

Regular Session, 2014

SENATE BILL NO. 329

BY SENATOR GARY SMITH

THEFT. Provides relative to the crime of theft. (8/1/14)

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AN ACT

To amend and reenact R.S. 14:67 and to repeal R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and 67.28, relative to crimes of misappropriation without violence; to provide for six value-graded categories of theft; to eliminate certain theft crimes relative to theft of certain specified property; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67 is hereby amended and reenacted to read as follows:

§67. Theft

A. Theft is the misappropriation or taking of anything of value ~~which~~ **that** belongs to another, either without the 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 whatever may be the subject of the misappropriation or taking is **an essential element of the offense.**

B.(1) ~~Whoever commits the crime of theft 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~~

1 not more than three thousand dollars, or both.

2 ~~(2) When the misappropriation or taking amounts to a value of five hundred~~
3 ~~dollars or more, but less than a value of one thousand five hundred dollars, the~~
4 ~~offender shall be imprisoned, with or without hard labor, for not more than five~~
5 ~~years, or may be fined not more than two thousand dollars, or both.~~

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

12 **When the misappropriation or taking amounts to less than a value of one**
13 **thousand dollars, the offender shall be imprisoned for not more than six**
14 **months, or fined not more than one thousand dollars, or both. If the offender**
15 **in such case has been convicted of theft two or more times previously, upon any**
16 **subsequent conviction he shall be imprisoned, with or without hard labor, for**
17 **not more than two years, or fined not more than two thousand dollars, or both.**

18 **(2) When the misappropriation or taking amounts to a value of one**
19 **thousand dollars or more, but less than a value of five thousand dollars, the**
20 **offender shall be imprisoned, with or without hard labor, for not more than**
21 **three years, or fined not more than ten thousand dollars, or both.**

22 **(3) When the misappropriation or taking amounts to a value of five**
23 **thousand dollars or more, but less than a value of ten thousand dollars, the**
24 **offender shall be imprisoned, with or without hard labor, for not more than five**
25 **years, or fined not more than fifteen thousand dollars, or both.**

26 **(4) When the misappropriation or taking amounts to a value of ten**
27 **thousand dollars or more, but less than a value of fifty thousand dollars, the**
28 **offender shall be imprisoned, with or without hard labor, for not more than ten**
29 **years, and may be fined not more than twenty-five thousand dollars.**

1 **(5) When the misappropriation or taking amounts to a value of fifty**
 2 **thousand dollars or more, but less than a value of one hundred thousand**
 3 **dollars, the offender shall be imprisoned, with or without at hard labor, for not**
 4 **more than fifteen years, and may be fined not more than fifty thousand dollars.**

5 **(6) When the misappropriation or taking amounts to a value of one**
 6 **hundred thousand dollars or more, the offender shall be imprisoned at hard**
 7 **labor for not less than two years nor more than twenty-five years, the first two**
 8 **years of which shall be without benefit of parole, probation, or suspension of**
 9 **sentence, and fined not more than one hundred thousand dollars.**

10 C. When there has been a misappropriation or taking by a number of distinct
 11 acts of the offender, the aggregate of the amount of the misappropriations or ~~taking~~
 12 **takings** shall determine the grade of the offense.

13 Section 2. R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and
 14 67.28 are hereby repealed in their entirety.

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

DIGEST

Gary Smith (SB 329)

Present law provides that the crime of theft is the misappropriation or taking of anything of value belonging to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. Present law further provides that an intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is an essential element of the crime.

Proposed law retains present law.

Present law provides the following penalties for the crime of theft:

- (1) When the value of the taking is \$1,500 or more, the offender is to be imprisoned, with or without hard labor, for up to 10 years, or fined up to \$3,000, or both.
- (2) When the value of the taking is \$500 or more but less than \$1,500, the offender is to be imprisoned, with or without hard labor, for up to five years, or fined up to \$2,000, or both.
- (3) When the value of the taking is less than \$500, the offender is to be imprisoned for up to six months, or fined up to \$1,000, or both. Present law further provides that if the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he is to be imprisoned, with or without hard labor, for up to two years, or fined up to \$2,000, or both.

Proposed law changes the value grades of the crime of theft from three to six:

- (1) When the value of the taking is less than \$1,000, the offender is to be imprisoned for up to six months, or fined up to \$1,000, or both. Proposed law further provides that if the offender in such case has been convicted of theft two or more times previously, upon any subsequent conviction he is to be imprisoned, with or without hard labor, for up to two years, or fined up to \$2,000, or both.
- (2) When the value of the taking is \$1,000 or more but less than \$5,000, the offender is to be imprisoned, with or without hard labor, for up to three years, or fined up to \$10,000, or both.
- (3) When the value of the taking is \$5,000 or more but less than \$10,000, the offender is to be imprisoned, with or without hard labor, for up to five years, or fined up to \$15,000, or both.
- (4) When the value of the taking is \$10,000 or more but less than \$50,000, the offender is to be imprisoned, with or without hard labor, for up to 10 years, and may be fined up to \$25,000.
- (5) When the value of the taking is \$50,000 or more but less than \$100,000, the offender is to be imprisoned, with or without hard labor, for up to 15 years, and may be fined up to \$50,000.
- (6) When the value of the taking is \$100,000 or more, the offender is to be imprisoned at hard labor for between two and 25 years, the first two years of which must be served without benefit of parole, probation, or suspension of sentence, and fined up to \$100,000.

Present law provides that when there has been a misappropriation or taking by a number of distinct acts of the offender, the aggregate of the amount of the misappropriations or takings determines the grade of the offense.

Proposed law retains present law.

Present law provides for the following theft crimes:

- (1) Theft of livestock
- (2) Theft of animals
- (3) Theft of crawfish
- (4) Theft of an alligator
- (5) Fraudulent acquisition of a rental motor vehicle
- (6) Theft of motor vehicle fuel
- (7) Theft of a used building component
- (8) Theft of utility property
- (9) Theft of copper from a religious building or cemetery or graveyard
- (10) Theft of copper or other metals

Proposed law deletes these specific present law crimes and accompanying penalties, which

are based on the type of property that is the subject of the theft, and replaces them with proposed law based on the value of the property that is the subject of the theft.

Effective August 1, 2014.

(Amends R.S. 14:67; repeals R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and 67.28)