
DIGEST

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HB 214 Original

2024 Regular Session

Villio

Abstract: Provides relative to the elements and penalties of the crime of monetary instrument abuse.

Present law provides for the crime of monetary instrument abuse.

Proposed law retains present law.

Present law provides that whoever makes, issues, possesses, sells, or otherwise transfers a counterfeit or forged monetary instrument of the U.S., a state, or a political subdivision thereof, or of an organization, or a person with intent to deceive or defraud another person, shall be fined not more than \$1,000,000 but not less than \$5,000 or imprisoned, with or without hard labor, for not more than 10 years but not less than six months, or both.

Proposed law amends present law to add the counterfeit or forged monetary instrument of a person as an item of which it is unlawful to make, issue, possess, sell, or otherwise transfer.

Proposed law further provides the intent to defraud another person as an alternative element of this present law offense.

Present law provides that whoever makes, issues, possesses, sells, or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged monetary instrument with the intent to deceive a person shall be fined not more than \$1,000,000 but not less than \$5,000, or imprisoned, with or without hard labor, for not more than 10 years but not less than six months, or both.

Proposed law amends present law to include the intent to defraud another person as an alternative element of this present law offense.

Proposed law provides that upon a second or subsequent conviction of a violation of present law, the offender shall be imprisoned with or without hard labor, for not less than one year nor more than 10 years, and may, in addition, be required to pay a fine of not more than \$1,000,000.

Present law defines the terms "counterfeit", "forged", "monetary instrument", "organization", and "state".

Proposed law retains present law relative to the definitions of "counterfeit" and "state".

Proposed law amends the definition of the term "forged" to include the washing through the use of chemical solvents or physical removal of ink writing on a monetary instrument with the intent to defraud, including but not limited to the washing or physical removal of a name of a payee or dollar amount on a monetary instrument.

Proposed law amends the definition of the term "monetary instrument" to include a check or draft.

Proposed law amends the definition of the term "organization " to include a limited liability company and federally insured financial institution.

Present law provides that in addition to the penalties provided in present law, a person convicted under present law shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense.

Proposed law provides that full restitution shall be made in accordance with present law (C.Cr.P. Art. 883.2).

Present law provides that if a person ordered to make restitution pursuant to present law is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

Proposed law removes this provision from present law.

(Amends R.S. 14:72.2)