

2016 Regular Session

SENATE BILL NO. 435

BY SENATORS MORRELL AND CARTER

THEFT. Provides relative to the theft of animals. (8/1/16)

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AN ACT

To enact R.S. 14:67.30, relative to the theft of animals; to create the crime of theft of animals; to provide definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

§67.30. Theft of animals

A. Theft of animals is the misappropriation, killing, or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of the animal or an intent to ransom it for the purpose of extorting money or favor is essential.

B.(1) Whoever commits the crime of theft of animals, when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of five hundred dollars or more, but less than a value of one thousand five hundred

1 dollars, the offender shall be imprisoned, with or without hard labor, for not
2 more than five years or may be fined not more than two thousand dollars, or
3 both.

4 (3) When the misappropriation or taking amounts to less than a value of
5 five hundred dollars, the offender shall be imprisoned for not more than six
6 months or may be fined not more than five hundred dollars, or both. If the
7 offender in such a case has been convicted of misdemeanor theft of an animal
8 two or more times previously, upon any subsequent conviction he shall be
9 imprisoned, with or without hard labor, for not more than two years or may be
10 fined not more than one thousand dollars, or both.

11 (4) In addition to the foregoing penalties, a person convicted under this
12 Section who killed an animal may be ordered to make full restitution to the
13 owner of the animal. Restitution shall be in an amount not less than the value
14 of the animal as determined by Subsection C of this Section. If a person ordered
15 to make restitution pursuant to this Section is found to be indigent and
16 therefore unable to make restitution in full at the time of conviction, the court
17 shall order a periodic payment plan consistent with the person's financial
18 ability.

19 C. The value of the animal which was misappropriated, killed, or taken
20 shall be decided by the court, or the jury in a jury trial, based upon the evidence
21 establishing the value beyond a reasonable doubt, including but not limited to
22 the following:

23 (1) The amount of money which was acquired from the sale, use, or other
24 disposal of the animal.

25 (2) Expert testimony as to the amount of money which may be acquired
26 from the sale, use, or other disposal of the animal.

27 (3) In cases of a pet, testimony by the owner as to the strength of the
28 bond between the owner and the animal and the emotional attachment between
29 the animal and the owner or person with whom the animal is attached.

1 **D. The provisions of Subsection C of this Section do not apply when the**
 2 **state proves beyond a reasonable doubt that the animal is a dog and a pet, and**
 3 **the theft of such animal shall be punishable as provided in Paragraph (B)(1) of**
 4 **this Section.**

5 **E. For the purposes of this Section, "animal" means any nonhuman**
 6 **living creature except for livestock as defined in R.S. 14:67.1.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 435 Engrossed

2016 Regular Session

Morrell

Proposed law provides that theft of animals is the misappropriation, killing, or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of the animal or an intent to ransom it for the purpose of extorting money or favor is essential.

Proposed law provides that whoever commits the crime of theft of animals, when the misappropriation or taking amounts to a value of \$1,500 or more, will be imprisoned, with or without hard labor, for not more than 10 years, or may be fined not more than \$3,000, or both.

Proposed law provides that when the misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$1,500, the offender will be imprisoned, with or without hard labor, for not more than five years or may be fined not more than \$2,000 or both.

Proposed law provides that when the misappropriation or taking amounts to less than a value of \$500, the offender will be imprisoned for not more than six months or may be fined not more than \$500, or both. If the offender in such a case has been convicted of misdemeanor theft of an animal two or more times previously, upon any subsequent conviction he will be imprisoned, with or without hard labor, for not more than two years or may be fined not more than \$1,000, or both.

Proposed law provides that in addition to the foregoing penalties, a person convicted under proposed law who killed an animal may be ordered to make full restitution to the owner of the animal. Restitution will be in an amount not less than the value of the animal as determined by proposed law. 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 will order a periodic payment plan consistent with the person's financial ability.

Proposed law provides that the value of the animal which was misappropriated, killed, or taken will be decided by the court, or the jury in a jury trial, based upon the evidence establishing the value beyond a reasonable doubt, including but not limited to the following:

- (1) The amount of money which was acquired from the sale, use, or other disposal of the animal.
- (2) Expert testimony as to the amount of money which may be acquired from the sale,

use, or other disposal of the animal.

- (3) In cases of a pet, testimony by the owner as to the strength of the bond between the owner and the animal and the emotional attachment between the animal and the owner or person with whom the animal is attached.

Proposed law provides that the provisions of proposed law do not apply when the state proves beyond a reasonable doubt that the animal is a dog and a pet, and the theft of such animal will be punishable as provided in proposed law.

Proposed law provides that "animal" means any nonhuman living creature except for livestock as defined in present law.

Effective August 1, 2016.

(Adds R.S. 14:67.30)