

2017 Regular Session

SENATE BILL NO. 76

BY SENATOR LAMBERT

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

CRIMINAL PROCEDURE. Provides for venue in certain criminal cases. (gov sig)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 611(C), relative to venue in
3 criminal matters; to allow venue for certain criminal matters to be the parish in
4 which the victim resides as well as the parish in which the crime occurred; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 611(C) is hereby amended and
8 reenacted to read as follows:

9 Art. 611. Venue; trial where offense committed

10 * * *

11 C. If the offender is charged with ~~the crime of identity theft~~ **any of the**
12 **following offenses**, the offense is deemed to have been committed either in the
13 parish where the ~~theft~~ **offense** occurred or where the victim resides:

- 14 **(1) R.S. 14:67.3, unauthorized use of an access card.**
- 15 **(2) R.S. 14:67.16, identity theft.**
- 16 **(3) R.S. 14:70.4, access device fraud.**
- 17 **(4) R.S. 14:70.8, illegal transmission of monetary funds.**

1 (5) R.S. 14:71.1, bank fraud.

2 (6) R.S. 14:72, forgery.

3 (7) R.S. 14:72.2, monetary instrument abuse.

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

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

SB 76 Reengrossed

2017 Regular Session

Lambert

Present law provides that all trials of criminal offenses are to take place in the parish where the offense has been committed, unless the venue is changed. Present law further provides that if acts constituting an offense or if the elements of an offense occurred in more than one place, in or out of the parish or state, the offense is deemed to have been committed in any parish in this state in which any such act or element occurred.

Proposed law retains present law.

Present law provides that if the offender is charged with the present law crime of identity theft, the offense is deemed to have been committed either in the parish where the theft occurred or where the victim resides.

Proposed law retains present law and adds the following present law offenses to those crimes that are deemed to have been committed where the victim resides:

- (1) Unauthorized use of an access card.
- (2) Access device fraud.
- (3) Illegal transmission of monetary funds.
- (4) Bank fraud.
- (5) Forgery.
- (6) Monetary instrument abuse.

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

(Amends C.Cr.P. Art. 611(C))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Clarifies that identity theft is an offense deemed to have been committed either in the parish where the offense occurred or where the victim resides.