

Regular Session, 2012

SENATE BILL NO. 199

BY SENATORS KOSTELKA, GUILLORY AND WHITE

CRIME/PUNISHMENT. Creates the crime of illegal transmission of monetary funds.  
(gov sig)

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AN ACT

To enact R.S. 14:70.8, relative to crimes involving theft and fraud; to create the crime of illegal transmission of monetary funds; to provide for definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:70.8 is hereby enacted to read as follows:

**§70.8. Illegal transmission of monetary funds**

**A. Whoever with intent to defraud either transmits, attempts to transmit, causes to be transmitted, solicits a transmission, or receives a transmission, by wire or radio signal, any stolen or fraudulently obtained monetary funds shall be imprisoned, with or without hard labor, for not more than ten years, or fined not more than one hundred thousand dollars, or both.**

**B. In addition to the penalties provided for in Subsection A of this Section, a person convicted under the provisions of this Section shall be ordered to make full restitution to the victim and to any other person who has suffered a financial loss as a result of the offense. If a person ordered to make restitution according to this Subsection is found to be indigent and therefore unable to**

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

3           **C. For purposes of this Section:**

4           **(1) "Wire" means any wired electronic device that provides access to the**  
 5           **Internet or to any other access point and allows monetary transactions to be**  
 6           **transmitted or received by email, financial institution-to-financial institution**  
 7           **transfer, or money transfer facility.**

8           **(2) "Radio signal" means any text, email, or any other wireless**  
 9           **transmission from cellular phones, portable wireless electronic tablets or**  
 10           **computers, or any other wireless device used to transmit or receive monetary**  
 11           **transactions.**

12           Section 2. This Act shall become effective upon signature by the governor or, if not  
 13           signed by the governor, upon expiration of the time for bills to become law without signature  
 14           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 15           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 16           effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

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DIGEST

Kostelka (SB 199)

Proposed law creates the crime of illegal transmission of monetary funds, which is defined as transmitting, attempting to transmit, causing to be transmitted, soliciting a transmission, or receiving a transmission, with the intent to defraud, by wire or radio signal, any stolen or fraudulently obtained monetary funds.

Proposed law provides that whoever is convicted of the crime of illegal transmission of monetary funds is to be imprisoned, with or without hard labor, for not more than 10 years, or fined not more than \$100,000, or both.

Proposed law provides that, in addition to the penalties provided for the penalties of imprisonment and fine provided for in proposed law, a person convicted of illegal transmission of monetary funds is to be ordered to make full restitution to the victim and to any other person who has suffered a financial loss as a result of the offense. Proposed law further provides that if the person ordered to make restitution is found to be indigent and therefore unable to make restitution in full at the time of conviction, then the court is to order a periodic payment plan consistent with the person's financial ability.

Proposed law defines "wire" as any wired electronic device that provides access to the Internet or to any other access point and allows monetary transactions to be transmitted or

received by email, financial institution-to-financial institution transfer, or money transfer facility.

Proposed law defines "radio signal" as any text, email, or any other wireless transmission from cellular phones, portable wireless electronic tablets or computers, or any other wireless device used to transmit or receive monetary transactions.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:70.8)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Adds attempted transmission and solicitation of a transmission to proposed law.
2. Adds definitions of the terms "wire" and "radio signal" for purposes of proposed law.