

FIRST REGULAR SESSION

# HOUSE BILL NO. 707

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE OEHLERKING.

1495H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 570, RSMo, by adding thereto one new section relating to the offense of financial institution accounts fraud, 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 one new section, to be  
2 known as section 570.148, to read as follows:

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

6 **(2) For purposes of this section, a financial institution account includes any**  
7 **deposit account, brokerage account, or mutual funds account.**

8 **2. A person commits the offense of financial institution accounts fraud if such**  
9 **person accesses, uses, or establishes an account at a financial institution and uses any**  
10 **false or fraudulent pretenses, representations, or promises or any device, item, scheme,**  
11 **artifice, trick, or coercion to cause moneys to be withdrawn or taken from a financial**  
12 **institution or a customer account at a financial institution or to cause moneys to be**  
13 **transferred or paid by the financial institution to another person or another financial**

14 **3. The offense of financial institution accounts fraud is a class B misdemeanor if**  
15 **the fraud amount is less than five hundred dollars.**

16 **4. The offense of financial institution accounts fraud shall be as follows if the**  
17 **fraud amount is five hundred dollars or more:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18           **(1) If the person acts with criminal negligence, the offense of financial institution**  
19 **accounts fraud is a class E felony;**

20           **(2) If the person acts recklessly, the offense of financial institution accounts**  
21 **fraud is a class D felony;**

22           **(3) If the person acts knowingly, the offense of financial institution accounts**  
23 **fraud is a class C felony; and**

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

26           **5. A prosecutor may charge an alternative offense under this chapter, provided**  
27 **no person shall be convicted under this section and another section related to the same**  
28 **theft of moneys.**

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