

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1608. Theft by Failure to Make Required Disposition of Funds Received.

A person who purposely obtains property upon agreement or subject to a known legal obligation to make specified payment or other disposition, whether from that property or its proceeds or from the person's own property in equivalent amount, commits theft if that person deals with the property obtained as his or her own and fails to make the required payment or disposition and such dealing is to the person's benefit or the benefit of another without lawful authorization. The foregoing applies notwithstanding that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition. An officer or employee of the government or of a financial institution is presumed:

(a) To know any legal obligation relevant to his or her criminal liability under this section; and

(b) To have dealt with the property as his or her own if he or she fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of accounts.

Source: PL 3-71, § 1 (§ 438).