

**MILLVILLE CITY CODE**  
**TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE**  
**CHAPTER 9.20 - OFFENSES AGAINST PROPERTY**

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## **9.20.010: DEFINITIONS, GENERAL**

For purposes of this chapter:

**HABITABLE STRUCTURE:** Any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not.

**PROPERTY:** Any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.

"Property" is that of another, if anyone other than the actor has a possessory or proprietary interest in any portion thereof.

**VALUE:**

- A. The market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or
- B. Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense;
- C. If the property damaged has a value that cannot be ascertained by the criteria set forth in subsections A and B of this definition, the property shall be deemed to have a value of less than three hundred dollars (\$300.00). (Ord. 2000-10 § 2: prior code § 13-611)

## **9.20.020: ARSON**

- A. A person is guilty of arson if under circumstances not amounting to aggravated arson, by means of fire or explosives, the person unlawfully and intentionally damages the property of another.
- B. A violation of this section is a class B misdemeanor if the damage caused is less than three hundred dollars (\$300.00). (Ord. 2000-10 § 2)

## **9.20.030: RECKLESS BURNING**

- A. A person is guilty of reckless burning if the person:
  - 1. Builds or maintains a fire without taking reasonable steps to remove all flammable materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or
  - 2. Damages the property of another by reckless use of fire or causing an explosion.
- B.
  - 1. A violation of subsection A1 of this section is a class B misdemeanor.
  - 2. A violation of subsection A2 of this section is:
    - a. A class B misdemeanor if the damage to property is or exceeds three hundred dollars (\$300.00) but is less than one thousand dollars (\$1,000.00) in value; and
    - b. A class C misdemeanor if the damage to property is or exceeds one hundred fifty dollars (\$150.00) but is less than three hundred dollars (\$300.00) in value.
  - 3. Any other violation under subsection A2 of this section is an infraction. (Ord. 2000-10 § 2)

## **9.20.040: CRIMINAL MISCHIEF**

- A. A person commits criminal mischief if the person:
1. Intentionally and unlawfully tampers with the property of another and as a result recklessly endangers human health or safety;
  2. Intentionally damages, defaces, or destroys the property of another; or
  3. Recklessly or wilfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.
- B. A violation of subsection A1 of this section is a class B misdemeanor. Any other violation of this section is a class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than three hundred dollars (\$300.00) in value.
- C. In determining the value of damages under this section or for computer crimes, the value of any computer, computer network, computer property, computer services, software, or data shall include the measurable value of the loss of use of the items and the measurable cost to replace or restore the items. (Ord. 2000-10 § 2)

## **9.20.050: DEFINITIONS**

For purposes of this chapter:

A person "enters or remains unlawfully" in or upon premises when the premises or any portion thereof at the time of the entry or remaining are not open to the public and when the actor is not otherwise licensed or privileged to enter or remain on the premises or such portion thereof.  
(Prior code § 13-621)

## **9.20.060: MANUFACTURE OR POSSESSION OF INSTRUMENT FOR BURGLARY OR THEFT**

Any person who manufactures or possesses any instrument, tool, device, article or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use

the same in the commission of a burglary or theft is guilty of a class B misdemeanor. (Prior code § 13-625)

## **9.20.070: CRIMINAL TRESPASS**

- A. For purposes of this section "enter" means intrusion of the entire body.
- B. A person is guilty of criminal trespass if:
  - 1. He or she enters or remains unlawfully on property;
    - a. Intends to cause annoyance or injury to any person thereon or damage to any property thereon; or
    - b. Intends to commit any crime, other than theft or a felony;
    - c. Is reckless as to whether his or her presence will cause fear for the safety of another.
  - 2. Knowing his or her entry or presence is unlawful, he or she enters or remains on property as to which notice against entering is given by:
    - a. Personal communication to the actor by the owner or someone with apparent authority to act for the owner; or
    - b. Fencing or other enclosure obviously designed to exclude intruders; or
    - c. Posting of signs reasonably likely to come to the attention of intruders.
- C. A violation of subsection B1 of this section is a class C misdemeanor unless it was committed in a dwelling, in which event it is a class B misdemeanor. A violation of subsection B2 of this section is an infraction.
- D. It is a defense to prosecution under this section:
  - 1. That the property was open to the public when the actor entered or remained; and
  - 2. The actor's conduct did not substantially interfere with the owner's use of the property. (Prior code § 13-626)

