

Regular Session, 2014

HOUSE BILL NO. 791

BY REPRESENTATIVE KATRINA JACKSON

CRIME/THEFT: Amends the crime of theft and repeals statutes relative to theft of certain things

1 AN ACT

2 To amend and reenact R.S. 14:27(D)(2)(c) and 67(B) and Code of Criminal Procedure
3 Article 814(A)(26) and (27) and to repeal R.S. 14:67.1, 67.2, 67.5, 67.12, 67.13,
4 67.14, 67.17, 67.23, and 67.27 and Code of Criminal Procedure Article 814(A)(28)
5 and (29), relative to crimes of theft; to provide for the threshold amounts for the
6 attempt to commit the crime of theft; to amend the penalty provisions in the crime
7 of theft; to repeal certain theft statutes relative to livestock, animals, crawfish,
8 timber, alligators, rental motor vehicles, motor vehicle fuel, used building
9 components, and copper; to amend the responsive verdicts relative to these offenses;
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:27(D)(2)(c) and 67(B) are hereby amended and reenacted to read
13 as follows:

14 §27. Attempt; penalties; attempt on peace officer; enhanced penalties

15 * * *

16 D. Whoever attempts to commit any crime shall be punished as follows:

17 * * *

18 (2)

19 * * *

1 (c)(i) If the offense so attempted is theft of an amount not less than ~~five~~
 2 ~~hundred~~ seven hundred fifty dollars nor more than ~~five~~ twenty-five thousand dollars,
 3 he shall be fined not more than five hundred dollars, imprisoned for not more than
 4 one year, or both.

5 (ii) If the offense so attempted is theft of an amount over ~~five thousand~~
 6 twenty-five thousand dollars, he shall be fined not more than two thousand dollars,
 7 imprisoned, with or without hard labor, for not more than five years, or both.

8 * * *

9 §67. Theft

10 * * *

11 B.(1) Whoever commits the crime of theft when the misappropriation or
 12 taking amounts to a value of ~~one~~ twenty-five thousand ~~five hundred~~ dollars or more
 13 shall be imprisoned, with or without hard labor, for not less than five years nor more
 14 than ~~ten~~ twenty years, or may be fined not more than ~~three~~ fifty thousand dollars, or
 15 both.

16 (2) When the misappropriation or taking amounts to a value of five ~~hundred~~
 17 thousand dollars or more, but less than a value of ~~one~~ twenty-five thousand ~~five~~
 18 ~~hundred~~ dollars, the offender shall be imprisoned, with or without hard labor, for not
 19 more than ~~five~~ ten years, or may be fined not more than ~~two~~ ten thousand dollars, or
 20 both.

21 (3) When the misappropriation or taking amounts to a value of seven
 22 hundred fifty dollars or more, but less than a value of five thousand dollars, the
 23 offender shall be imprisoned, with or without hard labor, for not more than five
 24 years, or may be fined not more than three thousand dollars, or both.

25 ~~(3)~~(4) When the misappropriation or taking amounts to less than a value of
 26 ~~five~~ seven hundred fifty dollars, the offender shall be imprisoned for not more than
 27 six months, or may be fined not more than one thousand dollars, or both. If the
 28 offender in such cases has been convicted of theft two or more times previously,
 29 upon any subsequent conviction he shall be imprisoned, with or without hard labor,

1 for not more than two years, or may be fined not more than two thousand dollars, or
2 both.

3 * * *

4 Section 2. Code of Criminal Procedure Article 814(A)(26) and (27) are hereby
5 amended and reenacted to read as follows:

6 Art. 814. Responsive verdicts; in particular

7 A. The only responsive verdicts which may be rendered when the indictment
8 charges the following offenses are:

9 * * *

10 26. Theft:

11 Guilty of theft of property having a value of ~~five hundred~~ twenty-five
12 thousand dollars or more.

13 Guilty of theft of property having a value of ~~three hundred~~ five thousand
14 dollars or more, but less than ~~five hundred~~ twenty-five thousand dollars.

15 Guilty of theft of property having a value of seven hundred fifty dollars or
16 more, but less than five thousand dollars.

17 Guilty of theft of property having a value of less than ~~three hundred~~ seven
18 hundred fifty dollars.

19 Guilty of attempted theft of property having a value of ~~five hundred~~ twenty-
20 five thousand dollars or more.

21 Guilty of attempted theft of property having a value of ~~three hundred~~ five
22 thousand dollars or more, but less than ~~five hundred~~ twenty-five thousand dollars.

23 Guilty of attempted theft of property having a value of seven hundred fifty
24 dollars or more, but less than five thousand dollars.

25 Guilty of attempted theft of property having a value of less than ~~three~~
26 ~~hundred~~ seven hundred fifty dollars.

27 Guilty of unauthorized use of movables having a value in excess of five
28 hundred dollars.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Guilty of unauthorized use of movables having a value of five hundred
2 dollars or less.

3 Not guilty.

4 27. Attempted Theft:

5 Guilty of attempted theft of property having a value of ~~five hundred~~ twenty-
6 five thousand dollars or more.

7 Guilty of attempted theft of property having a value of ~~three hundred~~ seven
8 hundred fifty dollars or more, but less than ~~five hundred~~ twenty-five thousand
9 dollars.

