

Regular Session, 2014

HOUSE BILL NO. 791

BY REPRESENTATIVE KATRINA JACKSON

CRIME/THEFT: Amends the crime of theft and repeals statutes relative to theft of certain things

1 AN ACT

2 To amend and reenact R.S. 14:67(B) and Code of Criminal Procedure Article 814(A)(26)
3 and to repeal R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and
4 67.28 and Code of Criminal Procedure Article 814(A)(28) and (29), relative to
5 crimes of theft; to amend the penalty provisions in the crime of theft; to repeal
6 certain theft statutes relative to livestock, animals, crawfish, alligators, rental motor
7 vehicles, motor vehicle fuel, used building components, utility property, and copper;
8 to amend the responsive verdicts relative to these offenses; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:67(B) is hereby amended and reenacted to read as follows:

12 §67. Theft

13 * * *

14 B.(1) Whoever commits the crime of theft when the misappropriation or
15 taking amounts to a value of one hundred thousand ~~five hundred~~ dollars or more
16 shall be imprisoned, ~~with or without~~ at hard labor; for not less than two years nor
17 more than ~~ten~~ twenty-five years, ~~or may be~~ fined not more than ~~three~~ one hundred

1 thousand dollars, or both. Two years of the sentence imposed shall be served
2 without benefit of parole, probation, or suspension of sentence.

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

8 (3) When the misappropriation or taking amounts to a value of ten thousand
9 dollars or more, but less than a value of fifty thousand dollars, the offender shall be
10 imprisoned, with or without hard labor, for not more than ten years, fined not more
11 than twenty-five thousand dollars, or both.

12 (4) When the misappropriation or taking amounts to a value of five thousand
13 dollars or more, but less than a value of ten thousand dollars, the offender shall be
14 imprisoned, with or without hard labor, for not more than five years, fined not more
15 than fifteen thousand dollars, or both.

16 (5) When the misappropriation or taking amounts to a value of one thousand
17 dollars or more, but less than a value of five thousand dollars, the offender shall be
18 imprisoned, with or without hard labor, for not more than three years, fined not more
19 than ten thousand dollars, or both.

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

26 * * *

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

1 Art. 814. Responsive verdicts; in particular

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

4 * * *

5 26. Theft:

6 Guilty of theft of property having a value of ~~five hundred~~ one hundred
7 thousand dollars or more.

8 Guilty of theft of property having a value of ~~three hundred~~ fifty thousand
9 dollars or more, but less than ~~five hundred~~ one hundred thousand dollars.

10 Guilty of theft of property having a value of ten thousand dollars or more, but
11 less than fifty thousand dollars.

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

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

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

18 Guilty of attempted theft of property having a value of ~~five hundred~~ one
19 hundred thousand dollars or more.

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

22 Guilty of attempted theft of property having a value of ten thousand dollars
23 or more, but less than fifty thousand dollars.

24 Guilty of attempted theft of property having a value of five thousand dollars
25 or more, but less than ten thousand dollars.

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

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

1 Guilty of unauthorized use of movables having a value in excess of five
2 hundred dollars.

3 Guilty of unauthorized use of movables having a value of five hundred
4 dollars or less.

5 Not guilty.

6 * * *

7 Section 3. R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and
8 67.28 are hereby repealed in their entirety.

9 Section 4. Code of Criminal Procedure Article 814(A)(28) and (29) is hereby
10 repealed in its entirety.

11 Section 5. The Louisiana State Law Institute is directed to redesignate the provisions
12 of Code of Criminal Procedure Article 814(A)(30) through (59) as Code of Criminal
13 Procedure Article 814(A)(28) through (57) in accordance with the repeal of Code of
14 Criminal Procedure Article 814(A)(28) and (29) pursuant to Section 4 of this Act.

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. 791

Abstract: Amends the crime of theft and repeals certain theft statutes relative to livestock, animals, crawfish, alligators, rental motor vehicles, motor vehicle fuel, used building components, utility property, and copper.

Present law provides for the crime of theft (R.S. 14:67) and provides penalties for the offense as follows:

- (1) When the taking amounts to a value of \$1,500 or more - imprisonment, with or without hard labor, for up to 10 years, a fine of up to \$3,000, or both.
- (2) When the taking amounts to a value of \$500 or more, but less than \$1,500 - imprisonment, with or without hard labor, for up to five years, a fine of up to \$2,000, or both.
- (3) When the taking amounts to a value of less than \$500 - imprisonment for up to six months, fined not more than \$1,000, or both.

Proposed law amends the penalties for this offense as follows:

- (1) When the taking amounts to a value of \$100,000 or more - imprisonment at hard labor for two to 25 years, a fine of up to \$100,000, or both. Two years of the

sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

- (2) When the taking amounts to a value of \$50,000 or more, but less than \$100,000 - imprisonment at hard labor for up to 15 years, a fine of up to \$50,000, or both.
- (3) When the taking amounts to a value of \$10,000 or more, but less than a value of \$50,000 - imprisonment, with or without hard labor, for not more than 10 years, a fine of not more than \$25,000, or both.
- (4) When the taking amounts to a value of \$5,000 or more, but less than a value of \$10,000 - imprisonment, with or without hard labor, for not more than five years, a fine of not more than \$15,000, or both.
- (5) When the 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 three years, a fine of not more than \$10,000, or both.
- (6) When the taking amounts to less than a value of \$1,000 - imprisonment for up to six months, a fine of not more than \$1,000, or both.

In addition to the crime of theft, present law provides for theft of certain things including livestock (R.S. 14:67.1), animals (R.S. 14:67.2), crawfish (R.S. 14:67.5), alligators (R.S. 14:67.13), rental motor vehicles (R.S. 67.14), motor vehicle fuel (R.S. 14:67.17), used building components (R.S. 14:67.23), utility property (R.S. 14:67.24), and copper (R.S. 14:67.27 and 67.28).

Proposed law retains the present law crime of theft, and repeals certain theft statutes relative to livestock (R.S. 14:67.1), animals (R.S. 14:67.2), crawfish (R.S. 14:67.5), alligators (R.S. 14:67.13), rental motor vehicles (R.S. 67.14), motor vehicle fuel (R.S. 14:67.17), used building components (R.S. 14:67.23), utility property (R.S. 14:67.24), and copper (R.S. 14:67.27 and 67.28).

Present law provides responsive verdicts for crime of theft and for theft and attempted theft of cattle, horses, mules, sheep, hogs, or goats.

Proposed law amends responsive verdicts relative to the crime of theft, and repeals the responsive verdict provisions relative to the theft and attempted theft of cattle, horses, mules, sheep, hogs, or goats.

(Amends R.S. 14:67(B) and C.Cr.P. Art. 814(A)(26); Repeals R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and 67.28 and C.Cr.P. Art. 814(A)(28) and (29))