

Regular Session, 2012

ACT No. 164

HOUSE BILL NO. 48

BY REPRESENTATIVE HARRIS AND SENATOR THOMPSON

1 AN ACT

2 To enact R.S. 14:67.28, relative to misappropriation without violence; to create the crime
3 of theft of copper or other metals; to provide for a determination of the value of the
4 copper or other metals taken; to provide for definitions; to provide for penalties; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.28 is hereby enacted to read as follows:

8 §67.28. Theft of copper or other metals; determination of value of copper or other
9 metals taken

10 A. Theft of copper or other metals is the misappropriation or the taking of
11 copper or other metals that belong to another, either without the consent of the owner
12 or by means of fraudulent conduct, practices, or representations, with the intent to
13 permanently deprive the owner of the copper or other metal.

14 B. As used in this Section:

15 (1) "Copper or other metals" means any copper, copper wire, copper alloy,
16 bronze, brass, zinc, aluminum other than in the form of cans, stainless steel, or nickel
17 alloys, whether in the form of bars, cable, ingots, rods, tubing, wire, wire scraps,
18 clamps, connectors, or railroad track materials.

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

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

1 (1) The fair market value of the copper or other metals.

2 (2) The cost of replacement of the copper or other metals.

3 (3) The cost of replacing and repairing property that was damaged as a result
4 of the theft of copper or other metals.

5 D.(1) When the misappropriation or taking amounts to a value of one
6 thousand dollars or more, the offender shall be fined not more than five thousand
7 dollars, imprisoned, with or without hard labor, for not less than five years and not
8 more than ten years, or both.

9 (2) When the misappropriation or taking amounts to a value of five hundred
10 dollars or more, but less than a value of one thousand dollars, the offender shall be
11 fined not more than two thousand dollars, imprisoned, with or without hard labor, for
12 not less than two years and not more than five years, or both.

13 (3) When the misappropriation or taking amounts to a value of less than five
14 hundred dollars, the offender shall be fined not more than one thousand dollars, and
15 may be imprisoned for not less than one year and not more than two years, or both.

16 (4) Upon a second or subsequent conviction, the offender shall be fined not
17 more than five thousand dollars, imprisoned, with or without hard labor, for not more
18 than ten years, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____