERATION, DAMAGE, OR INTERFERENCE

16 (a) A person shall not intentionally and without lawful authority, alter,
17 damage, or interfere with the operation of any computer, computer system,
18 computer network, computer software, computer program, or data contained in
19 such computer, computer system, computer program, or computer network.

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

- 1 ~~(1) if the damage or loss does not exceed \$500.00 for a first offense,~~
2 ~~imprisoned not more than one year or fined not more than \$5,000.00, or both;~~
3 ~~(2) if the damage or loss does not exceed \$500.00 for a second or~~
4 ~~subsequent offense, imprisoned not more than two years or fined not more than~~
5 ~~\$10,000.00, or both; or~~
6 ~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10~~
7 ~~years or fined not more than \$25,000.00, or both sentenced pursuant to sections~~
8 ~~52, 53, and 55 of this title.~~

9 Sec. 48. 13 V.S.A. § 4105 is amended to read:

10 § 4105. THEFT OR DESTRUCTION

11 (a)(1) A person shall not intentionally and without claim of right deprive
12 the owner of possession, take, transfer, copy, conceal, or retain possession of,
13 or intentionally and without lawful authority, destroy any computer system,
14 computer network, computer software, computer program, or data contained in
15 such computer, computer system, computer program, or computer network.

16 (2) Copying a commercially available computer program or computer
17 software is not a crime under this section, provided that the computer program
18 and computer software has a retail value of \$500.00 or less and is not copied
19 for resale.

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

1 ~~(1) if the damage or loss does not exceed \$500.00 for a first offense,~~
2 ~~imprisoned not more than one year or fined not more than \$5,000.00, or both;~~
3 ~~(2) if the damage or loss does not exceed \$500.00 for a second or~~
4 ~~subsequent offense, imprisoned not more than two years or fined not more than~~
5 ~~\$10,000.00, or both; or~~
6 ~~(3) if the damage or loss exceeds \$500.00, imprisoned not more than 10~~
7 ~~years or fined not more than \$25,000.00, or both sentenced pursuant to sections~~
8 ~~52, 53, and 55 of this title.~~

9 Sec. 49. EFFECTIVE DATE

10 This act shall take effect on July 1, 2021.