## **9.20.080: THEFT; DEFINITIONS**

For the purposes of this chapter:

DECEPTION: Occurs when a person intentionally:

- A. Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that it is likely to affect the judgment of another in the transaction; or
- B. Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true; or
- C. Prevents another from acquiring information likely to affect his or her judgment in the transaction; or
- D. Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim, or impediment is or is not valid or is or is not a matter of official record; or
- E. Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

OBTAIN: In relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another: in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.

OBTAIN OR EXERCISE UNAUTHORIZED CONTROL: Means, but is not necessarily limited to, conduct heretofore defined or known as common law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.

PROPERTY: Anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor, services, or otherwise containing

anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam, or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him or her.

PURPOSE TO DEPRIVE: To have the conscious object:

- A. To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or
- B. To restore the property only upon payment of a reward or other compensation;
- C. To dispose of the property under circumstances that make it unlikely that the owner will recover it. (Prior code § 13-640-1)

## **9.20.090: PRESUMPTIONS AND DEFENSES**

The following presumption shall be applicable to this chapter:

- A. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.
- B. It is no defense under this chapter that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.
- C. It is a defense under this chapter that the actor:
  - 1. Acted under an honest claim of right to the property or service involved; or
  - 2. Acted in the honest belief that he or she had the right to obtain or exercise control over the property or service as he did; or
  - 3. Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented. (Prior code § 13-640-2)

### **9.20.100: THEFT; EVIDENCE TO SUPPORT ACCUSATION**

Conduct denominated theft in this chapter constitutes a single offense embracing the separate offenses as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, and receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in sections 9.20.110 through 9.20.170 of this chapter subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise. (Prior code § 13-640-3)

### **9.20.110: THEFT; ELEMENTS**

A person commits theft if he or she obtains or exercises unauthorized control over the property of another with a purpose to deprive him or her thereof. (Prior code § 13-640-4)

### **9.20.120: THEFT BY DECEPTION**

- A. A person commits theft if he or she obtains or exercises control over property of another by deception and with a purpose to deprive him or her thereof.
- B. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares or worth in communications addressed to the public or to a class or group. (Prior code § 13-640-5)

### **9.20.130: THEFT BY EXTORTION**

- A. A person is guilty of theft if he or she obtains or exercises control over the property of another by extortion and with a purpose to deprive him or her thereof.
- B. As used in this section, extortion occurs when a person threatens to:
  - 1. Cause physical harm in the future to the person threatened or to any other person or to property at any time; or

2. Subject the person threatened or any other person to physical confinement or restraint; or
3. Engage in other conduct constituting a crime; or
4. Accuse any person of a crime or expose him or her to hatred, contempt or ridicule; or
5. Reveal any information sought to be concealed by the person threatened; or
6. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
7. Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
8. Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
9. Do any other act which would not in itself substantially benefit him or her but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships. (Prior code § 13-640-6)

### **9.20.140: THEFT OF LOST, MISLAID OR MISTAKENLY DELIVERED PROPERTY**

A person commits theft when:

- A. He or she obtains property of another which he or she knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return it to the owner; and
- B. He or she has the purpose to deprive the owner of the property when he or she obtains the property or at any time prior to taking the measures designated in subsection A of this section. (Prior code § 13-640-7)

## **9.20.150: RECEIVING STOLEN PROPERTY; DUTIES OF PAWNBROKERS**

- A. A person commits theft if he or she receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds or aids in concealing, selling, or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.
  
