

Regular Session, 2014

HOUSE BILL NO. 680

BY REPRESENTATIVE KATRINA JACKSON

CRIME/THEFT: Amends penalty provisions for the crimes of theft and attempted theft and amends provisions regarding responsive verdicts relative to the value of the things stolen

1 AN ACT

2 To amend and reenact R.S. 14:27(D)(2)(c)(i) and (ii) and 67(B) and Code of Criminal
3 Procedure Article 814(A)(26) and (27), relative to theft; to amend threshold values
4 in the penalty provisions for the crimes of theft and attempted theft; to amend
5 responsive verdict provisions relative to these changes; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:27(D)(2)(c)(i) and (ii) and 67(B) are hereby amended and
9 reenacted to read as follows:

10 §27. Attempt; penalties; attempt on peace officer; enhanced penalties

11 * * *

12 D. Whoever attempts to commit any crime shall be punished as follows:

13 * * *

14 (2)

15 * * *

16 (c)(i) If the offense so attempted is theft of an amount not less than ~~five~~
17 ~~hundred~~ one thousand dollars nor more than ~~five~~ ten thousand dollars, he shall be
18 fined not more than ~~five hundred~~ one thousand dollars, imprisoned for not more than
19 one year, or both.

1 (ii) If the offense so attempted is theft of an amount ~~over five~~ in excess of
2 ten thousand dollars, he shall be fined not more than ~~two~~ five thousand dollars,
3 imprisoned, with or without hard labor, for not more than five years, or both.

4 * * *

5 §67. Theft

6 * * *

7 B.(1) Whoever commits the crime of theft when the misappropriation or
8 taking amounts to a value of twenty-five thousand dollars or more shall be
9 imprisoned, with or without hard labor, for not less than five nor more than twenty
10 years, or may be fined not more than fifteen thousand dollars, or both.

11 ~~(1)(2) Whoever commits the crime of theft when~~ When the misappropriation
12 or taking amounts to a value of ~~one thousand five hundred~~ thousand dollars or more,
13 but less than a value of twenty-five thousand dollars, the offender shall be
14 imprisoned, with or without hard labor, for not more than ten years, or may be fined
15 not more than three thousand dollars, or both.

16 ~~(2)(3)~~ When the misappropriation or taking amounts to a value of ~~five~~
17 ~~hundred~~ one thousand dollars or more, but less than a value of ~~one thousand five~~
18 ~~hundred~~ thousand dollars, the offender shall be imprisoned, with or without hard
19 labor, for not more than five years, or may be fined not more than two thousand
20 dollars, or both.

21 ~~(3)(4)~~ When the misappropriation or taking amounts to less than a value of
22 ~~five hundred~~ one thousand dollars, the offender shall be imprisoned for not more
23 than six months, or may be fined not more than one thousand dollars, or both. If the
24 offender in such cases has been convicted of theft two or more times previously,
25 upon any subsequent conviction he shall be imprisoned, with or without hard labor,
26 for not more than two years, or may be fined not more than two thousand dollars, or
27 both.

28 * * *

1 Section 2. Code of Criminal Procedure Article 814(A)(26) and (27) are hereby
2 amended and reenacted to read as follows:

3 Art. 814. Responsive verdicts; in particular

4 A. The only responsive verdicts which may be rendered when the indictment
5 charges the following offenses are:

6 * * *

7 26. Theft:

8 Guilty of theft of property having a value of ~~five hundred~~ twenty-five
9 thousand dollars or more.

10 Guilty of theft of property having a value of ~~three hundred~~ five thousand
11 dollars or more, but less than ~~five hundred~~ twenty-five thousand dollars.

12 Guilty of theft of property having a value of one thousand dollars or more,
13 but less than five thousand dollars.

14 Guilty of theft of property having a value of less than ~~three hundred~~ one
15 thousand dollars.

16 Guilty of attempted theft of property having a value of ~~five hundred~~ twenty-
17 five thousand dollars or more.

18 Guilty of attempted theft of property having a value of ~~three hundred~~ five
19 thousand dollars or more, but less than ~~five hundred~~ twenty-five thousand dollars.

