

## RÉSUMÉ DIGEST

ACT 45 (HB 214)

2024 Regular Session

Villio

Existing law provides for the crime of monetary instrument abuse.

Existing law provides that whoever made, issued, possessed, sold, or otherwise transferred a counterfeit or forged monetary instrument of the U.S., a state, or a political subdivision thereof, or of an organization, or a person with intent to deceive or defraud another person, shall be fined not more than \$1,000,000 but not less than \$5,000 or imprisoned, with or without hard labor, for not more than 10 years but not less than six months, or both.

New law adds the counterfeit or forged monetary instrument of a person as an item of which it is unlawful to make, issue, possess, sell, or otherwise transfer.

New law adds the intent to defraud another person as an alternative element of this existing law offense.

Existing law provides that whoever made, issued, possessed, sold, or otherwise transferred an implement designed for or particularly suited for making a counterfeit or forged monetary instrument with the intent to deceive a person shall be fined not more than \$1,000,000 but not less than \$5,000, or imprisoned, with or without hard labor, for not more than 10 years but not less than six months, or both.

New law adds the intent to defraud another person as an alternative element of this existing law offense.

New law provides that upon a second or subsequent conviction of a violation of existing law, the offender shall be imprisoned with or without hard labor, for not less than one year nor more than 10 years, and may, in addition, be required to pay a fine of not more than \$1,000,000.

Existing law defines the terms "counterfeit", "forged", "monetary instrument", "organization", and "state".

New law retains existing law relative to the definitions of "counterfeit" and "state".

New law amends the definition of the term "forged" to include the washing through the use of chemical solvents or physical removal of ink writing on a monetary instrument with the intent to defraud, including but not limited to the washing or physical removal of a name of a payee or dollar amount on a monetary instrument.

New law amends the definition of the term "monetary instrument" to include a check or draft.

New law amends the definition of the term "organization" to include a limited liability company and federally insured financial institution.

Prior law provided that in addition to the penalties provided in existing law, a person convicted under existing law was required to be ordered to make full restitution to the victim and any other person who had suffered a financial loss as a result of the offense.

New law provides that full restitution shall be made in accordance with existing law (C.Cr.P. Art. 883.2).

Prior law provided that if a person ordered to make restitution pursuant to existing law was found to be indigent and therefore unable to make restitution in full at the time of conviction, the court was required to order a periodic payment plan consistent with the person's financial ability.

New law removes this provision from existing law.

Effective August 1, 2024.

(Amends R.S. 14:72.2)