

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 98

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

0678S.04P

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 one new section, to be known as section 570.148, to read as follows:

**570.148. 1. For purposes of this section, the following terms mean:**

(1) "Financial institution", includes any financial institution as defined in Section 570.010 as well as a broker or mutual fund company;

(2) "Financial institution account", includes any deposit account, brokerage account, or mutual funds account.

2. Any person commits the offense of financial institution accounts fraud if that person uses any false or fraudulent pretenses, representations, or promises, or any physical device, any electronic device or means of any kind, or any fraudulent scheme or coercion to cause moneys to be withdrawn or taken from a financial institution or a customer account at a financial institution or to cause

15 moneys 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 moneys.

20 3. The offense of financial institution accounts fraud  
21 is a class B misdemeanor if the fraud amount is less than  
22 five hundred dollars.

23 4. The offense of financial institution accounts fraud  
24 shall be as follows if the fraud amount is five hundred  
25 dollars or more:

26 (1) If a person acts with criminal negligence, the  
27 offense of financial institution accounts fraud is a class E  
28 felony.

29 (2) If a person acts recklessly, the offense of  
30 financial institution accounts fraud is a class D felony.

31 (3) If a person acts knowingly, the offense of  
32 financial institution accounts fraud is a class C felony.

33 (4) If a person acts purposefully, the offense of  
34 financial institution accounts fraud is a class B felony.

35 5. A prosecutor may charge alternative offenses under  
36 this chapter, provided no person shall be convicted under  
37 this section and another section related to the same theft  
38 of moneys.

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