

2025 Regular Session

HOUSE BILL NO. 375

BY REPRESENTATIVE MCMAHEN

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

CRIME: Provides for fraudulent banking transactions

1 AN ACT

2 To amend and reenact R.S. 14:70.8(B) and (C) and 71.1(B) and (C) and to enact R.S.
3 14:70.8(D) and 71.1(D) and Code of Evidence Article 404(A)(4), relative to financial
4 crimes; to provide penalties for subsequent convictions; to provide for admissible
5 evidence; to provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:70.8(B) and (C) and 71.1(B) and (C) are hereby amended and
8 reenacted and R.S. 14:70.8(D) and 71.1(D) are hereby enacted to read as follows:

9 §70.8. Illegal transmission of monetary funds

10 * * *

11 B. Upon a second or subsequent conviction of a violation of the provisions
12 of this Section, the offender shall be imprisoned, with or without hard labor, for not
13 less than one year nor more than ten years and may, in addition, be required to pay
14 a fine of not more than one hundred thousand dollars.

15 ~~B. C.~~ In addition to the penalties provided for in Subsection A and B of this
16 Section, a person convicted under the provisions of this Section shall be ordered to
17 make full restitution to the victim and to any other person who has suffered a
18 financial loss as a result of the offense in accordance with Code of Criminal
19 Procedure Article 883.2. ~~If a person ordered to make restitution according to this~~
20 ~~Subsection is found to be indigent and therefore unable to make restitution in full at~~

1 ~~the time of conviction, then the court shall order a periodic payment plan consistent~~
2 ~~with the person's financial ability.~~

3 C. D. For purposes of this Section:

4 * * *

5 §71.1. Bank fraud

6 * * *

7 B. Upon a second or subsequent conviction of a violation of the provisions
8 of this Section, the offender shall be imprisoned, with or without hard labor, for not
9 less than one year nor more than ten years and may, in addition, be required to pay
10 a fine of not more than one hundred thousand dollars.

11 ~~B. C.~~ In addition to the penalties provided in Subsection A of this Section,
12 a person convicted under the provisions of this Section shall be ordered to make full
13 restitution to the victim and any other person who has suffered a financial loss as a
14 result of the offense in accordance with Code of Criminal Procedure Article 883.2.
15 ~~If a person ordered to make restitution pursuant to this Section is found to be~~
16 ~~indigent and therefore unable to make restitution in full at the time of conviction, the~~
17 ~~court shall order a periodic payment plan consistent with the person's financial~~
18 ~~ability.~~

19 C. D. As used in this Section, the term "financial institution" ~~has the same~~
20 ~~meaning as in R.S. 6:2(8)~~ means any federally insured depository institution
21 chartered under the laws of the United States, this state, or any other state.

22 Section 2. Code of Evidence Article 404(A)(4) is hereby enacted to read as follows:

23 Art. 404. Character evidence generally not admissible in civil or criminal trial to
24 prove conduct; exceptions; other criminal acts

25 A. Character evidence generally. Evidence of a person's character or a trait
26 of his character, such as a moral quality, is not admissible in a civil or criminal
27 proceeding for the purpose of proving that he acted in conformity therewith on a
28 particular occasion, except:

29 * * *

Proposed law provides that the restitution shall be made in accordance with C.Cr.P. Art. 883.2.

Proposed law amends the definition of "financial institution".

Proposed law provides that in a prosecution for bank fraud or monetary instrument abuse, the prosecution may enter certain evidence of a perpetrator's intent to defraud.

(Amends R.S. 14:70.8(B) and (C) and 71.1(B) and (C); Adds R.S. 14:70.8(D) and 71.1(D) and C.E. Art. 404(A)(4))