10 Guilty of attempted theft of property having a value of less than ~~three~~
11 hundred seven hundred fifty dollars.

12 Guilty of attempted unauthorized use of movables having a value of less than
13 one hundred dollars.

14 Guilty of attempted unauthorized use of movables having a value in excess
15 of five hundred dollars;

16 Guilty of attempted unauthorized use of movables having a value of five
17 hundred dollars or less.

18 Not guilty.

19 * * *

20 Section 3. R.S. 14:67.1, 67.2, 67.5, 67.12, 67.13, 67.14, 67.17, 67.23, and 67.27 are
21 hereby repealed in their entirety.

22 Section 4. Code of Criminal Procedure Article 814(A)(28) and (29) are hereby
23 repealed in their entirety.

24 Section 5. The Louisiana State Law Institute is directed to redesignate the provisions
25 of Code of Criminal Procedure Article 814(A)(30) through (59) as Code of Criminal
26 Procedure Article 814(A)(28) through (57) in accordance with the repeal of Code of
27 Criminal Procedure Article 814(A)(28) and (29) pursuant to Section 4 of this Act.

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)]

Katrina Jackson

HB No. 791

Abstract: Amends the crime of theft and repeals certain theft statutes relative to livestock, animals, crawfish, timber, alligators, rental motor vehicles, motor vehicle fuel, used building components, and copper taken from a religious building, cemetery, or graveyard.

Present law provides for the crime of theft (R.S. 14:67) and provides penalties for the offense as follows:

- (1) When the taking amounts to a value of \$1,500 or more - imprisonment, with or without hard labor, for up to 10 years, a fine of up to \$3,000, or both.
- (2) When the taking amounts to a value of \$500 or more, but less than \$1,500 - imprisonment, with or without hard labor, for up to five years, a fine of up to \$2,000, or both.
- (3) When the taking amounts to a value of less than \$500 - imprisonment for up to six months, fined not more than \$1,000, or both.

Proposed law amends the penalties for this offense as follows:

- (1) When the taking amounts to a value of \$25,000 or more - imprisonment, with or without hard labor, for 5 - 20 years, a fine up to \$50,000, or both.
- (2) When the taking amounts to a value of \$5,000 or more, but less than \$25,000 - imprisonment, with or without hard labor, for up to ten years, a fine of up to \$10,000, or both.
- (3) When the taking amounts to a value of \$750 or more, but less than a value of \$5,000 - imprisonment, with or without hard labor, for not more than five years, a fine of not more than \$3,000, or both.
- (4) When the taking amounts to a value of less than \$750 - imprisonment for not more than six months, a fine of not more than \$1,000, or both.

In addition to the crime of theft, present law provides for theft of certain things including livestock (R.S. 14:67.1), animals (R.S. 14:67.2), crawfish (R.S. 14:67.5), alligators (R.S. 14:67.13), timber (R.S. 14:67.12), rental motor vehicles (R.S. 14:67.14), motor vehicle fuel (R.S. 14:67.17), used building components (R.S. 14:67.23), and copper (R.S. 14:67.27 and 67.28).

Proposed law retains the present law crime of theft, and repeals certain theft statutes relative to livestock (R.S. 14:67.1), animals (R.S. 14:67.2), crawfish (R.S. 14:67.5), timber (R.S. 14:67.12), alligators (R.S. 14:67.13), rental motor vehicles (R.S. 14:67.14), motor vehicle fuel (R.S. 14:67.17), used building components (R.S. 14:67.23), and copper from a religious building, cemetery, or graveyard (R.S. 14:67.27).

Present law provides for certain penalties when any person who, having a specific intent to commit a crime, does or omits an act for the purpose of and tending directly toward the accomplishing of his object is guilty of an attempt to commit the offense intended. When the offense attempted is the crime of theft, present law provides for the following penalties:

- (1) Attempted theft of an amount not less than \$500 nor more than \$5,000 - a fine of up to \$500, imprisonment for not more than one year, or both.
- (2) Attempted theft of an amount over \$5,000 - a fine of up to \$2,000, imprisonment for not more than five years, or both.

Proposed law amends the present law threshold amounts for the penalties for the attempt to commit the crime of theft as follows:

- (1) Attempted theft of an amount not less than \$750 nor more than \$25,000 - a fine not more than \$500, imprisonment for not more than one year, or both.
- (2) Attempted theft of an amount over \$25,000 - a fine of up to \$2,000, imprisonment for not more than five years, or both.

Present law provides responsive verdicts for crime of theft and for theft and attempted theft of cattle, horses, mules, sheep, hogs, or goats.

Proposed law amends responsive verdicts relative to the crime of theft to reflect the changes made to that crime in proposed law, and repeals the responsive verdict provisions relative to the theft and attempted theft of cattle, horses, mules, sheep, hogs, or goats.

(Amends R.S. 14:27(D)(2)(c) and 67(B) and C.Cr.P. Art. 814(A)(26) and (27); Repeals R.S. 14:67.1, 67.2, 67.5, 67.12, 67.13, 67.14, 67.17, 67.23, and 67.27 and C.Cr.P. Art. 814(A)(28) and (29))

Summary of Amendments Adopted by House

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

1. Amended the proposed law changes to the threshold amounts and penalty provisions for the crime of theft.
2. Added a provision which amends the threshold amounts and penalty provisions for the attempt to commit the crime of theft.
3. Deleted provision which repeals theft of utility property (R.S. 14:67.24).
4. Added theft of timber (R.S. 14:67.12) to the specific theft statutes repealed by proposed law.
5. Adjusted the responsive verdict provisions in proposed law to reflect these changes.

House Floor Amendments to the engrossed bill.

1. Deleted provision which repeals theft of copper or other metals (R.S. 14:67.28).