| **Property Theft Crimes** |
| --- |
| **Malicious injury to animals and personal property** (§ 16-11-510) | Injury to the property or the property loss is worth:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Malicious injury to real property** (§ 16-11-520) | Injury to the property or the property loss is worth:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Stealing nonferrous metals** (§ 16-11-523) | Direct injury to the property, amount of loss in value to the property, amount of repairs, or property loss is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Cutting, removing, or transporting forest products without consent** (§ 16-11-580) | Value of the forest products is:$1,000 or less = (Misdemeanor) Not more than $500 or not more than 30 days$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Discretionary fine, or not more than 10 years |
| **Forgery** (§ 16-13-10) | Amount of the forgery is:No dollar amount = (Misdemeanor) Discretionary fine, or not more than 3 years, or both$.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Petit larceny and Grand larceny** (§ 16-13-30) | Value of the property is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both (Petit larceny)$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years (Grand larceny)$5,000 or more = (Felony) Discretionary fine or not more than 10 years (Grand larceny) |
| **Stealing bonds** (§ 16-13-40) | Instrument has a value of:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Discretionary fine or not more than 10 years |
| **Stealing livestock** (§ 16-13-50) | Value of the livestock is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Not more than $500, or not more than 5 years, or both$5,000 or more = (Felony) Not more than $2,500, or not more than 10 years, or both |
| **Stealing aquaculture property** (§ 16-13-65 and -66) | Value of the property is: $99.99 or less = Not more than $500, or not more than 30 days, or both$100 or more =1st Offense = (Misdemeanor) Not more than $500, or not more than 1 year, or both2nd Offense = (Misdemeanor) Not more than $2,000, or not less than 2 months and 30 days community service nor more than 1 year, or both3rd or Subsequent Offense = (Misdemeanor) Not more than $5,000, or not less than 6 months nor more than 2 years, or both |
| **Stealing vessels** (§ 16-13-70) | Value of the property is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Discretionary fine or not more than 10 years |
| **Stealing bicycles** (§ 16-13-80) | Value of the bicycle is:$999.99 or less = (Misdemeanor) Not more than $500 or not more than 30 days$1,000 or more = (Misdemeanor) Discretionary punishment |
| **Shoplifting** (§ 16-13-110) | Value of the merchandise is:$1,000 or less = (Misdemeanor) Not more than $500 or not more than 30 days$1,000.01 - $4,999.99 = (Felony) Not more than $1,000, or not more than 5 years, or both$5,000 or more = (Felony) Not more than 10 years |
| **Receiving stolen goods** (§ 16-13-180) | Value of the property is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Not less than $1,000 or not more than 5 years$5,000 or more = (Felony) Not less than $2,000 or not more than 10 years |
| **Embezzlement of public funds** (§ 16-13-210) | Amount of the embezzled funds is:$4,999.99 or less = (Felony) Discretionary fine and not more than 5 years$5,000 or more = (Felony) Discretionary fine and not more than 10 years |
| **Breach of trust** (§ 16-13-230) | Amount is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Discretionary fine or not more than 10 years |
| **Obtaining property by false pretenses** (§ 16-13-240) | Value of the property is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Not more than $500 and not more than 10 years |
| **Obtaining property by false tokens** (§ 16-13-260) | Value of the property is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Theft by impersonating an officer** (§ 16-13-290) | Value of the property is:$200 or less = (Misdemeanor) Not more than $100 or not more than 30 days$200.01 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Stealing library property** (§ 16-13-331) | Value of the property is:$49.99 or less = (Misdemeanor) Not more than $100 or not more than 30 days$50 or more = (Misdemeanor) Not more than $600 or not more than 6 months |
| **Failure to return rented objects** (§ 16-13-420) | Value of the rented or leased item is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Failure to return rented video or cassette tapes**(§ 16-13-425) | Amount of the lease or rental agreement is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Fraudulent acquisition or use of food stamps**(§ 16-13-430) | Amount of food stamps is of a value of:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Not more than $500, or not more than 5 years, or both$5,000 or more = (Felony) Not more than $5,000, or not more than 10 years, or both |
| **Financial transaction card fraud** (§ 16-14-60) | Violation of subsection (a) or (b), except subsection (a)(2)(d):Value of the money, goods, services, etc., or the difference between the value actually furnished and the value represented in a 6-month period is:$500 or less = (Misdemeanor) Not more than $1,000, or not more than 1 year, or both$500.01 or more = (Felony) $3,000 - $5,000, or not more than 5 years, or both |
| **Receipt of property obtained by financial transaction fraud**  (§ 16-14-80) | Value of the money, goods, services, etc., in a 6-month period is:$500 or less = (Misdemeanor) Not more than $1,000, or not more than 1 year, or both$500.01 or more = (Felony) $3,000 - $5,000, or not more than 5 years, or both |
| **Computer crimes** (§ 16-16-20) | Amount of gain derived from the offense or the loss suffered by the victim:$1,000 or less (Misdemeanor) Not more than $200, or not more than 30 days (Not more than $2,000, or not more than 2 years, or both for a 2nd or subsequent offense)$1,000.01 - $10,000 = (Misdemeanor) Not more than $10,000, or not more than 1 year, or both(Not more than $20,000 or not more than 2 years, or both for a 2nd or subsequent offense)$10,000.01 or more = (Felony) Not more than $50,000, or not more than 5 years, or both |
| **Stealing from a graveyard** (§ 16-17-600) | Loss of property is valued at:$199.99 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$200 or more = (Felony) Not more than $5,000, or not more than 5 years, or both |
| **Receiving stolen vehicles** (§ 16-21-80) | Value of the vehicle is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Fraudulent selling or disposing of secured property** (§ 36-9-410) | Value of the personal property subjected to a security interest is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Presenting false claims to insurer** (§ 38-55-170) | Amount of the claim is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Not more than $5,000, or not more than 10 years, or both |
| **Damaging lodging establishment property under the influence of drugs or alcohol** (§ 45-2-40) | Amount of injury or property damage is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Discretionary fine or not more than 10 years |
| **Stealing crops** (§ 46-1-20) | Value of the crop is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Not more than $500 or not more than 10 years |
| **Stealing tobacco plants** (§ 46-1-40) | Value of the tobacco plants is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine or not more than 5 years$5,000 or more = (Felony) Not more than $500 or not more than 10 years |
| **Taking commodities without paying** (§ 46-1-60) | Sale amount of the commodities is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Commission merchant’s failure to account for produce** (§ 46-1-70) | Sale amount of the commodities is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |
| **Failure to pay landowner for forest products** (§ 48-23-265) | Value of the forest products is:$500 or less = 1st Offense = (Misdemeanor) $50 - $200 or not more than 30 days2nd or Subsequent Offense = (Misdemeanor) $200 or not more than 30 days$500.01 - $4,999.99 =1st Offense = (Misdemeanor) $300 - $500 or not more than 30 days2nd or Subsequent Offense = (Misdemeanor) Not more than $500, or not more than 30 days, or both$5,000 or more =1st Offense = (Felony) $300 - $1,000, or not more than 2 years, or both2nd or Subsequent Offense = (Felony) $500 - $2,000 and 30 days - 10 years |
| **Sale of drifted lumber or timber** (§ 49-1-50) | Value of the lumber or timber is:$1,000 or less = (Misdemeanor) Not more than $500, or not more than 30 days, or both$1,000.01 - $4,999.99 = (Felony) Discretionary fine, or not more than 5 years, or both$5,000 or more = (Felony) Discretionary fine, or not more than 10 years, or both |

