

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 98

103RD GENERAL ASSEMBLY

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0678S.03C

KRISTINA MARTIN, Secretary

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## AN ACT

To amend chapter 570, RSMo, by adding thereto one new section relating to the fraudulent use of accounts with a financial institution, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 570, RSMo, is amended by adding thereto  
2 one new section, to be known as section 570.148, to read as  
3 follows:

570.148. 1. For purposes of this section, a financial  
2 institution includes any financial institution as defined in  
3 section 570.010 as well as a broker or mutual fund company.

4 2. For purposes of this section, a financial  
5 institution account includes any deposit account, brokerage  
6 account, or mutual funds account.

7 3. Any person commits the offense of financial  
8 institution accounts fraud if that person accesses, uses, or  
9 establishes an account at the financial institution and uses  
10 any false or fraudulent pretenses, representations, or  
11 promises, any physical device, any electronic device or  
12 means of any kind, or any fraudulent scheme or coercion to  
13 cause funds to be withdrawn or taken from a financial  
14 institution or a customer account at a financial institution  
15 or to cause funds to be transferred or paid by the financial  
16 institution to another person or another financial  
17 institution with the purpose to deprive the financial

18 institution or the financial institution's customer of the  
19 custody or control of the funds.

20 4. The offense of financial institution accounts fraud  
21 in any amount up to five hundred dollars is a class B  
22 misdemeanor.

23 5. The offense of financial institution accounts fraud  
24 shall be a class B felony if the person acts purposefully to  
25 cause funds to be withdrawn or taken from a financial  
26 institution or a customer account and the value of the  
27 property is in any amount of five hundred dollars or more.

28 6. The offense of financial institution accounts fraud  
29 is a class C felony if the person acts knowingly to cause  
30 funds to be withdrawn or taken from a financial institution  
31 or a customer account and the value of the property is in  
32 any amount of five hundred dollars or more.

33 7. The offense of financial institution accounts fraud  
34 is a class D felony if the person acts recklessly to cause  
35 funds to be withdrawn or taken from a financial institution  
36 or a customer account and the value of the property is in  
37 any amount of five hundred dollars or more.

38 8. The offense of financial institution accounts fraud  
39 is a class E felony if the person acts with criminal  
40 negligence to cause funds to be withdrawn or taken from a  
41 financial institution or a customer account and the value of  
42 the property is in any amount of five hundred dollars or  
43 more.

44 9. A prosecuting or circuit attorney may charge  
45 alternative offenses under this chapter, provided no person  
46 shall be convicted under this section and another section  
47 related to the same theft of funds.

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