

Senate Study Bill 3072 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act relating to the criminal offense of fraudulent practice
2 and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714.9, Code 2014, is amended to read as
2 follows:

3 **714.9 Fraudulent practice in the first degree.**

4 1. Fraudulent practice in the first degree is a fraudulent
5 practice where the amount of money or value of property or
6 services involved exceeds ten thousand dollars.

7 2. Fraudulent practice in the first degree is a class "C"
8 felony.

9 Sec. 2. Section 714.11, subsection 1, paragraph a, Code
10 2014, is amended to read as follows:

11 *a.* A fraudulent practice where the amount of money or value
12 of property or ~~service~~ services involved exceeds five hundred
13 dollars but does not exceed one thousand dollars.

14 Sec. 3. Section 714.14, Code 2014, is amended to read as
15 follows:

16 **714.14 Value for purposes of fraudulent practices.**

17 1. The value of property or service is its highest value by
18 any reasonable standard at the time the fraudulent practice is
19 committed. Reasonable standard includes but is not limited to
20 market value within the community, actual value, or replacement
21 value.

22 2. If money, ~~or~~ property, or a service ~~is obtained by~~
23 involved in two or more acts of fraudulent practice is from the
24 same person or location, or from different persons by two or
25 more acts which occur in approximately the same location or
26 time period so that the fraudulent practices are attributable
27 to a single scheme, plan, or conspiracy, these acts may be
28 considered as a single fraudulent practice and the value may be
29 the total value of all money, property, and service involved.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the criminal offense of fraudulent
34 practice.

35 The bill modifies the definition of fraudulent practice

1 in the first degree to include a fraudulent practice where
2 the amount of services involved in the fraud exceeds \$10,000.
3 Under current law, fraudulent practice in the first degree
4 does not include the value of a service like other fraudulent
5 practice offenses, but does include a fraudulent practice where
6 the amount of money or value of property exceeds \$10,000. A
7 person who commits fraudulent practice in the first degree
8 commits a class "C" felony. A class "C" felony is punishable
9 by confinement for no more than 10 years and a fine of at least
10 \$1,000 but not more than \$10,000.

11 The bill modifies the definition of fraudulent practice
12 in the fourth degree to conform the terminology with other
13 fraudulent practice offenses in Code chapter 714.

14 The bill also specifies that if money, property, or a service
15 involved in two or more acts of fraudulent practice is from the
16 same person or location, or from different persons by two or
17 more acts which occur in approximately the same location or
18 time period so that the fraudulent practices are attributable
19 to a single scheme, these acts may be considered a single
20 fraudulent practice and the value may be the total value of the
21 money, property, and service involved.

22 A fraudulent practice is defined in Code section 714.8.