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## DIGEST

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Ansardi

HB No. 86

**Abstract:** Provides for the crime of price gouging and related criminal penalties for the lease of immovable property during certain emergencies.

Present law provides that during a state of emergency as declared by the governor or as declared by the parish president or during a named tropical storm or hurricane in or threatening the Gulf of Mexico, the value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at, or immediately before, the time of the state of emergency.

Present law provides that the value received for goods and services may include reasonable expenses and a charge for any attendant business risk, in addition to the cost of the goods and services which necessarily are incurred in procuring the goods and services during the state of emergency.

Present law authorizes the imposition of injunctions, civil penalties, restitution, and criminal penalties for violations of present law.

Proposed law retains present law and provides that during a state of emergency as declared pursuant to present law, the following prohibitions shall be subject to criminal penalties and shall be applicable to the lease of immovable property:

- (1) The rent received for a lease entered into on or before the declaration of a state of emergency shall not exceed the rent received prior to the state of emergency.
- (2) The rent received for a lease entered into during the state of emergency shall not exceed the rent ordinarily charged for comparable leased things in the same market area at, or immediately before, the time of the state of emergency, except that the rent received may include reasonable expenses and a charge for any attendant business risk, in addition to the costs of the leased thing which necessarily are incurred in procuring, preparing, or maintaining the thing for lease during the state of emergency.

Proposed law provides that for the purposes of proposed law, "rent" includes nonrefundable fees, charges, and deposits.

Proposed law provides that the provisions of proposed law are subject only to criminal penalties as provided in R.S. 29:734, which include a fine of not more than \$500 or imprisonment of not more than six months, or both.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 29:732(E))