
DIGEST

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HB 322 Original

2020 Regular Session

Echols

Abstract: Creates the crime of theft of metals, provides elements of the offense, provides for definitions, and provides criminal penalties for those who commit the offense.

Proposed law creates the crime of theft of metals and defines the crime as either of the following:

- (1) The misappropriation or taking of any metals belonging to another, either without the consent of the owner or by means of fraudulent conduct, practices, or representations, with the intent to permanently deprive the owner of the metals.
- (2) The misappropriation or taking of any item belonging to another for the value of the item's constituent metals, either without the consent of the owner or by means of fraudulent conduct, practices, or representations, with the intent to permanently deprive the owner of the item.

Proposed law defines "metals" as any copper, copper wire, copper alloy, bronze, brass, zinc, aluminum other than in the form of cans, stainless steel, or nickel alloys, whether in the form of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors, or railroad track materials. Further defines "railroad track materials" to include steel in the form of railroad tracks or in the form of rail, switch components, spikes, angle bars, tie plates, or bolts of the type used in constructing railroads, or any combination of such materials.

In determining the appropriate penalty provisions, proposed law requires the court to calculate the value of the copper or other metals misappropriated or taken as the aggregate of the following:

- (1) The fair market value of the metals or item misappropriated or taken.
- (2) The cost of replacement of the metals or item misappropriated or taken.
- (3) The cost of replacing and repairing property that was damaged as a result of the theft of metals.
- (4) The economic loss arising from the loss of use of the metals or item that was misappropriated or taken.

Proposed law provides for the following penalties for persons who commit the crime of theft of metals:

- (1) When the misappropriation or taking amounts to a value of \$25,000 or more - imprisonment at hard labor for not more than 20 years, a fine of not more than \$50,000, or both.
- (2) When the misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$25,000 - imprisonment, with or without hard labor, for not more than ten years, a fine of not more than \$10,000, or both.
- (3) When the misappropriation or 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 five years, a fine of not more than \$3,000, or both.
- (4) When the misappropriation or taking amounts to less than a value of \$1,000 - imprisonment for not more than six months, a fine of not more than \$1,000, or both. Further provides that if the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both

(Adds R.S. 14:67.3)