

2018 Regular Session

HOUSE BILL NO. 131

BY REPRESENTATIVE STEFANSKI

CRIME/THEFT: Provides relative to theft prevention programs

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 215(C) and R.S. 14:66(A)(2) and
3 to enact Code of Criminal Procedure Article 215(A)(3), relative to theft of goods; to
4 provide relative to theft prevention programs; to prohibit the exclusion of
5 participants based upon certain factors; to provide relative to a fee; to provide
6 definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 215(C) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 215(A)(3) is hereby enacted to read as
10 follows:

11 Art. 215. Detention and arrest of shoplifters

12 A.

13 * * *

14 (3)(a) A merchant or a specifically authorized employee or agent of a
15 merchant who has reasonable cause to believe that a person has committed a theft of
16 goods held for sale by the merchant, is not precluded from offering such person the
17 opportunity to complete a theft prevention program in lieu of reporting the suspected
18 theft to law enforcement.

19 (b)(i) A provider of a theft prevention program may charge a fee for
20 participation in the program and may not exclude a person otherwise eligible to

1 participate in the program on the basis of the person's race, national origin, religion,
2 sex, or the ability to pay the fee.

3 (ii) A provider of a theft prevention program that charges a fee to participate
4 in the program may reduce or waive the fee based upon the inability of a participant
5 to pay.

6 * * *

7 C. As used in this Article, the following definitions apply:

8 (1) "reasonable Reasonable under the circumstances" shall be construed in
9 such a manner so as to include the value of the merchandise in question, the location
10 of the store, the length of time taken for law enforcement personnel to respond, the
11 cooperation of the person detained, and any other relevant circumstances to be
12 considered with respect to the length of time a person is detained.

13 (2) "Theft prevention program" is a program designed to address the
14 underlying causes of theft, reduce the occurrences of theft, and promote
15 accountability and reconciliation between the person suspected of theft and the
16 merchant, and may be provided by the merchant or an independent third-party
17 provider.

18 Section 2. R.S. 14:66(A)(2) is hereby amended and reenacted to read as follows:

19 §66. Extortion

20 A. Extortion is the communication of threats to another with the intention
21 thereby to obtain anything of value or any acquittance, advantage, or immunity of
22 any description. Any one of the following kinds of threats shall be sufficient to
23 constitute extortion:

24 * * *

25 (2) A threat to accuse the individual threatened or any member of his family
26 or any other person held dear to him of any crime. An offer to participate in a theft
27 prevention program pursuant to Code of Criminal Procedure Article 215 shall not
28 constitute a violation of the provisions of this Paragraph.

29 * * *

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)]

HB 131 Original

2018 Regular Session

Stefanski

Abstract: Provides for theft prevention programs as an alternative to reporting a shoplifting offense to law enforcement.

Present law authorizes law enforcement officials and merchants to detain a person suspected of committing a theft of goods held for sale by the merchant (commonly referred to as "shoplifting").

Proposed law retains present law and also provides that a merchant, or an authorized agent or employee of a merchant, is not precluded from offering a person suspected of theft the opportunity to complete a theft prevention program in lieu of reporting the offense to law enforcement. Authorizes a provider of a theft prevention program to charge a fee for participation in the program and prohibits the exclusion of a person otherwise eligible to participate on the basis of the person's race, national origin, religion, sex, or the ability to pay the fee. Provides that a provider that charges a fee to participate in the program may reduce or waive the fee based upon the inability of a participant to pay.

Present law provides that one element of the crime of extortion is the communication of a threat to accuse another of a crime with the intention to obtain anything of value or any acquittance, advantage, or immunity of any description.

Proposed law retains present law but provides that an offer by a merchant to a person suspected of a theft of goods to participate in a theft prevention program is not a violation of the present law crime of extortion.

(Amends C.Cr.P. Art. 215(C) and R.S. 14:66(A)(2); Adds C.Cr.P. Art. 215(A)(3))