

2019 Regular Session

SENATE BILL NO. 209

BY SENATOR GARY SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to the crime of looting. (gov sig)

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AN ACT

To amend and reenact R.S. 14:62.5, relative to the crime of looting; to provide relative to the elements of the crime; to provide relative to penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:62.5 is hereby amended and reenacted to read as follows:

§62.5. Looting

A. Looting is the intentional entry by a person without authorization into any dwelling or other structure belonging to another and **that is** used in whole or in part as a home or place of abode by a person, or any structure belonging to another and **that is** used in whole or in part as a place of business, or any vehicle, watercraft, building, plant, establishment, or other structure, movable or immovable, in which normal security of property is not present by virtue of a hurricane, flood, fire, act of God, or force majeure of any kind, or by virtue of a riot, mob, or other human agency, and the **person** obtaining or exerting control over or damaging or removing **the property of the owner another without authorization.**

B. **Whoever Except as provided in Subsection C of this Section, whoever**

1 commits the crime of looting shall be fined not more than ~~ten~~ **twenty-five** thousand
2 dollars or imprisoned at hard labor for not more than ~~fifteen~~ **twenty** years, or both.

3 C. Whoever commits the crime of looting during the existence of a state of
4 emergency, which has been declared pursuant to law by the governor or the chief
5 executive officer of any parish, may be fined not less than ~~five~~ **ten** thousand dollars
6 nor more than ~~ten~~ **twenty-five** thousand dollars and shall be imprisoned at hard labor
7 for not less than three years nor more than ~~fifteen~~ **twenty** years ~~without benefit of~~
8 ~~probation, parole, or suspension of sentence.~~

9 Section 2. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 209 Original

2019 Regular Session

Gary Smith

Present law provides that the crime of looting is the intentional entry by a person without authorization into any dwelling or other structure belonging to another and used in whole or in part as a home or place of abode by a person, or any structure belonging to another and used in whole or in part as a place of business, or any vehicle, watercraft, building, plant, establishment, or other structure, movable or immovable, in which normal security of property is not present by virtue of a hurricane, flood, fire, act of God, or force majeure of any kind, or by virtue of a riot, mob, or other human agency, and the person obtaining or exerting control over or damaging or removing property of the owner.

Proposed law changes the element of the crime of looting relative to obtaining or exerting control over or damaging or removing property from property of the owner of the dwelling entered to property of another without authorization.

Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of looting is to be fined up to \$10,000, or imprisoned at hard labor for up to 15 years, or both.

Proposed law increases the maximum fine for looting to \$25,000 and increases the maximum term of imprisonment to 20 years.

Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of looting during the existence of a state of emergency, declared pursuant to law by the governor or the chief executive officer

of any parish, may be fined between \$5,000 and \$10,000, and is to be imprisoned at hard labor for between three and 15 years without benefit of probation, parole, or suspension of sentence.

Proposed law increases the minimum potential fine for looting during a state of emergency to \$10,000 and increases the maximum potential fine to \$25,000. Proposed law further increases the maximum term of imprisonment to 20 years. Proposed law further provides that the term of imprisonment provided for by proposed law may be imposed with benefit of parole, probation, or suspension of sentence.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:62.5)