**PROPERTY THEFT CRIMES**

**SECTION 16‑11‑510.** Malicious injury to animals and other personal property.

(A) It is unlawful for a person to wilfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property, or the goods and chattels of another.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the injury to the property or the property loss is worth one thousand dollars or less. Upon conviction, the person must be fined or imprisoned, or both, as permitted by law and without presentment or indictment by the grand jury.

**SECTION 16‑11‑520.** Malicious injury to tree, house, outside fence, or fixture; trespass upon real property.

(A) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure a tree, house, outside fence, or fixture of another or commit any other trespass upon real property of another.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the injury to the property or the property loss is worth one thousand dollars or less. Upon conviction, the person must be fined or imprisoned, or both, as permitted by law and without presentment or indictment of the grand jury.

**SECTION 16‑11‑523.** Obtaining nonferrous metals unlawfully.

(A) For purposes of this section, ‘nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, copper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers.

(B) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property, including any fixtures or improvements, for the purpose of obtaining nonferrous metals in any amount.

(C) A person who violates the provisions of this section is guilty of a:

 (1) misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is one thousand dollars or less;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is more than one thousand dollars but less than five thousand dollars; or

 (3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the direct injury to the property, the amount of loss in value to the property, the amount of repairs necessary to return the property to its condition before the act, or the property loss, including fixtures or improvements, is five thousand dollars or more.

(D)(1) A person who violates the provisions of this section and the violation results in great bodily injury to another person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years. For purposes of this subsection, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

 (2) A person who violates the provisions of this section and the violation results in the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E)(1) A public or private owner of personal or real property is not civilly liable to a person who is injured during the theft or attempted theft, by the person or a third party, of nonferrous metals in any amount.

 (2) A public or private owner of personal or real property is not civilly liable for a person’s injuries caused by a dangerous condition created as a result of the theft or attempted theft of nonferrous metals in any amount, of the owner when the owner of personal or real property did not know and could not have reasonably known of the dangerous condition.

 (3) This subsection does not create or impose a duty of care upon a owner of personal or real property that would not otherwise exist under common law.”

**SECTION 16‑11‑580.** Cutting, removing, or transporting forest products without consent of landowner; fraudulently acquiring forest products; penalties.

(A) It is unlawful for a person to knowingly and wilfully:

 (1) cut, destroy, or remove forest products without the consent of the landowner;

 (2) aid, hire, or counsel another person to cut, destroy, or remove forest products without the consent of the landowner;

 (3) obtain or acquire forest products under false pretenses or with fraudulent intent; or

 (4) transport forest products if the person knows that the forest products have been cut, removed, obtained, or acquired from the property of a landowner in violation of the provisions of this subsection.

(B) If the value of the forest products is one thousand dollars or less, a person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

(C) If the value of the forest products is more than one thousand dollars, a person who violates the provisions of subsection (A) is guilty of a felony and, upon conviction, must be:

 (1) fined in the discretion of the court or imprisoned for not more than five years if the value of the forest products is more than one thousand dollars but less than five thousand dollars; or

 (2) fined in the discretion of the court or imprisoned for not more than ten years if the value of the forest products is five thousand dollars or more.

(D) As used in this section, “forest products” include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, and which are located on any land in this State, whether publicly or privately owned.

**SECTION 16‑13‑10.** Forgery.

(A) It is unlawful for a person to:

 (1) falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or wilfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing;

 (2) utter or publish as true any false, forged, or counterfeited writing or instrument of writing;

 (3) falsely make, forge, counterfeit, alter, change, deface, or erase; or cause or procure to be falsely made, forged, counterfeited, altered, changed, defaced, or erased any record or plat of land; or

 (4) willingly act or assist in any of the premises, with an intention to defraud any person.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the amount of the forgery is five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the amount of the forgery is less than five thousand dollars.

