
DIGEST

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HB 131 Original

2018 Regular Session

Stefanski

Abstract: Provides for theft prevention programs as an alternative to reporting a shoplifting offense to law enforcement.

Present law authorizes law enforcement officials and merchants to detain a person suspected of committing a theft of goods held for sale by the merchant (commonly referred to as "shoplifting").

Proposed law retains present law and also provides that a merchant, or an authorized agent or employee of a merchant, is not precluded from offering a person suspected of theft the opportunity to complete a theft prevention program in lieu of reporting the offense to law enforcement. Authorizes a provider of a theft prevention program to charge a fee for participation in the program and prohibits the exclusion of a person otherwise eligible to participate on the basis of the person's race, national origin, religion, sex, or the ability to pay the fee. Provides that a provider that charges a fee to participate in the program may reduce or waive the fee based upon the inability of a participant to pay.

Present law provides that one element of the crime of extortion is the communication of a threat to accuse another of a crime with the intention to obtain anything of value or any acquittance, advantage, or immunity of any description.

Proposed law retains present law but provides that an offer by a merchant to a person suspected of a theft of goods to participate in a theft prevention program is not a violation of the present law crime of extortion.

(Amends C.Cr.P. Art. 215(C) and R.S. 14:66(A)(2); Adds C.Cr.P. Art. 215(A)(3))