

First Extraordinary Session, 2005

HOUSE BILL NO. 16

BY REPRESENTATIVE LABRUZZO

CRIME: Provides with respect to price gouging (Item #9)

1 AN ACT

2 To amend and reenact R.S. 14:329.8 and R.S. 29:734(C), to enact R.S. 14:329.9, and to  
3 repeal R.S. 14:329.6(A)(9), relative to price gouging; to provide with respect to the  
4 crime of price gouging; to provide for the elements of the crime; to provide for  
5 criminal penalties; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:329.8 is hereby amended and reenacted and R.S. 14:329.9 is  
8 hereby enacted to read as follows:

9 §329.8. Applicability of other acts

10 The provisions of R.S. 14:329.1 to 329.8 shall be supplemental and in  
11 addition to any other applicable laws of this state, ~~including but not limited to the~~  
12 ~~Louisiana Disaster Act of 1974, R.S. 29:701 through 716.~~

13 §329.9. Price gouging

14 A. During a state of emergency as declared by the governor or proclaiming  
15 officer, or during the time in which a named tropical storm or hurricane is in the Gulf  
16 of Mexico, no person shall sell goods or services within the designated area of  
17 emergency for value which exceeds the prices ordinarily charged for comparable  
18 goods and services in the same market area at, or immediately prior to, the time of  
19 the state of emergency. However, the value received may include reasonable  
20 expenses and charges for any attendant business risk, in addition to the cost of the  
21 goods or services which necessarily are incurred in procuring the goods or services  
22 during the state of emergency.

1           B. For purposes of this Section, "proclaiming officer" includes a parish  
2           president, chief executive officer of a parish or municipality, mayor-president, mayor  
3           of New Orleans (Orleans Parish), or police jury president.

4           C. Whoever violates the provisions of this Section shall be fined not more  
5           than seven thousand five hundred dollars, imprisoned for not more than two years,  
6           or both.

7           Section 2. R.S. 29:734(C) is hereby amended and reenacted to read as follows:

8           §734. Violations; judicial relief; prima facie proof

9   \*       \*       \*

10           C. In addition to the civil penalties provided herein, any person who violates  
11           the provisions of R.S. 29:732, which violation is deemed a violation also of R.S.  
12           ~~14:329.6~~ 14:329.9, shall be subject to criminal penalties as provided in R.S. ~~14:329.7~~  
13           14:329.9.

14           Section 3. R.S. 14:329.6(A)(9) is hereby repealed in its entirety.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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LaBruzzo

HB No. 16

**Abstract:** Provides with respect to the crime of price gouging and provides for criminal penalties.

Present law (R.S. 14:329.6) provides that during times of public crisis, certain local public officials may request that the governor proclaim a state of emergency within the territorial limits of the requesting local government. Following such proclamation, present law authorizes the chief law enforcement officer to promulgate orders affecting all or part of the territorial limits of the parish or municipality with respect to several issues, including the ability to prohibit the sale or offer for sale of goods or services for value exceeding the prices ordinarily charged, establish a curfew, prohibit the sale of alcoholic beverages, regulate with respect to the possession or use of firearms, and prohibit or control the presence of persons on public streets and places.

Proposed law retains present law with the exception of ordinances involving price gouging. Creates a separate criminal offense of price gouging. Provides that price gouging shall be punishable by a fine not to exceed \$7,500, two years imprisonment, or both.

Proposed law provides for a definition of "proclaiming officer".

(Amends R.S. 14:329.8 and R.S. 29:734(C); Adds R.S. 14:329.9; Repeals R.S. 14:329.6(A)(9))