If the forgery does not involve a dollar amount, the person is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.

**SECTION 16‑13‑30.** Petit larceny; grand larceny.

(A) Simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of personalty of which by law larceny may be committed, or of any fixture, part, or product of the soil severed from the soil by an unlawful act, or has a value of one thousand dollars or less, is petit larceny, a misdemeanor, triable in the magistrate’s court. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

(B) Larceny of goods, chattels, instruments, or other personalty valued in excess of one thousand dollars is grand larceny. Upon conviction, the person is guilty of a felony and must be fined in the discretion of the court or imprisoned not more than:

 (1) five years if the value of the personalty is more than one thousand dollars but less than five thousand dollars;

 (2) ten years if the value of the personalty is five thousand dollars or more.

**SECTION 16‑13‑40.** Stealing of bonds and the like.

It is unlawful for a person to steal or take by robbery a bond, warrant, bill, or promissory note for the payment or securing the payment of money belonging to another.

A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrate’s court if the instrument stolen or taken has a value of one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the instrument stolen or taken is more than one thousand dollars but less than five thousand dollars;

(3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the instrument stolen or taken has a value of five thousand dollars or more.

**SECTION 16‑13‑50.** Stealing livestock; confiscation of motor vehicle or other chattel.

A person convicted of the larceny of a horse, mule, cow, hog, or any other livestock is guilty of a:

(1) felony and, upon conviction, must be imprisoned not more than ten years or fined not more than twenty‑five hundred dollars, or both, if the value of the livestock is five thousand dollars or more;

(2) felony and, upon conviction, must be imprisoned not more than five years or fined not more than five hundred dollars, or both, if the value of the livestock is more than one thousand dollars but less than five thousand dollars;

(3) misdemeanor triable in magistrate’s court if the value of the livestock is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

A motor vehicle or other chattel used by or found in possession of a person engaged in the commission of a crime under this section is subject to confiscation and must be confiscated and sold under the provisions of Section 27‑21‑10.

**SECTION 16‑13‑66.** Penalties for violating Section 16‑13‑65.

A person violating the provision of Section 16‑13‑65 is guilty of a misdemeanor and, upon conviction:

(1) for the first offense, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both, and shall pay restitution to the culturist an amount determined by the court.

(2) for a second offense, must be fined an amount not to exceed two thousand dollars or imprisoned for a term not less than two months and thirty days community service nor more than one year, or both, and shall pay restitution to the culturist an amount determined by the court. Furthermore, all equipment, including, but not limited to, vehicles, fishing devices, coolers and nets must be seized and forfeited to the court.

(3) for a third or subsequent offense, must be fined an amount not to exceed five thousand dollars or imprisoned for a term not less than six months nor more than two years, or both, and shall pay restitution to the culturist an amount determined by the court. Furthermore, all equipment, including, but not limited to, vehicles, fishing devices, coolers, and nets must be seized and forfeited to the court.

Provided further, that if the value of such property stolen or damaged is less than one hundred dollars, the case shall be tried in magistrate’s court and the punishment shall be no more than is permitted by law without presentment or indictment by a grand jury.

**SECTION 16‑13‑70.** Stealing of vessels and equipment pertaining thereto; payment of damages.

(A) It is unlawful for a person to steal, take away, or let loose any boat, piragua, or canoe; or steal or take away any grappling, painter, rope, sail, or oar from any landing or place where the owner or person in whose service or employ the thing stolen, taken away, or let loose was last attached or laid, except boats or canoes let loose from another boat, canoe, or vessel.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the value of the property is five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the property is more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the value of the property is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

In addition to the punishment specified in this section, the person must make good to the person injured all damages sustained and, if the matter be a trespass only, the person committing the offense shall make good to the person injured all damages that accrued.

**SECTION 16‑13‑80.** Larceny of bicycles.

The larceny of a bicycle is a misdemeanor and, upon conviction, the person must be punishable at the discretion of the court. When the value of the bicycle is less than one thousand dollars, the case is triable in magistrate’s court and, upon conviction, the person must be fined not more than five hundred dollars or imprisoned not more than thirty days.

**SECTION 16‑13‑110.** Shoplifting.

(A) A person is guilty of shoplifting if he:

 (1) takes possession of, carries away, transfers from one person to another or from one area of a store or other retail mercantile establishment to another area, or causes to be carried away or transferred any merchandise displayed, held, stored, or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use, or benefit of the merchandise without paying the full retail value;

 (2) alters, transfers, or removes any label, price tag marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of the merchandise;

 (3) transfers any merchandise displayed, held, stored, or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(B) A person who violates the provisions of this section is guilty of a:

 (1) misdemeanor triable in magistrate’s court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days if the value of the shoplifted merchandise is one thousand dollars or less;

 (2) felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both, if the value of the shoplifted merchandise is more than one thousand dollars but less than five thousand dollars;

 (3) felony and, upon conviction, must be imprisoned not more than ten years if the value of the shoplifted merchandise is five thousand dollars or more.

**SECTION 16‑13‑180.** Receiving stolen goods.

It is unlawful for a person to buy, receive, or possess stolen goods, chattels, or other property if the person knows or has reason to believe the goods, chattels, or property is stolen. A person is guilty of this offense whether or not anyone is convicted of the theft of the property. A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrate’s court if the value of the property is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury;

(2) felony and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than five years if the value of the property is more than one thousand dollars but less than five thousand dollars;

(3) felony and, upon conviction, must be fined not less than two thousand dollars or imprisoned not more than ten years if the value of the property is five thousand dollars or more.

For the purposes of this section, the receipt of multiple items in a single transaction or event constitutes a single offense.

