

2025 Regular Session

HOUSE BILL NO. 375

BY REPRESENTATIVE MCMAHEN

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

CRIME: Provides for fraudulent banking transactions

1 AN ACT

2 To amend and reenact R.S. 14:70.8(B) and (C) and 71.1(B) and (C) and to enact R.S.
3 14:70.8(D) and 71.1(D) and Code of Evidence Article 404(A)(4), relative to financial
4 crimes; to provide penalties for subsequent convictions; to provide for admissible
5 evidence; to provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:70.8(B) and (C) and 71.1(B) and (C) are hereby amended and
8 reenacted and R.S. 14:70.8(D) and 71.1(D) are hereby enacted to read as follows:

9 §70.8. Illegal transmission of monetary funds

10 * * *

11 B. Upon a second or subsequent conviction of a violation of the provisions
12 of this Section, the offender shall be imprisoned, with or without hard labor, for not
13 less than one year nor more than ten years and may, in addition, be required to pay
14 a fine of not more than one hundred thousand dollars.

15 ~~B. C.~~ In addition to the penalties provided for in Subsection A and B of this
16 Section, a person convicted under the provisions of this Section shall be ordered to
17 make full restitution to the victim and to any other person who has suffered a
18 financial loss as a result of the offense in accordance with Code of Criminal
19 Procedure Article 883.2. ~~If a person ordered to make restitution according to this~~
20 ~~Subsection is found to be indigent and therefore unable to make restitution in full at~~

1 ~~the time of conviction, then the court shall order a periodic payment plan consistent~~
2 ~~with the person's financial ability.~~

3 C. D. For purposes of this Section:

4 (1) "Radio signal" means any text, email, or any other wireless transmission
5 from cellular phones, portable wireless electronic tablets or computers, or any other
6 wireless device used to transmit or receive monetary transactions.

7 (2) "Wire" means any wired electronic device that provides access to the
8 Internet or to any other access point and allows monetary transactions to be
9 transmitted or received by email, financial institution-to-financial institution transfer,
10 or money transfer facility.

11 * * *

12 §71.1. Bank fraud

13 * * *

14 B. Upon a second or subsequent conviction of a violation of the provisions
15 of this Section, the offender shall be imprisoned, with or without hard labor, for not
16 less than one year nor more than ten years and may, in addition, be required to pay
17 a fine of not more than one hundred thousand dollars.

18 ~~B. C.~~ In addition to the penalties provided in Subsection A of this Section,
19 a person convicted under the provisions of this Section shall be ordered to make full
20 restitution to the victim and any other person who has suffered a financial loss as a
21 result of the offense in accordance with Code of Criminal Procedure Article 883.2.
22 ~~If a person ordered to make restitution pursuant to this Section is found to be~~
23 ~~indigent and therefore unable to make restitution in full at the time of conviction, the~~
24 ~~court shall order a periodic payment plan consistent with the person's financial~~
25 ~~ability.~~

26 C. D. As used in this Section, the term "financial institution" ~~has the same~~
27 ~~meaning as in R.S. 6:2(8)~~ means any federally insured depository institution
28 chartered under the laws of the United States, this state, or any other state.

29 Section 2. Code of Evidence Article 404(A)(4) is hereby enacted to read as follows:

1 Art. 404. Character evidence generally not admissible in civil or criminal trial to
2 prove conduct; exceptions; other criminal acts

3 A. Character evidence generally. Evidence of a person's character or a trait
4 of his character, such as a moral quality, is not admissible in a civil or criminal
5 proceeding for the purpose of proving that he acted in conformity therewith on a
6 particular occasion, except:

7 * * *

8 (4) In any prosecution for a violation of R.S. 14:71.1 or R.S. 14:72.2, the
9 prosecution may enter as evidence any of the following of a perpetrator's intent to
10 deceive or defraud:

11 (a) Any previously cashed or deposited counterfeit or forged check or other
12 monetary instrument.

13 (b) Evidence regarding any previous attempt to cash or deposit a counterfeit
14 or forged check or other monetary instrument.

15 (c) Evidence of a verbal or written communication, including but not limited
16 to a warning, by a law enforcement agent with the perpetrator regarding the cashing
17 or depositing of a forged or counterfeit check or other monetary instrument suspected
18 of being part of a fraudulent scheme or warning the perpetrator that such transaction
19 could be in violation of state or federal criminal laws.

20 * * *

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 375 Reengrossed

2025 Regular Session

McMahen

Abstract: Provides for penalties and certain forms of evidence for the crimes of illegal transmission of monetary funds, bank fraud, and monetary instrument abuse.

Present law provides for the crime of illegal transmission of monetary funds.

Proposed law creates the penalty of one to 10 years of imprisonment and a fine of up to \$100,000 for second and subsequent convictions.

Present law provides that a person convicted of illegal transmission of monetary funds shall make restitution to the victim and all others who suffered as a result.

Proposed law provides that the restitution shall be made in accordance with C.Cr.P. Art. 883.2.

Present law provides for the crime of bank fraud.

Proposed law creates the penalty of one to 10 years of imprisonment and a fine of up to \$100,000 for second and subsequent convictions.

Present law provides that a person convicted of bank fraud shall make restitution to the victim and all others who suffered as a result.

Proposed law provides that the restitution shall be made in accordance with C.Cr.P. Art. 883.2.

Proposed law amends the definition of "financial institution".

Proposed law provides that in a prosecution for bank fraud or monetary instrument abuse, the prosecution may enter certain evidence of a perpetrator's intent to defraud.

(Amends R.S. 14:70.8(B) and (C) and 71.1(B) and (C); Adds R.S. 14:70.8(D) and 71.1(D) and C.E. Art. 404(A)(4))