- B. The knowledge or belief required for subsection A of this section is presumed in the case of an actor who:
  - 1. Is found in possession or control of other property stolen on a separate occasion; or
  - 2. Has received other stolen property within the year preceding the receiving offense charged; or
  - 3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he or she knows is far below its reasonable value.
  - 4. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who buys, receives, or obtains property shall require the seller or person delivering the property to certify, in writing, that he or she has the legal rights to sell the property. If the value given for the property exceeds twenty dollars (\$20.00), the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his or her signature or any other positive form of identification; in addition, the pawnbroker shall require at least one other positive form of picture identification:
    - a. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of subsection B4 of this section shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof.

- b. When in a prosecution under this section it appears from the evidence that the defendant was a pawnbroker or a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or was an agent, employee or representative of a pawnbroker or person, that the defendant bought, received, concealed or withheld the property without requiring the person from whom he or she bought, received, or obtained the property to sign the certificate required in subsection B4 of this section and in the event the transaction involves an amount exceeding twenty dollars (\$20.00) also place his or her legible print, preferably the right thumb, on the certificate, then the burden shall be upon the defendant to show that the property bought, received or obtained was not stolen.

C. As used in this section:

DEALER: A person in the business of buying or selling goods.

RECEIVES: Acquiring possession, control, or title or lending on the security of the property. (Ord. 2000-10 § 2: prior code § 13-640-8)

## **9.20.160: THEFT OF SERVICES**

- A. A person commits theft if he or she obtains services which he or she knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.
- B. A person commits theft if, having control over the disposition of services of another, to which he or she knows he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another who he or she knows is not entitled thereto.
- C. As used in this section "services" includes, but is not necessarily limited to, labor, professional service, public utility and transportation services, restaurant, hotel, motel, tourist cabin, rooming house, and like accommodations, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone, gas, electricity, water, sewer, cable television services, and the like, admission to entertainment, exhibitions, sporting events, or other events, or other events for which a charge is made. (Ord. 2000-10 § 2: prior code § 13-640-9)

### **9.20.170: THEFT BY PERSON HAVING CUSTODY OF PROPERTY PURSUANT TO REPAIR OR RENTAL AGREEMENT**

A person is guilty of theft if:

- A. Having custody of property pursuant to an agreement between himself or herself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair, or use of such property, he or she intentionally uses or operates it, without the consent of the owner, for his or her own purposes in a manner constituting a gross deviation from the agreed purpose; or
- B. Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement. (Prior code § 13-640-10)

### **9.20.180: THEFT; CLASSIFICATION OF OFFENSES**

Theft of property and services as provided in this chapter shall be punishable as a class B misdemeanor if the value of the property stolen is less than three hundred dollars (\$300.00). (Ord. 2000-10 § 2)

### **9.20.190: TAMPERING WITH RECORDS**

- A. Any person who, having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing, or record, public or private, with intent to deceive or injure any person or to conceal any wrongdoing is guilty of tampering with records.
- B. Tampering with records is a class B misdemeanor. (Prior code § 13-650-4)

### **9.20.200: ISSUING A BAD CHECK; PRESUMPTION**

- A. Any person who issues or passes a check for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or

other thing of value or paying for any services, wages, salary, labor or rent, knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of issuing a bad check.

- B. For purposes of this section, a person who issues a check for which payment is refused by the drawee is presumed to know the check would not be paid if he or she had no account with the drawee at the time of issue.
- C. An offense of issuing a bad check shall be punished as a class B misdemeanor if the value of the bad check is less than three hundred dollars (\$300.00). (Ord. 2000-10 § 2: prior code§ 13-650-5)

## **9.20.210: FINANCIAL TRANSACTION CARD OFFENSES**

- A. Definitions: For purposes of this section:

**AUTHORIZED CREDIT CARD MERCHANT:** 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 a card holder and to present valid credit card sales drafts to the issuer for payment.

