
DIGEST

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HB 6 Reengrossed

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 do any of the following:

- (1) Fail to apply the money or payment as necessary to satisfy the amount owed for the utility services during a 60-day period of time or longer after receiving payment, unless a longer period is specified in the contract.
- (2) Use or cause an agent or employee to use any deception, false pretense, or false promise in the failure to apply the money or payment as necessary to satisfy the amount owed for the 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".

Proposed law provides for a statement of legislative intent.

(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.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify the elements of proposed law.
3. Clarify the definition of "person".
4. Provide for a statement of legislative intent.