

Regular Session, 2010

ACT No. 585

HOUSE BILL NO. 555

BY REPRESENTATIVE ROSALIND JONES

1 AN ACT

2 To amend and reenact R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and
3 (3), 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C),
4 68.7(B)(1), 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3),
5 and 71(C), (D), and (E), relative to offenses involving misappropriation without
6 violence; to provide for a uniform system of gradations based upon the value of the
7 goods taken for certain offenses involving theft or misappropriation without
8 violence; to provide with respect to criminal penalties for certain offenses; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:67(B), 67.2(B)(1), (2), and (3), 67.5(B), 67.10(B)(1), (2), and (3),
12 67.13(B), 67.18(B), 67.21(C)(1), (2), and (3), 67.23(C), 67.26(C), 68.2(C), 68.7(B)(1),
13 69(B)(1), (2), and (3), 70.2(C)(2), (3), and (4), 70.4(E)(1), (2), and (3), and 71(C), (D), and
14 (E) are hereby amended and reenacted to read as follows:

15 §67. Theft

16 * * *

17 B.(1) Whoever commits the crime of theft when the misappropriation or
18 taking amounts to a value of one thousand five hundred dollars or more shall be
19 imprisoned, with or without hard labor, for not more than ten years, or may be fined
20 not more than three thousand dollars, or both.

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

1 (3) When the misappropriation or taking amounts to less than a value of
 2 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
 3 months, or may be fined not more than one thousand dollars, or both. If the offender
 4 in such cases has been convicted of theft two or more times previously, upon any
 5 subsequent conviction he shall be imprisoned, with or without hard labor, for not
 6 more than two years, or may be fined not more than two thousand dollars, or both.

7 * * *

8 §67.2. Theft of animals

9 * * *

10 B.(1) Whoever commits the crime of theft of animals, when the
 11 misappropriation or taking amounts to a value of one thousand five hundred dollars
 12 or more, shall be imprisoned, with or without hard labor, for not more than ten years,
 13 or may be fined not more than three thousand dollars, or both.

14 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
 15 hundred dollars or more, but less than a value of one thousand five hundred dollars,
 16 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
 17 five years or may be fined not more than two thousand dollars, or both.

18 (3) When the misappropriation or taking amounts to less than a value of
 19 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
 20 months or may be fined not more than five hundred dollars, or both. If the offender
 21 in such a case has been convicted of misdemeanor theft of an animal two or more
 22 times previously, upon any subsequent conviction he shall be imprisoned, with or
 23 without hard labor, for not more than two years or may be fined not more than one
 24 thousand dollars, or both.

25 * * *

26 §67.5. Theft of crawfish; penalty

27 * * *

28 B.(1) Whoever commits the crime of theft of crawfish when the
 29 misappropriation or taking amounts to a value of one thousand five hundred dollars

1 or more shall be imprisoned, with or without hard labor, for not more than ten years
2 or may be fined not more than three thousand dollars, or both.

3 (2) When the misappropriation or taking amounts to a value of ~~three~~ five
4 hundred dollars or more, but less than a value of one thousand five hundred dollars,
5 the offender shall be imprisoned, with or without hard labor, for not more than ~~two~~
6 five years or may be fined not more than two thousand dollars, or both.

7 (3) When the misappropriation or taking amounts to less than a value of
8 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
9 months or may be fined not more than five hundred dollars, or both. If the offender
10 in such cases has been convicted of theft of crawfish one or more times previously,
11 upon any subsequent conviction he shall be imprisoned, with or without hard labor,
12 for not more than ten years or may be fined not more than three thousand dollars, or
13 both.

14 * * *

15 §67.10. Theft of goods

16 * * *

17 B.(1) Whoever commits the crime of theft of goods when the
18 misappropriation or taking amounts to a value of one thousand five hundred dollars
19 or more shall be imprisoned, with or without hard labor, for not more than ten years
20 or may be fined not more than three thousand dollars, or both.

