



HOUSE BILL 495: Aggregation of Multiple Financial Crimes.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 26, 2023
Introduced by:	Reps. Crutchfield, Greene, K. Baker	Prepared by:	Susan Sitze
Analysis of:	First Edition		Alex Ramirez Staff Attorney

OVERVIEW: *House Bill 495 would do the following:*

- *Permit the aggregation of multiple convictions of financial crimes for sentencing.*
- *Provide jurisdiction to the court of each county where one of the financial crimes occurred.*

CURRENT LAW:

The crime of embezzlement generally occurs when an agent, consignee, clerk, bailee or servant embezzles, misapplies, or converts money, goods, or other chattels from an employer or while in a position of trust.

- Embezzlement of property or funds valued at more than \$100,000 or more is a Class C felony. Class C felony punishment ranges from a minimum of 44 months in prison to a maximum of 231 months in prison, depending on the facts and prior record level.
 - Obtaining property by false pretenses with a value of over \$100,000 is also a Class C felony.
- Embezzlement of state property by public officers and employees, of funds by public officers and trustees, and of taxes by officers valued at less than \$100,000 is a Class F felony. Class F felony punishment ranges from a minimum of probation to a maximum of 59 months in prison, depending on the facts and prior record level.
 - Exploitation of an older adult or disabled adult resulting in a gain of funds, assets or property valued at \$100,000 or more is also a Class F felony.
- The remaining embezzlement offenses of funds or property valued at less than \$100,000 are each a Class H felony. Class H felony punishment ranges from a minimum of probation to a maximum of 39 months in prison, depending on the facts and prior record level.

BILL ANALYSIS: House Bill 495 would do the following:

Section 1 would Permit financial crimes of "a common scheme or plan" to be aggregated at sentencing if they were either committed against more than one victim or in more than one county.

Financial crimes are defined as acts of embezzlement, acts of false pretenses, or acts of exploitation of an older adult.

For example, if it is proven that a defendant stole \$50,000 on two separate occasions as part of a common scheme, the defendant could be convicted of a Class C felony with a maximum of 231 months in prison,

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as opposed to two convictions of Class H felonies with a maximum of two consecutive sentences of 39 months in prison each.

Section 2 would expand the business records exception to the rule against hearsay by allowing a custodian or witness to certify under penalty of perjury that a document was kept in the regular course of business.

EFFECTIVE DATE: This act would become effective December 1, 2023, and apply to crimes committed on or after that date.