**SECTION 16‑13‑210.** Embezzlement of public funds.

It is unlawful for an officer or other person charged with the safekeeping, transfer, and disbursement of public funds to embezzle these funds. A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court to be proportioned to the amount of the embezzlement and imprisoned not more than ten years if the amount of the embezzled funds is five thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court to be proportioned to the amount of embezzlement and imprisoned not more than five years if the amount of the embezzled funds is less than five thousand dollars.

The person convicted of a felony is disqualified from holding any office of honor or emolument in this State; but the General Assembly, by a two‑thirds vote, may remove this disability upon payment in full of the principal and interest of the sum embezzled.

**SECTION 16‑13‑230.** Breach of trust with fraudulent intent.

(A) A person committing a breach of trust with a fraudulent intention or a person who hires or counsels another person to commit a breach of trust with a fraudulent intention is guilty of larceny.

(B) A person who violates the provisions of this section is guilty of a:

 (1) misdemeanor triable in magistrate’s court if the amount is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount is more than one thousand dollars but less than five thousand dollars;

 (3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount is five thousand dollars or more.

**SECTION 16‑13‑240.** Obtaining signature or property by false pretenses.

A person who by false pretense or representation obtains the signature of a person to a written instrument or obtains from another person any chattel, money, valuable security, or other property, real or personal, with intent to cheat and defraud a person of that property is guilty of a:

(1) felony and, upon conviction, must be fined not more than five hundred dollars and imprisoned not more than ten years if the value of the property is five thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the property is more than one thousand dollars but less than five thousand dollars;

(3) misdemeanor triable in magistrate’s court if the value of the property is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment of the grand jury.

**SECTION 16‑13‑260.** Obtaining property under false tokens or letters.

A person who falsely and deceitfully obtains or gets into his hands or possession any money, goods, chattels, jewels, or other things of another person by color and means of any false token or counterfeit letter made in another person’s name is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the property is five thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the property is more than one thousand dollars but less than five thousand dollars;

(3) misdemeanor triable in magistrate’s court if the value of the property is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 16‑13‑290.** Securing property by fraudulent impersonation of officer.

It is unlawful for a person, with intent to defraud either the State, a county, or municipal government or any person, to act as an officer and demand, obtain, or receive from a person or an officer of the State, county, or municipal government any money, paper, document, or other valuable things. A person who violates the provisions of this section is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the property or thing obtained has a value of more than two hundred dollars.

(2) misdemeanor triable in magistrate’s court, and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days if the property or thing obtained has a value of two hundred dollars or less.

**SECTION 16‑13‑331.** Unauthorized removal or concealment of library property prohibited; penalty.

Whoever, without authority, with the intention of depriving the library or archive of the ownership of such property, willfully conceals a book or other library or archive property, while still on the premises of such library or archive, or willfully or without authority removes any book or other property from any library or archive or collection shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the following: (1) by a fine of not more than six hundred dollars or imprisonment for not more than six months; provided, however, that if the value of the library or archive property is less than fifty dollars, the punishment shall be a fine of not more than one hundred dollars or imprisonment for not more than thirty days. Proof of the willful concealment of any book or other library or archive property while still on the premises of such library or archive shall be prima facie evidence of intent to commit larceny thereof.

**SECTION 16‑13‑420.** Failure to return rented objects; fraudulent appropriation of such.

(A) A person having any motor vehicle, trailer, appliance, equipment, tool, clothing, or formal wear in his possession or under his control by virtue of a lease or rental agreement is guilty of larceny if he:

 (1) wilfully and fraudulently fails to return the motor vehicle, trailer, appliance, equipment, tool, clothing, or formal wear within seventy‑two hours after the lease or rental agreement has expired;

 (2) fraudulently secretes or appropriates the property to any use or purpose not within the due and lawful execution of his lease or rental agreement.

The provisions of this section do not apply to lease‑purchase agreements or conditional sales type contracts.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the rented or leased item is five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the rented or leased item is more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the value of the rented or leased item is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 16‑13‑425.** Unlawful failure to return rented video or cassette tape.

(A) A person having a video or cassette tape in his possession or under his control by virtue of a lease or rental agreement, who wilfully and fraudulently fails to return the video or cassette tape within seventy‑two hours after the lease or rental agreement has expired, or who fraudulently secretes or appropriates this property to any use or purpose not within the due and lawful execution of his lease or rental agreement is guilty of:

 (1) petit larceny if the dollar amount of the video or cassette tape lease or rental agreement is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned as provided for petit larceny;

 (2) grand larceny and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the dollar amount of the video or cassette tape lease or rental agreement is more than one thousand dollars but less than five thousand dollars;

 (3) grand larceny and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the original dollar amount of the video or cassette tape lease or rental agreement is five thousand dollars or more.

(B) As a prerequisite for a warrant to be issued pursuant to this section, notice of the expiration of the lease or rental period must be given by the merchant by certified mail, addressed to the person at the address recorded on the lease or rental contract. The giving of notice is complete upon the expiration of five days after serving the notice. A certificate retained by the merchant showing that the notice was mailed is presumptive proof that the requirements of this subsection have been met, even though the notice may not have been received by the addressee.

**SECTION 16‑13‑430.** Fraudulent acquisition or use of food stamps.

(A) It is unlawful for a person to:

 (1) obtain, attempt to obtain, aid, abet, or assist any person to obtain, by means of a false statement or representation, false impersonation, fictitious transfer, conveyance, or other fraudulent device, food stamps or coupons to which an applicant is not entitled or a greater amount of food stamps or coupons than that which an applicant is justly entitled; or

 (2) to acquire, possess, use, or transfer food stamps or coupons except as authorized by law and the rules and regulations of the United States Department of Agriculture relating to these matters.

