

SS SCS SB 98 -- OFFENSE OF FINANCIAL INSTITUTION ACCOUNTS FRAUD

SPONSOR: Crawford (Owen)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Financial Institutions by a vote of 13 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 0.

This bill creates the offense of financial institution accounts fraud. A person commits this offense if the 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physical device, any electronic device or means of any kind, or any fraudulent scheme or coercion to cause moneys to be withdrawn or taken from a financial institution or a customer account at a financial institution or to cause moneys to be transferred or paid by the financial institution to another person or another financial institution with the purpose to deprive the financial institution or the financial institution's customer of the custody or control of the funds.

The offense of financial institution accounts fraud is punishable as a class B misdemeanor for any amount up to \$500. For any amount of \$500 or more, the offense is punishable as follows:

- (1) If a person acts with criminal negligence it is a class E felony;
- (2) If a person acts recklessly it is a class D felony;
- (3) If a person acts knowingly it is a class C felony; and
- (4) If a person acts purposefully it is a class B felony.

PROPONENTS: Supporters say that this bill is similar to HB 707 from this year which passed in this committee by a vote of 13 to 0. The bill puts more teeth into the area of banking fraud which is prevalent. The bill spells out the different levels of penalties for different offenses that are committed.

Testifying in person for the bill were Senator Crawford; Missouri Bankers Association; Missouri Association of Credit Unions; and Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.