

2025 Regular Session

HOUSE BILL NO. 6

BY REPRESENTATIVE JACKSON

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

CRIME/THEFT: Creates the crime of misappropriation of funds in connection with the payment of utility services

1 AN ACT

2 To amend and reenact R.S. 14:230.1(B)(5) through (7) and to enact R.S. 14:71.5 and  
3 230.1(B)(8) and R.S. 15:1352(A)(89), relative to misappropriation without violence;  
4 to create the crime of misappropriation of funds in connection with the payment of  
5 utility services; to provide for definitions; to provide for penalties; to provide for  
6 seizure and forfeiture; to provide for an additional crime that is an element of  
7 racketeering activity; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:230.1(B)(5) through (7) are hereby amended and reenacted and  
10 R.S. 14:71.5 and 230.1(B)(8) are hereby enacted to read as follows:

11 §71.5. Misappropriation of funds; utility services

12 A. No person who has received money or payment in accordance with a  
13 lease contract or rental agreement to pay utility services shall knowingly fail to apply  
14 the money or payment as necessary to satisfy the amount owed for such utility  
15 services.

16 B.(1) A person who violates the provisions of this Section shall be  
17 imprisoned at hard labor for not more than ten years, fined not more than one  
18 hundred thousand dollars, or both.

19 (2)(a) In addition to the penalties provided in Paragraph (1) of this  
20 Subsection, a person convicted under the provisions of this Section shall be ordered  
21 to make full restitution to the victim and any other person who has suffered a

1 financial loss as a result of the offense. Any property that is used or intended to be  
2 used to commit or facilitate the commission of any violation of this Section shall be  
3 subject to the seizure and forfeiture proceedings provided in R.S. 14:230.1.

4 (b) If a person who is ordered to make restitution pursuant to this Paragraph  
5 is found to be indigent and therefore unable to make restitution in full at the time of  
6 conviction, the court shall order a periodic payment plan consistent with the person's  
7 financial ability.

8 C. For purposes of this Section:

9 (1) "Person" means a natural or juridical person, including but not limited  
10 to a sole proprietorship, corporation, company, limited liability company,  
11 partnership, limited liability partnership, trust, incorporated or unincorporated  
12 association, or any other individual or entity.

13 (2) "Utility services" means any water, electricity, gas, broadband, cable  
14 television, heat, steam, telecommunication, or sewer services, whether privately,  
15 municipally, cooperatively, or investor-owned.

16 \* \* \*

17 §230.1. Civil remedies

18 \* \* \*

19 B. All facilitating property, proceeds, and commingled funds, without  
20 limitation to commingled funds of persons who knowingly or should have  
21 reasonably known of the foregoing criminal activity, shall be subject to seizure and  
22 forfeiture if involved in or derived from any of the following offenses:

23 \* \* \*

24 (5) Misappropriation of funds; utility services (R.S. 14:71.5).

25 (6) Monetary instrument abuse (R.S. 14:72.2).

26 ~~(6)~~ (7) Computer fraud (R.S. 14:73.5).

27 ~~(7)~~ (8) Money laundering; transactions involving proceeds derived from  
28 criminal activity (R.S. 14:230).

29 \* \* \*

1 Section 2. R.S. 15:1352(A)(89) is hereby enacted to read as follows:

2 §1352. Definitions

3 A. As used in this Chapter, "racketeering activity" means committing,  
4 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating  
5 another person to commit any crime that is punishable under the following  
6 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform  
7 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

8 \* \* \*

9 (89) R.S. 14:71.5 (Misappropriation of funds; utility services)

10 \* \* \*

11 Section 3. The Louisiana State Law Institute is hereby authorized and directed to  
12 renumber the Paragraphs of R.S. 15:1352(A) so as to properly place R.S. 15:1352(A)(89)  
13 as enacted by this Act.

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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)]

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HB 6 Original

2025 Regular Session

Jackson

**Abstract:** Creates the crime of misappropriation of funds in connection with the payment of utility services and adds the new crime as an eligible offense for seizure and forfeiture and as an element of racketeering activity.

Proposed law provides that no person who has received money or payment in accordance with a lease contract or rental agreement to pay utility services shall knowingly fail to apply the money or payment as necessary to satisfy the amount owed for such utility services.

Proposed law provides that a person who violates proposed law shall be imprisoned at hard labor for not more than 10 years, fined not more than \$100,000, or both.

Proposed law provides that in addition to the penalties provided in proposed law, a person convicted under proposed 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. Further provides that any property that is used or intended to be used to commit or facilitate the commission of any violation of proposed law shall be subject to the seizure and forfeiture proceedings provided in present law (R.S. 14:230.1).

Proposed law provides that if a person who is 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" and "utility services".

Present law (R.S. 14:230.1) provides for civil remedies relative to certain offenses where property, proceeds, and commingled funds are used or involved in criminal activity.

Proposed law retains present law.

Present law (R.S. 14:230.1(B)) provides for a list of offenses where all facilitating property, proceeds, and commingled funds are required to be seized and forfeited if involved or derived from such offenses.

Proposed law adds the crime of misappropriation of funds in connection with the payment of utility services to this list.

Present law (R.S. 15:1352) provides for definitions relative to the Louisiana Racketeering Act. Further provides a list of crimes that constitute "racketeering activity".

Proposed law adds the crime of misappropriation of funds in connection with the payment of utility services as an element of "racketeering activity".

Proposed law authorizes and directs the La. State Law Institute to renumber the provisions of present law (R.S. 15:1352(A)) so as to properly place proposed law (R.S. 15:1352(A)(89)).

(Amends R.S. 14:230.1(B)(5)-(7); Adds R.S. 14:71.5 and 230.1(B)(8) and R.S. 15:1352(A)(89))