

2016 Regular Session

HOUSE BILL NO. 546

BY REPRESENTATIVE HUNTER

CRIME: Creates the crime of homestead exemption fraud

1 AN ACT

2 To enact R.S. 14:71.4, relative to misappropriation without violence; to create the crime of  
3 homestead exemption fraud; to provide for elements of the crime; to provide  
4 criminal penalties; to provide for restitution; to provide definitions; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:71.4 is hereby enacted to read as follows:

8 §71.4. Homestead exemption fraud

9 A. It is unlawful for any person to intentionally claim more than one  
10 homestead exemption as provided for in Article VII, Section 20 of the Louisiana  
11 Constitution.

12 B. Any person who intentionally claims more than one homestead exemption  
13 shall be fined not more than five hundred dollars, imprisoned for not more than six  
14 months, or both.

15 C. In addition to the penalties provided in Subsection B of this Section, a  
16 person convicted of a violation of this Section shall be ordered to make full  
17 restitution to the state or local governmental subdivision which has suffered a  
18 financial loss as a result of the offense. If a person ordered to make restitution  
19 pursuant to this Section is found to be indigent and therefore unable to make

1        restitution in full at the time of conviction, the court shall order a periodic payment  
 2        plan consistent with the person's financial ability.

3                D. For the purposes of this Section, "person" means a natural or juridical  
 4        person, including but not limited to a sole proprietorship, corporation, company,  
 5        limited liability company, partnership, limited liability partnership, trust,  
 6        incorporated or unincorporated association, or any other individual or entity.

#### 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)]

HB 546 Reengrossed

2016 Regular Session

Hunter

**Abstract:** Creates the crime of homestead exemption fraud.

Proposed law provides that it is unlawful for someone to intentionally claim more than one homestead exemption.

Proposed law provides criminal penalties which require imprisonment for up to six months, a fine not to exceed \$500, or both.

Proposed law provides that a person convicted of proposed law shall be ordered to make full restitution to the state or governmental subdivision who has suffered a financial loss as a result of the offense. If a person ordered to make restitution 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.

(Adds R.S. 14:71.4)

#### Summary of Amendments Adopted by House

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

1. Changes penalty provisions to make proposed law a misdemeanor offense with imprisonment of not more than six months, a fine of not more than \$500, or both.
2. Adds restitution provisions.

The House Floor Amendments to the engrossed bill:

1. Changes statutory reference to homestead exemption.