
DIGEST

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HB 131 Reengrossed

2018 Regular Session

Stefanski

Abstract: Provides for pre-arrest 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 who employs at least 25 persons, or an authorized agent or employee of a merchant who employs at least 25 persons, is not precluded from offering a person suspected of theft the opportunity to complete a pre-arrest theft prevention program in lieu of reporting the offense to law enforcement.

Proposed law authorizes a provider of a theft prevention program to charge a fee of not more than \$500 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. Further 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. Provides that the participant in the program shall not be required to sign an admission of guilt nor sign any binding agreement in connection with participation in the program.

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add that a participant in the program shall not be required to sign an admission of guilt nor sign any binding agreement in connection with participation in the program.

The House Floor Amendments to the engrossed bill:

1. Specify that the proposed law authority to offer a person suspected of theft the opportunity to complete a pre-arrest theft prevention program in lieu of reporting the offense to law enforcement applies only to a merchant, or an authorized agent or employee of a merchant, who employs at least 25 persons.
2. Provide that the fee to participate in the program shall not exceed \$500.
3. Specify that the proposed law theft prevention program is a pre-arrest program.