

FIRST REGULAR SESSION

# SENATE BILL NO. 98

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

0678S.01H

KRISTINA MARTIN, Secretary

## 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.

*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 financial institution customer or third party  
8 commits the offense of financial institution accounts fraud  
9 if the customer or third party accesses, uses, or  
10 establishes an account at the financial institution and uses  
11 any false or fraudulent pretenses, representations, or  
12 promises, or any device, item, scheme, artifice, trick, or  
13 coercion to cause funds to be withdrawn or taken from a  
14 financial institution or a customer account at a financial  
15 institution or to cause funds to be transferred or paid by  
16 the financial institution to another person or another  
17 financial institution with the purpose to deprive the

18 financial institution or the customer of the custody or  
19 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25 cause funds to be withdrawn or taken from a financial  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30 funds to be withdrawn or taken from a financial institution  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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