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

25 (3) When the misappropriation or taking amounts to less than a value of
26 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
27 months or may be fined not more than five hundred dollars, or both. If the offender
28 in such cases has been convicted of theft or theft of goods two or more times
29 previously, upon any subsequent conviction he shall be imprisoned, with or without

1 hard labor, for not more than two years or may be fined not more than one thousand
2 dollars, or both.

3 * * *

4 §67.13. Theft of an alligator

5 * * *

6 B.(1) Whoever commits the crime of theft of an alligator when the
7 ~~misappropriation~~ misappropriation or taking amounts to a value of one thousand five
8 hundred dollars or more shall be imprisoned, with or without hard labor, for not more
9 than ten years, or may be fined not more than three thousand dollars, or both.

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

14 (3) When the misappropriation or taking amounts to less than a value of
15 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
16 months or may be fined not more than five hundred dollars, or both. If the offender
17 in such cases has been convicted of theft of an alligator two or more times
18 previously, upon any subsequent conviction he shall be imprisoned, with or without
19 hard labor, for not more than two years or may be fined not more than one thousand
20 dollars, or both.

21 * * *

22 §67.18. Cheating and swindling

23 * * *

24 B.(1) Whoever violates the provisions of this Section when the value of such
25 money or property or combination thereof or reduced or increased wager amounts
26 to a value of one thousand five hundred dollars or more shall be imprisoned, with or
27 without hard labor, for not more than ten years, or may be fined not more than three
28 thousand dollars, or both.

29 (2) When the value of such money or property or combination thereof or
30 reduced or increased wager amounts to a value of ~~three~~ five hundred dollars or more,

1 but less than a value of one thousand five hundred dollars, the offender shall be
2 imprisoned, with or without hard labor, for not more than ~~two~~ five years, or may be
3 fined not more than two thousand dollars, or both.

4 (3) When the value of such money or property or combination thereof or
5 reduced or increased wayer amounts to less than a value of ~~three~~ five hundred
6 dollars, the offender shall be imprisoned for not more than six months, or may be
7 fined not more than five hundred dollars, or both. If the offender in such cases has
8 been convicted of cheating and swindling two or more times previously, upon any
9 subsequent conviction he shall be imprisoned, with or without hard labor, for not
10 more than two years, or may be fined not more than two thousand dollars, or both.

11 * * *

12 §67.21. Theft of the assets of an aged person or disabled person

13 * * *

14 C.(1) Whoever commits the crime of theft of the assets of an aged person or
15 disabled person when the value of the theft equals one thousand five hundred dollars
16 or more may be imprisoned, with or without hard labor, for not more than ten years
17 and shall be fined not more than three thousand dollars, or both.

18 (2) Whoever commits the crime of theft of the assets of an aged person or
19 disabled person when the value of the theft equals ~~three~~ five hundred dollars or more,
20 but less than one thousand five hundred dollars may be imprisoned, with or without
21 hard labor, for not more than ~~two~~ five years and shall be fined not more than two
22 thousand dollars, or both.

23 (3) Whoever commits the crime of theft of the assets of an aged person or
24 disabled person when the value of the theft equals ~~three~~ five hundred dollars or less
25 may be imprisoned for not more than six months and shall be fined not more than
26 five hundred dollars, or both.

27 * * *

1 §67.23. Theft of a used building component; penalties

2 * * *

3 C.(1) Whoever commits the crime of theft of a used building component,
4 when the theft or taking amounts to a value or replacement value, whichever is
5 greater, of one thousand five hundred dollars or more shall be fined not more than
6 three thousand dollars, imprisoned with or without hard labor for not more than ten
7 years, or both.

8 (2) When the theft or taking amounts to a value or replacement value,
9 whichever is greater, of ~~three~~ five hundred dollars or more, but less than a value of
10 one thousand five hundred dollars, the offender shall be imprisoned, with or without
11 hard labor, for not more than ~~two~~ five years, or may be fined not more than two
12 thousand dollars, or both.

