
DIGEST

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HB 6 Original

2025 Regular Session

Jackson

Abstract: Creates the crime of misappropriation of funds in connection with the payment of utility services and adds the new crime as an eligible offense for seizure and forfeiture and as an element of racketeering activity.

Proposed law provides that no person who has received money or payment in accordance with a lease contract or rental agreement to pay utility services shall knowingly fail to apply the money or payment as necessary to satisfy the amount owed for such utility services.

Proposed law provides that a person who violates proposed law shall be imprisoned at hard labor for not more than 10 years, fined not more than \$100,000, or both.

Proposed law provides that in addition to the penalties provided in proposed law, a person convicted under proposed law shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense. Further provides that any property that is used or intended to be used to commit or facilitate the commission of any violation of proposed law shall be subject to the seizure and forfeiture proceedings provided in present law (R.S. 14:230.1).

Proposed law provides that if a person who is ordered to make restitution pursuant to proposed law is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

Proposed law defines the terms "person" and "utility services".

Present law (R.S. 14:230.1) provides for civil remedies relative to certain offenses where property, proceeds, and commingled funds are used or involved in criminal activity.

Proposed law retains present law.

Present law (R.S. 14:230.1(B)) provides for a list of offenses where all facilitating property, proceeds, and commingled funds are required to be seized and forfeited if involved or derived from such offenses.

Proposed law adds the crime of misappropriation of funds in connection with the payment of utility services to this list.

Present law (R.S. 15:1352) provides for definitions relative to the Louisiana Racketeering Act.

Further provides a list of crimes that constitute "racketeering activity".

Proposed law adds the crime of misappropriation of funds in connection with the payment of utility services as an element of "racketeering activity".

Proposed law authorizes and directs the La. State Law Institute to renumber the provisions of present law (R.S. 15:1352(A)) so as to properly place proposed law (R.S. 15:1352(A)(89)).

(Amends R.S. 14:230.1(B)(5)-(7); Adds R.S. 14:71.5 and 230.1(B)(8) and R.S. 15:1352(A)(89))