

Regular Session, 2010

HOUSE BILL NO. 945

BY REPRESENTATIVE LEGER

CRIME/THEFT: Provides changes to the crime of unauthorized use of a movable and responsive verdicts for unauthorized use of a movable

1 AN ACT

2 To amend and reenact R.S. 14:68(B) and Code of Criminal Procedure Article 814(A)(26)
3 and (27), relative to the unauthorized use of a movable; to change elements of the
4 crime regarding the value of the movable; to provide changes in responsive verdicts
5 regarding unauthorized use of a movable; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:68(B) is hereby amended and reenacted to read as follows:

8 §68. Unauthorized use of a movable

9 * * *

10 B. Whoever commits the crime of unauthorized use of a movable having a
11 value of ~~one thousand~~ five hundred dollars or less shall be fined not more than five
12 hundred dollars, ~~or~~ imprisoned for not more than six months, or both. Whoever
13 commits the crime of unauthorized use of a movable having a value in excess of ~~one~~
14 ~~thousand~~ five hundred dollars shall be fined not more than five thousand dollars, ~~or~~
15 imprisoned with or without hard labor for not more than five years, or both.

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

18 Art. 814. Responsive verdicts; in particular

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

21 * * *

- 1 26. Theft:
- 2 Guilty of theft of property having a value of five hundred dollars or more.
- 3 Guilty of theft of property having a value of three hundred dollars or more,
- 4 but less than five hundred dollars.
- 5 Guilty of theft of property having a value of less than three hundred dollars.
- 6 Guilty of attempted theft of property having a value of five hundred dollars
- 7 or more.
- 8 Guilty of attempted theft of property having a value of three hundred dollars
- 9 or more, but less than five hundred dollars.
- 10 Guilty of attempted theft of property having a value of less than three
- 11 hundred dollars.
- 12 Guilty of unauthorized use of movables having a value in excess of ~~one~~
- 13 ~~thousand~~ five hundred dollars, ~~but only if a value in excess of one thousand dollars~~
- 14 ~~is stated in the indictment.~~
- 15 Guilty of unauthorized use of movables having a value of ~~one thousand~~ five
- 16 hundred dollars or less.
- 17 Not guilty.
- 18 27. Attempted Theft:
- 19 Guilty of attempted theft of property having a value of five hundred dollars
- 20 or more.
- 21 Guilty of attempted theft of property having a value of three hundred dollars
- 22 or more, but less than five hundred dollars.
- 23 Guilty of attempted theft of property having a value of less than three
- 24 hundred dollars.
- 25 Guilty of attempted unauthorized use of movables having a value of less than
- 26 one hundred dollars.
- 27 Guilty of attempted unauthorized use of movables having a value in excess
- 28 of ~~one thousand~~ five hundred dollars, ~~but only if a value in excess of one thousand~~
- 29 ~~dollars is stated in the indictment.~~

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

3 Not guilty.

4 * * *

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)]

Leger HB No. 945

Abstract: Changes the threshold value for felony and misdemeanor offenses involving the unauthorized use of a movable.

Present law provides for the crime of unauthorized use of a movable.

Present law further provides that whoever commits the crime of unauthorized use of a movable having a value of \$1,000 or less shall be fined not more than \$500, imprisoned for not more than six months, or both. Whoever commits the crime of unauthorized use of a movable having a value in excess of \$1,000 shall be fined not more than \$5,000, imprisoned with or without hard labor for not more than five years, or both.

Proposed law changes the value of the movable from \$1,000 to \$500 and otherwise retains the penalty provisions of present law.

Present law provides responsive verdicts for theft and attempted theft.

Present law provides that the following are responsive verdicts for theft and attempted theft: guilty of unauthorized use of movables having a value in excess of \$1,000 but only if a value in excess of \$1,000 is stated in the indictment, or guilty of unauthorized use of movables having a value of \$1,000 or less.

Proposed law changes the amount from \$1,000 to \$500 and removes the requirement that the amount of the movable be specified in the indictment.

(Amends R.S. 14:68(B) and C.Cr.P. Art. 814(A)(26) and (27))

Summary of Amendments Adopted by House

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

1. Made technical change only.