

GREEN SHEET REDIGEST

HB 131

2018 Regular Session

Stefanski

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**CRIME/THEFT. Provides relative to theft prevention programs**

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DIGEST

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 who employs at least 25 persons, or an authorized agent or employee of a merchant who employs at least 25 persons, is not precluded from offering a person suspected of theft the opportunity to complete a pre-arrest theft prevention program in lieu of reporting the offense to law enforcement.

Proposed law authorizes a provider of a theft prevention program to charge a fee of not more than \$500 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. Further 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. Provides that the participant in the program shall not be required to sign an admission of guilt nor sign any binding agreement in connection with participation in the program.

Proposed law provides that a provider of a theft prevention program must maintain records of participants' race, national origin, religion, sex, and ability to pay fees for a period of not less than three years without including personal identifying information. Proposed law further provides that this report must be made available to the district attorney upon request.

Proposed law provides that a provider of a theft prevention program must provide to the district attorney, upon request, its criteria for a person's participation in its theft prevention program.

Proposed law provides that a merchant or a specifically authorized employee or agent of a merchant that offers a person the opportunity to complete a theft prevention program must provide a copy of the written offer to the district attorney upon request.

Proposed law provides that nothing in proposed law precludes a district attorney or court from offering a theft prevention program in compliance with the provisions of proposed law.

Proposed law provides that any person who successfully completes a theft prevention program pursuant to proposed law cannot be held subject to any additional civil penalties under any other provision of present law.

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))

## Summary of Amendments Adopted by House

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

1. Add that a participant in the program shall not be required to sign an admission of guilt nor sign any binding agreement in connection with participation in the program.

The House Floor Amendments to the engrossed bill:

1. Specify that the proposed law authority to offer a person suspected of theft the opportunity to complete a pre-arrest theft prevention program in lieu of reporting the offense to law enforcement applies only to a merchant, or an authorized agent or employee of a merchant, who employs at least 25 persons.
2. Provide that the fee to participate in the program shall not exceed \$500.
3. Specify that the proposed law theft prevention program is a pre-arrest program.

## Summary of Amendments Adopted by Senate

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

1. Add provisions relative to maintenance of records by theft prevention program providers.
2. Add provision relative to exclusivity of participation in theft prevention program as a civil remedy.