

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 131

2018 Regular Session

Stefanski

CRIME/THEFT: Provides relative to theft prevention programs

## Synopsis of Senate Amendments

1. Requires a provider of a theft prevention program to maintain records, without including personal identifying information, of the criteria used to determine a person's eligibility for participation in the program for at least three years.
2. Requires the following information to be made available to the district attorney upon request:
  - (a) The criteria for a person's participation in a theft prevention program.
  - (b) A copy of the written offer to participate in a theft prevention program made to a person by a merchant or a specifically authorized employee or agent of a merchant.
3. Provides that nothing in proposed law shall preclude a district attorney or court from offering a theft prevention program in compliance with the provisions of proposed law.
4. Provides that any person who successfully completes a theft prevention program shall not be subject to any additional civil penalties under any other provision of present law.

## Digest of Bill as Finally Passed by Senate

**Abstract:** Provides for pre-arrest 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 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 requires a provider of a theft prevention program to maintain records, without including personal identifying information, of the criteria used to determine a person's eligibility for participation in the program for at least three years.

Proposed law requires the following information to be made available to the district attorney

upon request:

- (1) The criteria for a person's participation in a theft prevention program.
- (2) A copy of the written offer to participate in a theft prevention program made to a person by a merchant or a specifically authorized employee or agent of a merchant.

Provides that nothing in proposed law shall preclude 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 shall not be 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))