

2018 Regular Session

HOUSE BILL NO. 242

BY REPRESENTATIVES STEFANSKI AND MARINO

CRIME/THEFT: Provides relative to theft of goods from a merchant

1 AN ACT

2 To enact R.S. 14:67(D), relative to theft; to provide for elements of the crime of theft; to
3 provide relative to property held for sale by a merchant; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:67(D) is hereby enacted to read as follows:

7 §67. Theft

8 * * *

9 D. In a prosecution under this Section where the property allegedly
10 misappropriated or taken was held for sale by a merchant, an intent to permanently
11 deprive the merchant of the property held for sale may be inferred when the
12 defendant:

13 (1) Intentionally conceals, on his person or otherwise, goods held for sale.

14 (2) Alters or transfers any price marking reflecting the actual retail price of
15 the goods.

16 (3) Transfers goods from one container or package to another or places
17 goods in any container, package, or wrapping in a manner to avoid detection.

18 (4) Willfully causes the cash register or other sales recording device to
19 reflect less than the actual retail price of the goods.

1 (5) Removes any price marking with the intent to deceive the merchant as
2 to the actual retail price of the goods.

3 (6) Damages or consumes goods or property so as to render it
4 unmerchantable.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 242 Engrossed

2018 Regular Session

Stefanski

Abstract: Provides for actions taken by the defendant for which it may be inferred that the defendant's intent is to permanently deprive the merchant of the property held for sale.

Present law prohibits the misappropriation or taking of anything of value which belongs to another, either without consent or by fraudulent conduct, practices, or representations.

Proposed law provides the intent to permanently deprive the merchant of the property held for sale may be inferred when the defendant:

- (1) Intentionally conceals, on his person or otherwise, goods held for sale.
- (2) Alters or transfers any price marking reflecting the actual retail price of the goods.
- (3) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection.
- (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods.
- (5) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods.
- (6) Damages or consumes goods or property so as to render it unmerchantable.

(Adds R.S. 14:67(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add that the intent to permanently deprive the merchant of the property held for sale may be inferred when the defendant intentionally conceals, on his person or otherwise, goods held for sale.