
DIGEST

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HB 101 Original

2018 Regular Session

Zeringue

Abstract: Provides relative to the forfeiture of property used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity.

Present law provides for the La. Racketeering Act which prohibits persons from conducting or participating in an enterprise through a pattern of racketeering activity; from receiving, using, or investing proceeds derived from a pattern of racketeering activity; and from acquiring or maintaining any interest in or control of any enterprise or immovable property through a pattern of racketeering activity.

"A pattern of racketeering activity" is defined by present law as engaging in at least two incidents of "racketeering activity" (which includes certain enumerated present law criminal offenses) that occur within five years of each other and that have the same or similar intents, results, principals, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents.

Present law provides that all property, immovable or movable, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of the La. Racketeering Act is subject to civil forfeiture to the state.

Proposed law retains present law and provides that except as otherwise provided by the present La. Racketeering Act, procedures and exceptions for the seizure, forfeiture, and disposal of such property shall be pursuant to the provisions of present law which provide for the seizure and forfeiture of property related to the violation of the Uniform Controlled Dangerous Substances Law (R.S. 40:2601 et seq.).

Proposed law is contingently effective upon the passage and adoption of a proposed constitutional amendment which expands the type of property that may be forfeited and disposed of in a civil proceeding, as provided by law, to include all property, immovable or movable, including money, used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity.

(Amends R.S. 15:1356(A)(1))