

2024 Regular Session

HOUSE BILL NO. 816

BY REPRESENTATIVES WILFORD CARTER, DOMANGUE, FISHER, JACKSON,
LARVADAIN, AND ROMERO

CRIME: Provides relative to residential contractor fraud

1 AN ACT

2 To amend and reenact R.S. 14:202.1(D) and to enact R.S. 14:202.1(E) through (G), relative
3 to residential contractor fraud; to provide for penalties; to provide for a definition;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:202.1(D) is hereby amended and reenacted and R.S. 14:202.1(E)
7 through (G) are hereby enacted to read as follows:

8 §202.1. Residential contractor fraud; penalties

9 * * *

10 D. Whoever violates the provisions of Paragraph (2), (3), or (4) of
11 Subsection C and the victim is sixty years of age or older or the offender's conduct
12 causes emotional or mental suffering, the offender, in addition to any other penalties
13 imposed pursuant to this Section, shall be imprisoned with or without hard labor for
14 not more than five years.

15 E. In addition to the penalties provided by the provisions of this Section, a
16 person convicted of residential contractor fraud shall be ordered to make full
17 restitution to the victim and any other person who has suffered a financial loss as a
18 result of the offense. For the purposes of this Subsection, restitution to the victim
19 shall include the cost of repairing work fraudulently performed by the contractor and
20 the cost of completing work for which the contractor was paid but did not complete.

1 F. Nothing in this Section shall preclude a victim from pursuing civil
 2 remedies pursuant to R.S. 9:4856 or any other applicable provision of law.

3 G. For the purposes of this Section, "emotional or mental suffering" means
 4 any discomfort, dysfunction, or distress of the mind. It may also include, but not be
 5 limited to, emotions of anxiety, depression, anguish, grief, fright, humiliation, or
 6 fury, that result from another person's conduct.

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 816 Reengrossed

2024 Regular Session

Wilford Carter

Abstract: Provides relative to penalties for residential contractor fraud.

Present law provides for the crime of residential contractor fraud and provides for penalties.

Proposed law retains present law.

Proposed law provides that whoever violates the provisions of present law (R.S. 14:202.1(C)(2), (3), or (4)) and the victim is 65 years of age or older or the offender's conduct causes emotional or mental suffering, the offender, in addition to any other penalties imposed pursuant to present law, shall be imprisoned with or without hard labor for not more than five years.

Proposed law provides that nothing in present law shall preclude a victim from pursuing civil remedies pursuant to present law (R.S. 9:4856) or any other applicable provision of law.

Proposed law defines the term "emotional or mental suffering".

(Amends R.S. 14:202.1(D); Adds R.S. 14:202.1(E)-(G))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide that proposed law applies to an offender who violates the felony provisions of present law and the victim is 60, rather than 65, years of age or older.
3. Clarify that either the age of the victim or the offender's conduct can serve as a basis for prosecution under proposed law.
4. Define the term "emotional or mental suffering".