20 Guilty of attempted theft of property having a value of one thousand dollars
21 or more, but less than five thousand dollars.

22 Guilty of attempted theft of property having a value of less than ~~three~~
23 ~~hundred~~ one thousand dollars.

24 Guilty of unauthorized use of movables having a value in excess of five
25 hundred dollars.

26 Guilty of unauthorized use of movables having a value of five hundred
27 dollars or less.

28 Not guilty.

29 27. Attempted Theft:

1 Guilty of attempted theft of property having a value of ~~five hundred~~ twenty-
2 five thousand dollars or more.

3 Guilty of attempted theft of property having a value of ~~three hundred~~ five
4 thousand dollars or more, but less than ~~five hundred~~ twenty-five thousand dollars.

5 Guilty of attempted theft of property having a value of one thousand dollars
6 or more, but less than five thousand dollars.

7 Guilty of attempted theft of property having a value of less than ~~three~~
8 ~~hundred~~ one thousand dollars.

9 Guilty of attempted unauthorized use of movables having a value of less than
10 one hundred dollars.

11 Guilty of attempted unauthorized use of movables having a value in excess
12 of five hundred dollars,.

13 Guilty of attempted unauthorized use of movables having a value of five
14 hundred dollars or less.

15 Not guilty.

16 * * *

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)]

Katrina Jackson

HB No. 680

Abstract: Amends penalty provisions for the crimes of theft and attempted theft and amends provisions regarding responsive verdicts relative to the value of the things stolen.

Present law defines the crime of theft and provides that any offender who commits the crime of theft shall be punished as follows:

- (1) If the misappropriation or taking amounts to less than a value of \$500, the person shall be imprisoned for not more than six months, fined not more than \$1,000, or both.
- (2) If the misappropriation or taking amounts to a value of \$500 or more, but less than a value of \$1,500, the person shall be imprisoned, with or without hard labor, for not more than five years, fined not more than \$2,000, or both.

- (3) If the misappropriation or taking amounts to a value of \$1,500 or more, the person shall be imprisoned, with or without hard labor, for not more than 10 years, fined not more than \$3,000, or both.

Proposed law amends the penalty provisions for the crime of theft as follows:

- (1) If the misappropriation or taking amounts to a value of \$25,000 or more shall be imprisoned for not less than five nor more than 20 years, or may be fined not more than \$15,000, or both.
- (2) If the misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$25,000, the offender shall be imprisoned for not more than 10 years, or may be fined not more than \$3,000, or both.
- (3) If the misappropriation or taking amounts to a value of \$1,000 or more, but less than a value of \$5,000, the offender shall be imprisoned for not more than five years, or may be fined not more than \$2,000, or both.
- (4) If the misappropriation or taking amounts to less than a value of \$1,000, the offender shall be imprisoned for not more than six months, or may be fined not more than \$1,000, or both.

Present law provides that any attempt to commit the crime of theft carries the following penalties:

- (1) If the offense so attempted is theft of an amount not less than \$500 nor more than \$5,000, the offender shall be fined not more than \$500, imprisoned for not more than one year, or both.
- (2) If the offense so attempted is theft of an amount over \$5,000, he shall be fined not more than \$2,000, imprisoned for not more than five years, or both.

Proposed law amends the penalty provisions for the attempt to commit the crime of theft as follows:

- (1) If the offense so attempted is theft of an amount not less than \$1,000 nor more than \$10,000, he shall be fined not more than \$1,000, imprisoned for not more than one year, or both.
- (2) If the offense so attempted is theft of an amount of \$10,000 or more, he shall be fined not more than \$5,000, imprisoned for not more than five years, or both.

Present law provides responsive verdicts for theft and attempted theft.

Proposed law amends provisions regarding responsive verdicts to reflect the changes provided in proposed law.

(Amends R.S. 14:27(D)(2)(c)(i) and (ii) and 67(B) and C.Cr.P. Art. 814(A)(26) and (27))