**AUTOMATED BANKING DEVICE:** Any machine which, when properly activated by a financial transaction card or a personal identification code, may be used for any of the purposes for which a financial transaction card may be used.

**CARD HOLDER:** Any person or organization named on the face of a financial transaction card to whom or for whose benefit a financial transaction card is issued by an issuer.

**CREDIT CARD SALES DRAFT:** Any sales slip, draft, or other written or electronic record of a sale of money, goods, services, or anything else of value made or purported to be made to or at the request of a card holder with a financial transaction card, financial transaction card credit number, or personal identification code, whether the record of the sale or purported sale is evidenced by a sales draft, voucher, or other similar document in writing or electronically recorded and transmitted.

**FINANCIAL TRANSACTION CARD:**

- 1. Any credit card, credit plate, bank services card, banking card, check guarantee card, debit card, telephone credit card, or any other card, issued by an issuer for

the use of the card holder in obtaining money, goods, services, or anything else of value on credit, or in certifying or guaranteeing to a person or business the availability of the card holder of the funds on deposit that are equal to or greater than the amount necessary to honor a draft or check payable to order of the person or business; or

2. Any instrument or device used in providing the card holder access to a demand or time deposit account for the purpose of making deposits of money or checks in the account, or withdrawing funds from the account in the form of money, money orders, travelers' checks, other form representing value, or transferring funds from any demand or time deposit account to any credit card account in full or partial satisfaction of any outstanding balance existing in the credit card account.

ISSUER: A business organization or financial institution or its agent that issues a financial transaction card.

PERSON IDENTIFICATION CODE: Any numerical or alphabetical code assigned to a card holder by the issuer to permit the authorized electronic use of his or her financial transaction card.

B. Unlawful Acts: It is unlawful for any person to:

1. Knowingly, with intent to defraud, obtain or attempt to obtain credit or purchase or attempt to purchase goods, property, or services, by the use of a false, fictitious, altered, counterfeit, revoked, expired, stolen, or fraudulently obtained financial transaction card, by any financial transaction card credit number, personal identification code, or by the use of a financial transaction card not authorized by the issuer or the card holder;
2. Use a financial transaction card, with intent to defraud, to knowingly and wilfully exceed the actual balance of a demand or time deposit account;
3. Use a financial transaction card, with intent to defraud, to wilfully exceed an authorized credit line by five hundred dollars (\$500.00) or more, or by fifty percent (50%) of such line, whichever is greater;
4. Wilfully, with intent to defraud, deposit into his or her or any other account by means of an automated banking device a false, fictitious, forged, altered, or counterfeit check, draft, money order, or any other similar document;
5. Make application for a financial transaction card to an issuer, while knowingly making or causing to be made a false statement or report relative to his or her name, occupation, financial condition, assets, or to wilfully and substantially

undervalue or understate any indebtedness for the purposes of influencing the issuer to issue the financial transaction card; or

6. Knowingly, with intent to defraud any authorized credit card merchant, card holder, or issuer, sell or attempt to sell credit card sales drafts to an authorized credit card merchant, for payment or collection, any such credit card sales draft, if:
  - a. The draft is counterfeit or fictitious,
  - b. The purported sales evidenced by any such credit card sales draft did not take place,
  - c. The purported sale was not authorized by the card holder,
  - d. The items or services purported to be sold as evidenced by the credit card sales drafts are not delivered or rendered to the card holder or person intended to receive them, or
  - e. When delivered or rendered, the goods or services are materially different or of materially lesser value or quality than represented by the seller or his or her agent to the purchaser, or have substantial discrepancies from goods or services implied, represented, by the purchase price when compared with the actual goods or services delivered or rendered.
- C. Knowledge Of Unlawful Conduct: It is unlawful for any person to receive, retain, conceal, possess, or dispose of personal property, cash, or other form representing value, if he or she knows or has reason to believe the property, cash, or other form representing value has been obtained through unlawful conduct described in subsection B of this section.
- D. Credit Card Sales Draft: It is unlawful for any person, knowingly, with intent to defraud, acting without the express authorization of the issuer, to employ, solicit, or otherwise cause an authorized credit card merchant, or for the authorized credit card merchant himself or herself, to present any credit card sales draft to the issuer for payment pertaining to any sale or purported sale of goods or services which was not made by the authorized credit card merchant in the ordinary course of business. (Ord. 2000-10 § 2)