13 (3)(a) When the theft or taking amounts to a value or replacement value,
14 whichever is greater, of less than ~~three~~ five hundred dollars, the offender shall be
15 imprisoned, for not more than six months, or may be fined not more than five
16 hundred dollars, or both.

17 (b) In a case provided for in Subparagraph (a) of this Paragraph, if the
18 offender has been convicted two or more times previously of a theft or taking which,
19 on each previous occasion, amounted to a value or replacement value, whichever is
20 greater, of less than ~~three~~ five hundred dollars, he shall be imprisoned, with or
21 without hard labor, for not more than two years, or may be fined not more than two
22 thousand dollars, or both.

23 * * *

24 §67.26. Theft of a motor vehicle

25 * * *

26 C.(1) Whoever commits the crime of theft of a motor vehicle when the
27 misappropriation or taking amounts to a sum of one thousand five hundred dollars
28 or more shall be imprisoned, with or without hard labor, for not more than ten years,
29 or may be fined not more than three thousand dollars, or both.

1 (2) Whoever commits the crime of theft of a motor vehicle when the
 2 misappropriation or taking amounts to a sum of ~~three~~ five hundred dollars or more
 3 but less than one thousand five hundred dollars shall be imprisoned, with or without
 4 hard labor, for not more than ~~two~~ five years, or may be fined not more than two
 5 thousand dollars, or both.

6 (3) Whoever commits the crime of theft of a motor vehicle when the
 7 misappropriation or taking amounts to a sum of less than ~~three~~ five hundred dollars
 8 shall be imprisoned for not more than six months, or may be fined not more than one
 9 thousand dollars, or both.

* * *

11 §68.2. Unauthorized use of food stamp coupons, food stamp authorization cards, or
 12 food stamp access devices

* * *

14 C.(1) Whoever commits the crime of unauthorized use of food stamp
 15 coupons, food stamp authorization cards, or food stamp access devices when the
 16 coupons, authorization cards, or access devices amount to a value of one thousand
 17 five hundred dollars or more shall be imprisoned, with or without hard labor, for not
 18 more than ten years, or may be fined not more than three thousand dollars, or both.

19 (2) When the coupons, authorization cards, or access devices amount to a
 20 value of ~~three~~ five hundred dollars or more, but less than one thousand five hundred
 21 dollars, the offender shall be imprisoned, with or without hard labor, for not more
 22 than ~~two~~ five years or may be fined not more than two thousand dollars, or both.

23 (3) When the coupons, authorization cards, or access devices amount to less
 24 than a value of ~~three~~ five hundred dollars, the offender shall be imprisoned for not
 25 more than six months or may be fined not more than five hundred dollars, or both.

* * *

1 §68.7. Receipts and universal product code labels; unlawful acts

2 * * *

3 B.(1) Except as provided in Paragraphs (3) and (4) of this Subsection,
 4 whoever violates the provisions of this Section shall be subject to the following
 5 penalties:

6 (a) When the fair market value of the goods which are the subject of the
 7 falsified retail sales receipts or universal product code labels, as described in
 8 Subsection A of this Section, equals one thousand five hundred dollars or more,
 9 imprisonment, with or without hard labor, for not more than ten years, or a fine not
 10 to exceed three thousand dollars, or both.

11 (b) When the fair market value of the goods which are the subject of the
 12 falsified retail sales receipts or universal product code labels, as described in
 13 Subsection A of this Section, equals ~~three~~ five hundred dollars or more but less than
 14 one thousand five hundred dollars, imprisonment, with or without hard labor, for not
 15 more than ~~two~~ five years or a fine of not more than two thousand dollars, or both.

