

2023 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVES BACALA, CARRIER, COUSSAN, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GLOVER, HARRIS, HILFERTY, HORTON, ILLG, MIKE JOHNSON, MCMAHEN, MIGUEZ, ORGERON, CHARLES OWEN, PRESSLY, RISER, SCHLEGEL, STAGNI, THOMPSON, VILLIO, WHEAT, AND WHITE

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

CRIME/THEFT: Provides relative to theft or criminal access of automated teller machines

1 AN ACT

2 To enact R.S. 14:67.13, relative to theft; to create the crime of theft or criminal access of an
3 automated teller machine; to provide for a definition; to provide for criminal
4 penalties; to provide relative to the payment of restitution for the crime; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.13 is hereby enacted to read as follows:

8 §67.13. Theft or criminal access of an automated teller machine

9 A.(1) Theft of an automated teller machine is the misappropriation or taking
10 of an automated teller machine which belongs to another without the consent of the
11 other to the misappropriation or taking with the intent to deprive the owner
12 permanently of the automated teller machine or its contents.

13 (2) Criminal access of an automated teller machine is the intentional
14 destroying, damaging, impairing, tampering with, or otherwise rendering inoperable
15 of an automated teller machine belonging to another with the intent to steal currency
16 or personal financial information of another, regardless of the pecuniary loss.

1 B. For purposes of this Section, "automated teller machine" means an
 2 electronic information processing device located in this state which accepts or
 3 dispenses cash in connection with an account or credit card.

4 C. Whoever violates the provisions of this Section shall be imprisoned with
 5 or without hard labor for not less than five years nor more than ten years, and may,
 6 in addition, be required to pay a fine of not more than ten thousand dollars.
 7 Restitution shall be ordered pursuant to Code of Criminal Procedure Article 883.2.

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 94 Reengrossed

2023 Regular Session

Bacala

Abstract: Creates the crime of theft or criminal access of an automated teller machine and provides for criminal penalties.

Proposed law creates the crime of theft or criminal access of an automated teller machine.

Proposed law provides that theft of an automated teller machine is the misappropriation or taking of an automated teller machine which belongs to another without the consent of the other to the misappropriation or taking with the intent to deprive the owner permanently of the automated teller machine or its contents.

Proposed law provides that criminal access of an automated teller machine is the intentional destroying, damaging, impairing, tampering with, or otherwise rendering inoperable of an automated teller machine belonging to another with the intent to steal currency or personal financial information of another, regardless of the pecuniary loss.

Proposed law defines "automated teller machine" as an electronic information processing device which accepts or dispenses cash in connection with an account or credit card.

Proposed law provides that whoever commits the proposed law crime shall be imprisoned with or without hard labor for not less than five years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$10,000. Requires restitution to be ordered pursuant to present law (C.Cr.P. Art. 883.2).

(Adds R.S. 14:67.13)

Summary of Amendments Adopted by House

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

1. Provide for the action of criminal access of an automated teller machine and define criminal access of an automated teller machine.

The House Floor Amendments to the engrossed bill:

1. Relative to theft of an automated teller machine, remove proposed law language that provides for fraudulent conduct, practices, or representations.
2. Provide for the intent to deprive the owner permanently of the contents of the automated teller machine.
3. Remove proposed law requirement of payment of a fine equal to the total amount of money contained in the machine at the time of the commission of the offense and any damages that result.
4. Provide for a fine of not more than \$10,000 and require restitution to be made pursuant to present law.