

2025 Regular Session

HOUSE BILL NO. 6

BY REPRESENTATIVE JACKSON

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

CRIME/THEFT: Creates the crime of misappropriation of funds in connection with the payment of utility services

1 AN ACT

2 To enact R.S. 14:71.5, relative to misappropriation without violence; to create the crime of
3 misappropriation of funds in connection with the payment of utility services; to
4 provide for definitions; to provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:71.5 is hereby enacted to read as follows:

7 §71.5. Misappropriation of funds; utility services

8 A. No person who has received money or payment in accordance with a
9 lease contract or rental agreement to pay utility services shall knowingly fail to apply
10 the money or payment as necessary to satisfy the amount owed for such utility
11 services.

12 B.(1) Whoever violates the provisions of this Section when the
13 misappropriation or taking amounts to a value of twenty-five thousand dollars or
14 more shall be imprisoned at hard labor for not more than twenty years, fined not
15 more than fifty thousand dollars, or both.

16 (2) When the misappropriation or taking amounts to a value of five thousand
17 dollars or more, but less than a value of twenty-five thousand dollars, the offender
18 shall be imprisoned with or without hard labor for not more than ten years, fined not
19 more than ten thousand dollars, or both.

20 (3) When the misappropriation or taking amounts to a value of one thousand
21 dollars or more, but less than a value of five thousand dollars, the offender shall be

1 imprisoned with or without hard labor for not more than five years, fined not more
2 than three thousand dollars, or both.

3 (4)(a) When the misappropriation or taking amounts to less than a value of
4 one thousand dollars, the offender shall be imprisoned for not more than six months,
5 fined not more than one thousand dollars, or both.

6 (b) If the offender in such cases has been convicted two or more times
7 previously, upon any subsequent conviction, the offender shall be imprisoned with
8 or without hard labor for not more than two years, fined not more than two thousand
9 dollars, or both.

10 (5) In addition to the penalties provided in Paragraphs (1) through (4) of this
11 Subsection, a person convicted under the provisions of this Section shall be ordered
12 to make full restitution to the victim and any other person who has suffered a
13 financial loss as a result of the offense in accordance with Code of Criminal
14 Procedure Article 883.2.

15 C. For purposes of this Section:

16 (1) "Person" means a natural or juridical person, including but not limited
17 to a sole proprietorship, corporation, company, limited liability company,
18 partnership, limited liability partnership, trust, incorporated or unincorporated
19 association, or any other individual or entity. "Person" shall also include any
20 representative, director, trustee, agent, or officer of a juridical person.

21 (2) "Utility services" means any water, electricity, gas, heat, or sewer
22 services, whether privately, municipally, cooperatively, or investor-owned.

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 6 Engrossed

2025 Regular Session

Jackson

Abstract: Creates the crime of misappropriation of funds in connection with the payment of utility services.

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 punished as follows:

- (1) When the misappropriation or taking amounts to a value of \$25,000 or more, the offender shall be imprisoned at hard labor for not more than 20 years, fined 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, the offender shall be imprisoned with or without hard labor for not more than 10 years, fined 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, the offender shall be imprisoned with or without hard labor for not more than five years, fined not more than \$3,000, or both.
- (4) When the misappropriation or taking amounts to less than a value of \$1,000, the offender shall be imprisoned for not more than six months, fined not more than \$1,000, or both. Further provides that if the offender in such cases has been convicted two or more times previously, upon any subsequent conviction, the offender shall be imprisoned with or without hard labor for not more than two years, fined not more than \$2,000, 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 in accordance with C.Cr.P. Art. 883.2.

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

(Adds R.S. 14:71.5)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Change the penalties in proposed law from imprisonment at hard labor for not more than 10 years, fine of not more than \$100,000, or both, to the penalties contained in the present law offense of theft (R.S. 14:67).
3. Clarify proposed law provisions relative to payment of restitution.

4. Clarify the definitions of "person" and "utility services".
5. Remove the proposed law offense of misappropriation of funds in connection with the payment of utility services from the present law (R.S. 14:230.1) 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.
6. Remove proposed law offense from the list of present law offenses that constitute "racketeering activity" under the La. Racketeering Act.
7. Remove the directive to the La. State Law Institute to renumber provisions of present law (R.S. 15:1352(A)) so as to properly place proposed law.