DIGEST

HB 851 Original	2024 Regular Session	Phelps

Abstract: Creates the crime of tax sale property fraud.

Proposed law provides that it is unlawful for any person, in connection with the issuance of a tax sale certificate or tax sale title to the property pursuant to present law to knowingly do any of the following:

(1)   Employ a device, scheme, or artifice with intent to defraud the tax debtor.

(2)   Make an untrue statement of material fact with intent to defraud the tax debtor.

(3)   Receive any portion of the monies, funds, credits, assets, securities, or other property of the tax debtor in connection with the purchase of tax sale property when the recipient knows that the proceeds or other funds were paid as a result of a violation of proposed law.

Proposed law provides for a penalty of imprisonment, with or without hard labor, for not more than two years, or a fine of not more than $5,000, or both.

Proposed law provides that in addition to the penalties provided in proposed law, a person convicted under proposed law shall forfeit all rights and claims to possession of the tax sale certificate and tax sale title to the property and 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 if a person ordered to make restitution pursuant to proposed 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 defines the terms "person", "tax debtor", "tax sale property", and "tax sale title".

Proposed law provides for a statement of legislative intent.

(Adds R.S. 14:71.3.1)