(B) It is unlawful for a person to acquire or transfer food stamps or coupons except in exchange for food or food products for human consumption, which do not include alcoholic beverages, tobacco, beer, or wine.

(C) A person who violates the provisions of this section is guilty of a:

 (1) felony if the amount of food stamps fraudulently acquired or used is of a value of five thousand dollars or more. Upon conviction, the person must be fined not more than five thousand dollars or imprisoned not more than ten years, or both;

 (2) felony if the amount of food stamps fraudulently acquired or used is of a value of more than one thousand dollars but less than five thousand dollars. Upon conviction, the person must be fined not more than five hundred dollars or imprisoned not more than five years, or both;

 (3) misdemeanor triable in magistrate’s court if the amount of food stamps fraudulently acquired or used is of a value of one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

(D) A mercantile establishment which allows purchases of prohibited items in exchange for food stamps or coupons or currency of the United States must be disqualified from participation in the food stamp program for a period not to exceed two years and fined not more than five thousand dollars, or both.

**SECTION 16‑14‑60.** Financial transaction card fraud.

(a) A person is guilty of financial transaction card fraud when, with intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, he:

 (1) uses for the purpose of obtaining money, goods, services, or anything else of value a financial transaction card obtained or retained, or which was received with knowledge that it was obtained or retained, in violation of Section 16‑14‑20 or 16‑14‑40 or a financial transaction card which he knows is forged, altered, expired, revoked, or was obtained as a result of a fraudulent application in violation of Section 16‑14‑40(c);

 (2) obtains money, goods, services, or anything else of value by:

 a. representing without the consent of the specified cardholder that he has permission to use it;

 b. presenting the financial transaction card without the authorization or permission of the cardholder;

 c. representing that he is the holder of a card and the card has not in fact been issued;

 d. using a financial transaction card to knowingly and wilfully exceed:

 (i) the actual balance of a demand deposit account or time deposit account;

 (ii) an authorized credit line in an amount which exceeds the authorized credit line by five hundred dollars or fifty percent of the authorized credit line, whichever is greater, if the cardholder has not paid to the issuer of the financial transaction card the total amount of the excess over the authorized credit line within ten days after notice to the cardholder by certified mail to the last known address that the credit line has been exceeded. Failure to pay the amount in excess of the authorized credit line after the notice is prima facie evidence of an intent to defraud;

 (3) obtains control over a financial transaction card as security for debt;

 (4) deposits into his account or any account, by means of an automated banking device, a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other document not his lawful or legal property;

 (5) receives money, goods, services, or anything else of value as a result of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other document having been deposited into an account by means of an automated banking device, knowing at the time of receipt of the money, goods, services, or item of value that the document deposited was false, fictitious, forged, altered, or counterfeit or that the above deposited item was not his lawful or legal property.

A person who violates the provisions of this subsection except subsection (a)(2)d. is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, if the value of all money, goods, services, and other things of value furnished in violation of this section or if the difference between the value actually furnished and the value represented to the issuer to have been furnished in violation of this section, does not exceed five hundred dollars in any six‑month period. If the value exceeds five hundred dollars in a six‑month period, a person is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars or more than five thousand dollars or imprisoned not more than five years, or both.

A person who violates the provisions of subsection (a)(2)d. is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(b) A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a financial transaction card by the cardholder, or any agent or employee of such person is guilty of a financial transaction card fraud when, with intent to defraud the issuer or the cardholder, he:

 (1) furnishes money, goods, services, or anything else of value upon presentation of a financial transaction card obtained or retained in violation of Section 16‑14‑20, or a financial transaction card which he knows is forged, expired, or revoked;

 (2) fails to furnish money, goods, services, or anything else of value which he represents in writing to the issuer that he has furnished.

A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, if the value of all money, goods, services, and other things of value furnished in violation of this section or if the difference between the value actually furnished and the value represented to the issuer to have been furnished in violation of this section, does not exceed five hundred dollars in any six‑month period. If the value exceeds five hundred dollars in a six‑month period, a person is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars nor more than five thousand dollars or imprisoned not more than five years, or both.

(c) A person is guilty of financial transaction card fraud when, upon application for a financial transaction card to an issuer, he knowingly makes or causes to be made a false statement or report relative to his name, occupation, financial condition, assets, or liabilities; or wilfully and substantially overvalues any assets, or wilfully omits or substantially undervalues any indebtedness for the purpose of influencing the issuer to issue a financial transaction card. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(d) A cardholder is guilty of financial transaction card fraud when he wilfully, knowingly, and with an intent to defraud the issuer, a person or organization providing money, goods, services, or anything else of value, or any other person, submits, verbally or in writing, to the issuer or any other person, any false notice or report of the theft, loss, disappearance, or nonreceipt of his financial transaction card. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(e) In any prosecution for violation of Section 16‑14‑60, the State is not required to establish and it is no defense that some of the acts constituting the crime did not occur in this State or within one city, county, or local jurisdiction.

(f) For purposes of this section, revocation is construed to include either notice given in person or notice given in writing to the person to whom the financial transaction card or personal identification code was issued. Notice of revocation is immediate when notice is given in person. The sending of a notice in writing by registered or certified mail in the United States mail, duly stamped and addressed to the person at his last address known to the issuer, is prima facie evidence that the notice was duly received after seven days from the date of the deposit in the mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada, notice is presumed to have been received ten days after mailing by registered or certified mail.

(g)(1) A person who is authorized by an acquirer to furnish money, goods, services, or anything else of value upon presentation of a credit card or a credit card account number by a cardholder, or any employee of that person, who presents to the issuer or acquirer, for payment, a credit card transaction record of a sale, which sale was not made by that person or employee, violates this subsection and is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars nor more than five thousand dollars or imprisoned not more than five years, or both.

