

2023 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVE BACALA

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

CRIME/THEFT: Provides relative to theft or criminal access of automated teller machines

1 AN ACT

2 To enact R.S. 14:67.13, relative to theft; to create the crime of theft or criminal access of an  
3 automated teller machine; to provide for a definition; to provide for criminal  
4 penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:67.13 is hereby enacted to read as follows:

7 §67.13. Theft or criminal access of an automated teller machine

8 A.(1) Theft of an automated teller machine is the misappropriation or taking  
9 of an automated teller machine which belongs to another, either without the consent  
10 of the other to the misappropriation or taking, or by means of fraudulent conduct,  
11 practices, or representations with the intent to deprive the owner permanently of the  
12 automated teller machine.

13 (2) Criminal access of an automated teller machine is the intentional  
14 destroying, damaging, impairing, tampering with, or otherwise rendering inoperable  
15 of an automated teller machine belonging to another with the intent to steal currency  
16 or personal financial information of another, regardless of the pecuniary loss.

17 B. For purposes of this Section, "automated teller machine" means an  
18 electronic information processing device located in this state which accepts or  
19 dispenses cash in connection with an account or credit card.

1           C. Whoever violates the provisions of this Section shall be imprisoned with  
2           or without hard labor for not less than five years nor more than ten years, and may,  
3           in addition, be required to pay a fine equal to the total amount of money contained  
4           in the automated teller machine at the time of the commission of the offense and any  
5           damages that result from the offense.

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 94 Engrossed

2023 Regular Session

Bacala

**Abstract:** Creates the crime of theft or criminal access of an automated teller machine and provides for criminal penalties.

Proposed law creates the crime of theft or criminal access of an automated teller machine.

Proposed law provides that theft of an automated teller machine is the misappropriation or taking of an automated teller machine which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations with the intent to deprive the owner permanently of the machine.

Proposed law provides that criminal access of an automated teller machine is the intentional destroying, damaging, impairing, tampering with, or otherwise rendering inoperable of an automated teller machine belonging to another with the intent to steal currency or personal financial information of another, regardless of the pecuniary loss.

Proposed law defines "automated teller machine" as an electronic information processing device which accepts or dispenses cash in connection with an account or credit card.

Proposed law provides that whoever commits the proposed law crime shall be imprisoned with or without hard labor for not less than five years nor more than 10 years and may, in addition, be required to pay a fine equal to the total amount of money contained in the automated teller machine at the time of the commission of the offense and any damages that result from the offense.

(Adds R.S. 14:67.13)

Summary of Amendments Adopted by House

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

1. Provide for the action of criminal access of an automated teller machine and define criminal access of an automated teller machine.