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## DIGEST

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Lopinto

HB No. 417

**Abstract:** Creates the crime of residential contractor fraud and deletes provisions of law relating to home improvement fraud.

Proposed law creates the crime of residential contractor fraud and defines it as the misappropriation or intentional taking of anything of value which belongs to another either without the consent of the other or by means of fraudulent conduct, practices, or representations by a person who has contracted or subcontracted to perform any home improvement or residential construction. Provides for actions which may be inferred as a misappropriation or intentional taking.

Proposed law defines "home improvement or residential construction".

Proposed law requires the payment of restitution and provides for the following criminal penalties:

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

(Amends R.S. 14:202.1)