 (2) A person without the acquirer’s express authorization, employs, or solicits authorized merchants, or any agent or employee of the merchant, to remit to an issuer or acquirer, for payment, a financial transaction card record of a sale, which sale was not made by the merchant, his agent, or employee, is guilty of a felony and, upon conviction, is punishable as provided in Section 16‑14‑100(b).

**SECTION 16‑14‑80.** Criminally receiving goods and services fraudulently obtained.

(A) It is unlawful for a person to receive money, goods, and services, or anything else of value fraudulently obtained in violation of Section 16‑14‑60(a) and with the knowledge or belief that the same were obtained in violation of Section 16‑14‑60(a).

(B) A person who violates the provisions of this section is guilty of a:

 (1) misdemeanor and, upon conviction, must be sentenced pursuant to Section 16‑14‑100(a) if the value of the money, goods, services, and anything else of value, is five hundred dollars or less in any six‑month period;

 (2) felony and, upon conviction, must be sentenced pursuant to Section 16‑14‑100(b) if the value of the money, goods, services, or anything of value is more than five hundred dollars in any six‑month period.

**SECTION 16‑16‑20.** Computer crime offenses; penalties.

(1) It is unlawful for a person to wilfully, knowingly, maliciously, and without authorization or for an unauthorized purpose to:

 (a) directly or indirectly access or cause to be accessed a computer, computer system, or computer network for the purpose of:

 (i) devising or executing a scheme or artifice to defraud;

 (ii) obtaining money, property, or services by means of false or fraudulent pretenses, representations, promises; or

 (iii) committing any other crime.

 (b) alter, damage, destroy, or modify a computer, computer system, computer network, computer software, computer program, or data contained in that computer, computer system, computer program, or computer network or introduce a computer contaminant into that computer, computer system, computer program, or computer network.

(2) A person is guilty of computer crime in the first degree if the amount of gain directly or indirectly derived from the offense made unlawful by subsection (1) or the loss directly or indirectly suffered by the victim exceeds ten thousand dollars. Computer crime in the first degree is a felony and, upon conviction, a person must be fined not more than fifty thousand dollars or imprisoned not more than five years, or both.

(3)(a) A person is guilty of computer crime in the second degree if the amount of gain directly or indirectly derived from the offense made unlawful by subsection (1) or the loss directly or indirectly suffered by the victim is greater than one thousand dollars but not more than ten thousand dollars.

 (b) A person is also guilty of computer crime in the second degree where:

 (i) he interferes with, causes to be interfered with, denies or causes to be denied any computer or network service to an authorized user of the computer or network service for the purpose of devising or executing any scheme or artifice to defraud, or obtaining money, property, or services by means of false or fraudulent pretenses, representations, or promises, or committing any other felony;

 (ii) he deprives the owner of possession of, or takes, transfers, conceals, or retains possession of any computer, data, computer property, or computer‑related property, including all parts of a computer, computer system, computer network, computer software, computer services, or information associated with a computer, whether in a tangible or intangible form; or

 (iii) the gain derived from the offense made unlawful by subsection (1) or loss suffered by the victim cannot reasonably be ascertained.

 (c) Computer crime in the second degree is a misdemeanor and, upon conviction for a first offense, a person must be fined not more than ten thousand dollars or imprisoned not more than one year, or both. Upon conviction for a second or subsequent offense, a person is guilty of a misdemeanor and must be fined not more than twenty thousand dollars or imprisoned not more than two years, or both.

(4) A person is guilty of computer crime in the third degree if the amount of gain directly or indirectly derived from the offense made unlawful by subsection (1) or the loss directly or indirectly suffered by the victim is not more than one thousand dollars. A person is also guilty of computer crime in the third degree if he wilfully, knowingly, and without authorization or for an unauthorized purpose engages in computer hacking. Computer crime in the third degree is a misdemeanor and, upon conviction for a first offense, a person must be fined not more than two hundred dollars or imprisoned not more than thirty days. Upon conviction for a second or subsequent offense, a person must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(5) Each computer, computer system, or computer network affected by the violation of this chapter constitutes a separate violation.

**SECTION 16‑17‑600.** Destruction or desecration of human remains or repositories thereof; liability of crematory operators; penalties.

(A) It is unlawful for a person wilfully and knowingly, and without proper legal authority to:

 (1) destroy or damage the remains of a deceased human being;

 (2) remove a portion of the remains of a deceased human being from a burial ground where human skeletal remains are buried, a grave, crypt, vault, mausoleum, or other repository; or

 (3) desecrate human remains.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not less than one year nor more than ten years, or both.

A crematory operator is neither civilly nor criminally liable for cremating a body which (1) has been incorrectly identified by the funeral director, coroner, medical examiner, or person authorized by law to bring the deceased to the crematory; or (2) the funeral director has obtained invalid authorization to cremate. This immunity does not apply to a crematory operator who knew or should have known that the body was incorrectly identified.

(B) It is unlawful for a person wilfully and knowingly, and without proper legal authority to:

 (1) obliterate, vandalize, or desecrate a burial ground where human skeletal remains are buried, a grave, graveyard, tomb, mausoleum, or other repository of human remains;

 (2) deface, vandalize, injure, or remove a gravestone or other memorial monument or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park, or battlefield; or

 (3) obliterate, vandalize, or desecrate a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than five thousand dollars, or both.

(C)(1) It is unlawful for a person wilfully and knowingly to steal anything of value located upon or around a repository for human remains or within a human graveyard, cemetery, or memorial park, or for a person wilfully, knowingly, and without proper legal authority to destroy, tear down, or injure any fencing, plants, trees, shrubs, or flowers located upon or around a repository for human remains, or within a human graveyard, cemetery, or memorial park.

