

2020 Regular Session

HOUSE BILL NO. 322

BY REPRESENTATIVE ECHOLS

CRIME/THEFT: Provides relative to the theft of metals

1 AN ACT

2 To enact R.S. 14:67.3, relative to the theft of metals; to create the crime of theft of metals;
3 to provide for elements of the offense; to provide for definitions; to provide the
4 process for determining the appropriate penalty to apply; to provide for penalties;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.3 is hereby enacted to read as follows:

8 §67.3. Theft of metals

9 A. Theft of metals is either of the following:

10 (1) The misappropriation or taking of any metals belonging to another, either
11 without the consent of the owner or by means of fraudulent conduct, practices, or
12 representations, with the intent to permanently deprive the owner of the metals.

13 (2) The misappropriation or taking of any item belonging to another for the
14 value of the item's constituent metals, either without the consent of the owner or by
15 means of fraudulent conduct, practices, or representations, with the intent to
16 permanently deprive the owner of the item.

17 B. As used in this Section:

18 (1) "Metals" means any copper, copper wire, copper alloy, bronze, brass,
19 zinc, aluminum other than in the form of cans, stainless steel, or nickel alloys,

1 whether in the form of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps,
2 connectors, or railroad track materials.

3 (2) "Railroad track materials" shall include steel in the form of railroad
4 tracks or in the form of rail, switch components, spikes, angle bars, tie plates, or
5 bolts of the type used in constructing railroads, or any combination of such materials.

6 C. In determining the appropriate penalty provisions as provided in
7 Subsection D of this Section, the court shall calculate the value of the copper or other
8 metals misappropriated or taken as the aggregate of the following:

9 (1) The fair market value of the metals or item misappropriated or taken.

10 (2) The cost of replacement of the metals or item misappropriated or taken.

11 (3) The cost of replacing and repairing property that was damaged as a result
12 of the theft of metals.

13 (4) The economic loss arising from the loss of use of the metals or item that
14 was misappropriated or taken.

15 D.(1) Whoever commits the crime of theft of metals when the
16 misappropriation or taking amounts to a value of twenty-five thousand dollars or
17 more shall be imprisoned at hard labor for not more than twenty years, or may be
18 fined not more than fifty thousand dollars, or both.

19 (2) When the misappropriation or taking amounts to a value of five thousand
20 dollars or more, but less than a value of twenty-five thousand dollars, the offender
21 shall be imprisoned, with or without hard labor, for not more than ten years, or may
22 be fined not more than ten thousand dollars, or both.

23 (3) When the misappropriation or taking amounts to a value of one thousand
24 dollars or more, but less than a value of five thousand dollars, the offender shall be
25 imprisoned, with or without hard labor, for not more than five years, or may be fined
26 not more than three thousand dollars, or both.

27 (4) When the misappropriation or taking amounts to less than a value of one
28 thousand dollars, the offender shall be imprisoned for not more than six months, or
29 may be fined not more than one thousand dollars, or both. If the offender in such

- 1 cases has been convicted of theft two or more times previously, upon any subsequent
 2 conviction he shall be imprisoned, with or without hard labor, for not more than two
 3 years, or may be fined not more than two thousand dollars, or both.

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 322 Original

2020 Regular Session

Echols

Abstract: Creates the crime of theft of metals, provides elements of the offense, provides for definitions, and provides criminal penalties for those who commit the offense.

Proposed law creates the crime of theft of metals and defines the crime as either of the following:

- (1) The misappropriation or taking of any metals belonging to another, either without the consent of the owner or by means of fraudulent conduct, practices, or representations, with the intent to permanently deprive the owner of the metals.
- (2) The misappropriation or taking of any item belonging to another for the value of the item's constituent metals, either without the consent of the owner or by means of fraudulent conduct, practices, or representations, with the intent to permanently deprive the owner of the item.

Proposed law defines "metals" as any copper, copper wire, copper alloy, bronze, brass, zinc, aluminum other than in the form of cans, stainless steel, or nickel alloys, whether in the form of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors, or railroad track materials. Further defines "railroad track materials" to include steel in the form of railroad tracks or in the form of rail, switch components, spikes, angle bars, tie plates, or bolts of the type used in constructing railroads, or any combination of such materials.

In determining the appropriate penalty provisions, proposed law requires the court to calculate the value of the copper or other metals misappropriated or taken as the aggregate of the following:

- (1) The fair market value of the metals or item misappropriated or taken.
- (2) The cost of replacement of the metals or item misappropriated or taken.
- (3) The cost of replacing and repairing property that was damaged as a result of the theft of metals.
- (4) The economic loss arising from the loss of use of the metals or item that was misappropriated or taken.

Proposed law provides for the following penalties for persons who commit the crime of theft of metals:

- (1) When the misappropriation or taking amounts to a value of \$25,000 or more - imprisonment at hard labor for not more than 20 years, a fine of not more than \$50,000, or both.

- (2) When the misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$25,000 - imprisonment, with or without hard labor, for not more than ten years, a fine of not more than \$10,000, or both.
- (3) When the misappropriation or taking amounts to a value of \$1,000 or more, but less than a value of \$5,000 - imprisonment, with or without hard labor, for not more than five years, a fine of not more than \$3,000, or both.
- (4) When the misappropriation or taking amounts to less than a value of \$1,000 - imprisonment for not more than six months, a fine of not more than \$1,000, or both. Further provides that if the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both

(Adds R.S. 14:67.3)