

2017 Regular Session

HOUSE BILL NO. 215

BY REPRESENTATIVE HUNTER

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

CRIMINAL/PROCEDURE: Provides for time limitations for prosecution of bank fraud

1

AN ACT

2

To enact Code of Criminal Procedure Article 573.3, relative to time limitations for initiating

3

prosecutions; to provide relative to time limitations in which to institute prosecution

4

for the crime of bank fraud; and to provide for related matters.

5

Be it enacted by the Legislature of Louisiana:

6

Section 1. Code of Criminal Procedure Article 573.3 is hereby enacted to read as

7

follows:

8

Art. 573.3. Running of time limitations; exception; bank fraud

9

Notwithstanding the time limitations established by Article 572 of this Code,

10

the time limitation within which to institute prosecution for the crime of bank fraud

11

(R.S. 14:71.1) shall be three years from the time the crime is discovered or should

12

have been reasonably discovered.

13

Section 2. The provisions of this Act shall be given prospective and retroactive

14

application.

15

Section 3. This Act shall become effective upon signature by the governor or, if not

16

signed by the governor, on June 8, 2017, whichever is earlier. If vetoed by the governor and

17

subsequently approved by the legislature, this Act shall become effective on the day

18

following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 215 Reengrossed

2017 Regular Session

Hunter

Abstract: Provides that the time within which to institute prosecution for the crime of bank fraud shall be three years from the time the crime is discovered or reasonably discovered.

Present law provides that no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

- (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
- (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.
- (3) Two years, for a misdemeanor punishable by a fine, imprisonment, or both.
- (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

Proposed law provides that these present law time limitations do not apply to the crime of bank fraud and that the time within which to institute prosecution for the crime of bank fraud shall be three years from the time the crime is discovered or reasonably discovered.

Proposed law shall apply retroactively and prospectively.

Effective upon signature of governor or on June 8, 2017, whichever is earlier.

(Adds C.Cr.P. Art. 573.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law language relative to the commencement of the time limitation after the victim or any other person who has suffered a financial loss discovers or reasonably discovers the offense and add that the time limitation within which to institute prosecution shall be two years from the time of discovery or reasonable discovery.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law which provides that the time limitation within which to institute prosecution for the crime of bank fraud established by present law commences to run upon discovery or reasonable discovery of the crime, and institution of prosecution shall be within two years.
2. Provide that the time within which to institute prosecution for the crime of bank fraud shall be three years from the time of discovery or reasonable discovery.