 (2) A person violating the provisions of item (1) is guilty of:

 (a) a felony and, upon conviction, if the theft of, destruction to, injury to, or loss of property is valued at two hundred dollars or more, must be fined not more than five thousand dollars or imprisoned not more than five years, or both, and must be required to perform not more than five hundred hours of community service;

 (b) a misdemeanor triable in magistrates court if the theft of, destruction to, injury to, or loss of property is valued at less than two hundred dollars. Upon conviction, a person must be fined, imprisoned, or both, pursuant to the jurisdiction of magistrates as provided in Section 22‑3‑550, and must be required to perform not more than two hundred fifty hours of community service.

**SECTION 16‑21‑80.** Receiving, possessing, concealing, selling, or disposing of stolen vehicle.

A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, is guilty of a:

(1) misdemeanor triable in magistrate’s court if the value of the vehicle is one thousand dollars or less. Upon conviction, the person must be fined, imprisoned, or both, not more than is permitted by law without presentment or indictment by the grand jury;

(2) felony and upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the vehicle is more than one thousand dollars but less than five thousand dollars;

(3) felony and upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the vehicle is five thousand dollars or more.

**SECTION 22‑3‑570.** Larceny by stealing property not exceeding certain value.

Magistrates have jurisdiction of petit larceny and all other larcenies involving personal property including, but not limited to:

(1) money;

(2) goods or chattels;

(3) bank note, bond, promissory note, bill of exchange, or other bill;

(4) order or certificate;

(5) book of accounts;

(6) deed or writing containing a conveyance of land;

(7) other valuable contract in force;

(8) receipt;

(9) release or defeasance; or

(10) any writ, process, or public record.

The value of the property stolen must be one thousand dollars or less.

**SECTION 36‑9‑410.** Unlawful sale or disposal of personal property subject to security interest; exceptions; penalties.

(A) Notwithstanding Section 36‑9‑401, a person who intentionally or wilfully sells or disposes of personal property that is subject to a perfected security interest, with the intent to defraud the secured party, without the written consent of the secured party and without paying the debt secured by the perfected security interest within ten days after sale or disposal or, in that time, depositing the amount of the debt with the clerk of the court of common pleas for the county in which the secured party resides, is in violation of this section.

(B) This section does not apply:

 (1) if the sale is made without the knowledge of or notice of the perfected security interest to the purchaser by the person selling the property;

 (2) to the granting of subsequent security interests;

 (3) if the loan secured by the personal property includes a charge for nonfiling insurance; or

 (4) to personal property titled by the Department of Public Safety or the Law Enforcement Division of the South Carolina Department of Natural Resources.

(C) If the value of the personal property subject to a perfected security interest is worth:

 (1) one thousand dollars or less, a person who violates the provisions of this section is guilty of a misdemeanor triable in the magistrate’s court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both;

 (2) more than one thousand dollars but less than five thousand dollars, a person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both;

 (3) five thousand dollars or more, a person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

**SECTION 38‑55‑170.** Presenting false claims for payment.

A person who knowingly causes to be presented a false claim for payment to an insurer transacting business in this State, to a health maintenance organization transacting business in this State, or to any person, including the State of South Carolina, providing benefits for health care in this State, whether these benefits are administered directly or through a third person, or who knowingly assists, solicits, or conspires with another to present a false claim for payment as described above, is guilty of a:

(1) felony if the amount of the claim is five thousand dollars or more. Upon conviction, the person must be imprisoned not more than ten years or fined not more than five thousand dollars, or both;

(2) felony if the amount of the claim is more than one thousand dollars but less than five thousand dollars. Upon conviction, the person must be fined in the discretion of the court or imprisoned not more than five years, or both;

(3) misdemeanor triable in magistrate’s court if the amount of the claim is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 45‑2‑40.** Violations committed by person on premises or property of lodging establishment; classification; penalties; fines.

(A) A person who on the premises or property of a lodging establishment:

 (1) uses or possesses a controlled substance in violation of Chapter 53 of Title 44;

 (2) consumes or possesses beer, wine, or alcoholic liquors in violation of Sections 63‑19‑2440 or 630‑19‑2450; is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(B) A person who on the premises or property of a lodging establishment maliciously and wilfully commits a violation of this chapter resulting in damage to a lodging establishment room or its furnishings is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount of injury or damage to the property is five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount of injury or damage to the property is more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the amount of injury or damage to the property is one thousand dollars or less. Upon conviction, the person must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(C) A person who rents or leases a room in a lodging establishment for the purpose of allowing the room to be used by another to do any act enumerated in subsections (A) or (B) of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(D) In a case arising under this section involving damage to a lodging establishment room or its furnishings, the court may order the person renting or leasing the lodging establishment room or the person causing such damage, or both:

 (1) to pay restitution for any damages suffered by the owner or operator of the lodging establishment, which damages may include the lodging establishment’s loss of revenue resulting from the establishment’s inability to rent or lease the room during the period of time the lodging establishment room is being repaired; and

 (2) to pay damages or restitution to any other person who is injured in person or property.

In a case arising under this section triable in magistrate’s court, a magistrate may order restitution not to exceed one thousand dollars.

In the case of a minor, the parents of the minor are liable for acts of the minor in violation of this section which cause damages to the lodging establishment room or furnishings or cause injury to persons or property.

(E) This section does not prohibit the prosecution of a person for the underlying violation which occurred on the premises or property of the lodging establishment.