## **9.20.220: DECEPTIVE BUSINESS PRACTICES; DEFINITIONS; DEFENSE**

- A. A person is guilty of a class B misdemeanor if, in the course of business, he or she:
1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
  2. Sells or offers or exposes for sale or delivers less than the represented quantity or quality of any commodity or service; or
  3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure; or
  4. Sells, offers or exposes for sale adulterated or mislabeled commodities.
    - a. "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute or ordinance providing criminal penalties for such variance, or set by established commercial usage.
    - b. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute or ordinance providing criminal penalties for such variance, or set by established commercial usage;
  5. Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;
  6. Offers, by advertising or other means of communication, to the public or a substantial number of persons, property, or services as part of the scheme or plan, with intent not to sell or provide the advertised property or services:
    - a. At the price which he or she offered them, or
    - b. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement, or
    - c. At all.

- B. It is affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless. (Prior code § 13-650-7)

### **9.20.230: USING OR MAKING SLUGS**

- A. A person is guilty of a class B misdemeanor if:

1. With a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, he or she inserts, deposits, or uses a slug in that machine; or
2. He or she makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine;

- B. As used in this section:

COIN MACHINE: Any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.

SLUG: An object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token. (Prior code § 13-650-15)

### **9.20.240: CRIMINAL SIMULATION**

- A. A person is guilty of criminal simulation if, with intent to defraud another:

1. He or she makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have; or
2. He or she sells, passes, or otherwise utters an object so made or altered; or
3. He or she possesses an object so made or altered with intent to sell, pass, or otherwise utter it; or

4. He or she authenticates or certifies an object so made or altered as genuine or as different from what it is.
- B. Criminal simulation is punishable as a class B misdemeanor if the value of the criminal simulation is less than three hundred dollars (\$300.00). (Ord. 2000-10 § 2: prior code § 13-650-18)

## **9.20.250: FALSE OR FRAUDULENT INSURANCE ACT; PUNISHMENT AS FOR THEFT**

- A. A person commits a fraudulent insurance act if that person with intent to defraud:
1. Presents or causes to be presented any oral or written statement or representation knowing that the statement or representation contains false or fraudulent information concerning any fact material to an application for the issuance or renewal of an insurance policy, certificate, or contract;
  2. Presents, or causes to be presented, any oral or written statement or representation a part of or in support of a claim for payment or other benefit pursuant to an insurance policy, certificate, or contract, or in connection with any civil claim asserted for recovery of damages for personal or bodily injuries or property damage, knowing that the statement or representation contains false or fraudulent information concerning any fact or thing material to the claim;
  3. Knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;
  4. Intentionally, knowingly, or recklessly, devises a scheme or artifice to obtain fees for professional services, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions.
- B.
1. A violation of subsection A1 of this section is a class B misdemeanor.
  2. A violation of subsections A2 through A4 of this section is punishable as a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than three hundred dollars (\$300.00).
- C. A corporation or association is guilty of the offense of insurance fraud under the same conditions as those set forth in Utah Code Annotated 76-2-204, as amended.

D. The determination of the degree of any offense under subsections A2 through A4 of this section shall be measured by the total value of all property, money, or other things obtained or sought to be obtained by the fraudulent insurance act or acts described in subsections A2 through A4 of this section. (Ord. 2000-10 § 2)