16 (c) When the fair market value of the goods which are the subject of the
 17 falsified retail sales receipts or universal product code labels, as described in
 18 Subsection A of this Section, is less than ~~three~~ five hundred dollars, imprisonment
 19 for not more than six months, or a fine not to exceed five hundred dollars, or both.
 20 If a person is convicted of violating the provisions of this Section in a manner
 21 consistent with this Subparagraph two or more times previously, upon any
 22 subsequent conviction, he shall be imprisoned, with or without hard labor, for not
 23 more than two years, or may be fined not more than two thousand dollars, or both.

24 * * *

25 §69. Illegal possession of stolen things

26 * * *

27 B.(1) Whoever commits the crime of illegal possession of stolen things,
 28 when the value of the things is one thousand five hundred dollars or more, shall be
 29 imprisoned, with or without hard labor, for not more than ten years, or may be fined
 30 not more than three thousand dollars, or both.

1 (2) When the value of the stolen things is ~~three~~ five hundred dollars or more,
 2 but less than one thousand five hundred dollars, the offender shall be imprisoned,
 3 with or without hard labor, for not more than ~~two~~ five years, or may be fined not
 4 more than two thousand dollars, or both.

5 (3) When the value of the stolen things is less than ~~three~~ five hundred
 6 dollars, the offender shall be imprisoned for not more than six months or may be
 7 fined not more than one thousand dollars, or both. If the offender in such cases has
 8 been convicted of receiving stolen things or illegal possession of stolen things two
 9 or more times previously, upon any subsequent conviction, he shall be imprisoned,
 10 with or without hard labor, for not more than two years or may be fined not more
 11 than two thousand dollars, or both.

12 * * *

13 §70.2. Refund or access device application fraud

14 * * *

15 C.

16 * * *

17 (2) Whoever commits the crime of access device application fraud when the
 18 misappropriation or taking amounts to a value of one thousand five hundred dollars
 19 or more shall be imprisoned, with or without hard labor, for not more than ten years,
 20 or may be fined not more than three thousand dollars, or both.

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

25 (4) When the misappropriation or taking amounts to less than a value of
 26 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
 27 months or may be fined not more than five hundred dollars, or both. If the offender
 28 in such cases has been convicted of theft two or more times previously, upon any

1 subsequent conviction he shall be imprisoned, with or without hard labor, for not
2 more than two years or may be fined not more than one thousand dollars, or both.

3 * * *

4 §70.4. Access device fraud

5 * * *

6 E.(1) A person who commits the crime of access device fraud when the
7 misappropriation or taking amounts to a value of one thousand five hundred dollars
8 or more shall be imprisoned, with or without hard labor, for not more than ten years,
9 or fined not more than five thousand dollars, or both.

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

14 (3) When the misappropriation or taking amounts to a value of less than
15 ~~three~~ five hundred dollars, the offender shall be imprisoned for not more than six
16 months or fined not more than five hundred dollars, or both.

17 * * *

18 §71. Issuing worthless checks

19 * * *

20 C. Whoever commits the crime of issuing worthless checks, when the
21 amount of the check or checks is one thousand five hundred dollars or more, shall
22 be imprisoned, with or without hard labor, for not more than ten years, or may be
23 fined not more than three thousand dollars, or both.

24 D. When the amount of the check or checks is ~~three~~ five hundred dollars or
25 more, but less than one thousand five hundred dollars, the offender shall be
26 imprisoned, with or without hard labor, for not more than ~~two~~ five years or may be
27 fined not more than two thousand dollars, or both.

28 E. When the amount of the check or checks is less than ~~three~~ five hundred
29 dollars, the offender shall be imprisoned for not more than six months or may be
30 fined not more than five hundred dollars, or both. If the offender in such cases has

1 been convicted of issuing worthless checks two or more times previously, upon any
2 subsequent conviction he shall be imprisoned, with or without hard labor, for not
3 more than two years or be fined not more than one thousand dollars, or both.

4 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____