**SECTION 46‑1‑20.** Stealing crops from the field.

A person who steals from the field any grain, cotton, or vegetables, whether severed from the freehold or not, is guilty of a:

(1) felony and, upon conviction, must be imprisoned not more than ten years or fined not more than five hundred dollars if the value of the crop is five thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the crop is more than one thousand dollars but less than five thousand dollars;

(3) misdemeanor triable in magistrate’s court if the value of the crop is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 46‑1‑40.** Stealing tobacco plants from beds.

A person who steals tobacco plants, whether severed from the freehold or not, from any tobacco plant beds is guilty of a:

(1) felony and, upon conviction, must be imprisoned not more than ten years or fined not more than five hundred dollars if the value of the tobacco plants is five thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the value of the tobacco plants is more than one thousand dollars but less than five thousand dollars;

(3) misdemeanor triable in magistrate’s court if the value of the tobacco plants is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 46‑1‑60.** Making away with produce before paying.

(A) It is unlawful for a person engaged in the business of buying cotton, corn, rice, or similar commodities, either on his own account or for others, to buy commodities from a planter, commission merchant, or any other person for cash and fail or refuse to pay for it and make away with or dispose of it before he has paid for it.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the sale amount of the commodities is five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the sale amount of the commodities is more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the sale amount of the commodities is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 46‑1‑70.** Factors or commission merchants failing to account for produce.

(A) It is unlawful for a factor or commission merchant to receive from a planter cotton, rice, or other agricultural produce for sale and:

 (1) sell the produce and fail to pay over the net proceeds to the planter on demand;

 (2) apply the produce to his own use and benefit; or

 (3) fail to account for the produce in a satisfactory manner if unsold.

(B) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the sale amount of the commodities is five thousand dollars or more;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the sale amount of the commodities is more than one thousand dollars but less than five thousand dollars;

 (3) misdemeanor triable in magistrate’s court if the sale amount of the commodities is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

**SECTION 48‑23‑265.** Payment to landowner for forest products purchased; penalties.

(A)(1) A person who purchases forest products directly from a landowner possessing lands in this State, and who has received payment for the forest products from a sale to a third party, must make payment in full to the landowner within forty‑five days of the receipt of payment.

 (2) If the landowner has not received payment within the required forty‑five days, the landowner must send written notice, by certified mail or by personal delivery, to the purchaser’s last known address stating the landowner’s demand for payment. The purchaser violates the provisions of this section and is subject to a criminal penalty if he knowingly and wilfully fails to make payment in full to the landowner within ten days after receiving this notice.

 (3) This section does not apply to a written agreement signed between the landowner and the purchaser providing for a means of payment other than the one provided for in this section.

(B) If the value of the forest products is less than five thousand dollars, a person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished:

 (1) if the value of the forest products is five hundred dollars or less:

 (a) for a first offense, by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than thirty days; or

 (b) for a second or subsequent offense, by a fine of two hundred dollars or by imprisonment for not more than thirty days;

 (2) if the value of the forest products is more than five hundred dollars but less than five thousand dollars:

 (a) for a first offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or by imprisonment for not more than thirty days; or

 (b) for a second or subsequent offense, by a fine of not more than five hundred dollars or by imprisonment for not more than thirty days, or both.

(C) If the value of the forest products is five thousand dollars or more, a person who violates subsection (A) is guilty of a felony and, upon conviction, must be punished:

 (1) for a first offense by a fine of not less than three hundred dollars nor more than one thousand dollars or by imprisonment for not more than two years, or both; or

 (2) for a second or subsequent offense by a fine of not less than five hundred dollars nor more than two thousand dollars and imprisonment for not less than thirty days nor more than ten years.

(D) The court shall order restitution to the victim as a mandatory condition of the sentence imposed.

(E) If the value of the forest products is five thousand dollars or more, in addition to the penalties provided in this section, all motor vehicles, conveyances, tractors, trailers, watercraft, vessels, tolls, and equipment of any kind used or positioned for use in acquiring, cutting, harvesting, manufacturing, producing, processing, delivering, importing, or exporting the forest products are subject to confiscation and forfeiture pursuant to Section 16‑13‑177.

(F) As used in this section, “forest products” include, but are not limited to, timber, trees, logs, lumber, or pine straw or any other products in the forest, whether merchantable or nonmerchantable, and which are located on any land in this State, whether publicly or privately owned.

(G) As used in this section, “conviction” includes a guilty plea, plea of nolo contendere, or the forfeiture of bail.

**SECTION 49‑1‑50.** Sale or purchase of drifted lumber or timber; penalties.

(A) No person may sell any drifted lumber or timber, not the property of the person, without first advertising the sale of it at public auction at least three times and at least three days before the date of the sale in the newspaper having the greatest circulation in the county in which the drifted lumber or timber is found and taken, giving an accurate description of any and all marks by which the lumber or timber may be identified.

(B) It is unlawful for a person to:

 (1) sell any drifted lumber or timber without having first advertised the sale;

 (2) fail to pay the proceeds of the sale to the owner on application, after deducting the expenses; or

 (3) advertise a sale and then refuse to deliver any drifted lumber or timber claimed by the rightful owner, before the date of the sale after the owner has offered to pay reasonable salvage expenses.

(C) A person who violates the provisions of this section is guilty of a:

 (1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the lumber or timber is five thousand dollars or more.

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the lumber or timber is more than one thousand dollars but less than five thousand dollars.

 (3) misdemeanor triable in magistrate’s court if the value of the lumber or timber is one thousand dollars or less. Upon conviction, the person must be fined or imprisoned not more than is permitted by law without presentment or indictment by the grand jury.

(D) A person who purchases drifted lumber or timber that has not been advertised as provided may be indicted as a receiver of stolen goods and must be fined or imprisoned as provided in Section 16‑13‑180.