

2015 Regular Session

SENATE BILL NO. 30

BY SENATOR KOSTELKA

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

CRIME/PUNISHMENT. Provides relative to the crime of illegal possession of stolen property. (gov sig)

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AN ACT

To enact R.S. 14:69(E), relative to the crime of illegal possession of stolen things; to provide relative to exemptions from prosecution for certain persons under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:69(E) is hereby enacted to read as follows:

§69. Illegal possession of stolen things

* * *

E. No person shall be exempt from prosecution under this Section for any act committed with fraudulent, willful, or criminal knowledge regardless of any other presumption or exemption provided by statute, including but not limited to any signed statement of ownership executed by a purported owner of property conveyed.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 30 Engrossed

2015 Regular Session

Kostelka

Present law provides that every secondhand dealer must obtain a signed statement from the seller that the junk or used or secondhand property has been paid for or is owned by the seller. Present law further provides that a secondhand dealer who obtains the required statement from the seller is exonerated from any fraudulent, willful, or criminal knowledge within the meaning of present law relative to secondhand dealers.

Proposed law retains present law.

Present law provides that a scrap metal recycler must obtain a signed statement from the seller of scrap metal that the scrap metal has been paid for or is owned by the seller. Present law further provides that a scrap metal recycler who obtains the required statement from the seller is exonerated from any fraudulent, willful, or criminal knowledge within the meaning of present law relative to scrap metal recyclers.

Proposed law retains present law.

Present law defines the crime of illegal possession of stolen things as the intentional possessing, procuring, receiving, or concealing of any thing of value that has been the subject of any robbery or theft, under circumstances indicating that the offender knew or had good reason to believe that the thing was the subject of one of these offenses.

Proposed law retains present law and adds that no person is exempt from prosecution for the present law crime of illegal possession of stolen things for any act committed with fraudulent, willful, or criminal knowledge regardless of any other presumption or exemption provided by present law, including but not limited to any signed statement of ownership executed by a purported owner of property conveyed.

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

(Adds R.S. 14:69(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Changes text of proposed law from "presumption or exemption provided by law" to "presumption or exemption provided by statute".