

SENATE BILL NO. 70

BY SENATOR TALBOT AND REPRESENTATIVE GAROFALO

1 AN ACT

2 To enact R.S. 14:67.12 and R.S. 37:1864(A)(3), relative to misappropriation without
3 violence; to create the crime of theft of a catalytic converter or engine control
4 module; to provide penalties; to provide relative to entities engaged in the sale of
5 catalytic converters or engine control modules; to provide relative to registration
6 with law enforcement; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:67.12 is hereby enacted to read as follows:

9 **§67.12. Theft of a catalytic converter or engine control module**

10 **A. Theft of a catalytic converter or engine control module is the**
11 **misappropriation or taking of a catalytic converter or engine control module**
12 **which belongs to another, either without the consent of the owner to the**
13 **misappropriation or taking, or by means of fraudulent conduct, practices, or**
14 **representations. An intent to deprive the owner permanently of the catalytic**
15 **converter or engine control module is essential.**

16 **B.(1) Whoever commits the crime of theft of a catalytic converter or**
17 **engine control module when the misappropriation or taking and any related**
18 **damage amounts to a value of twenty-five thousand dollars or more shall be**
19 **imprisoned at hard labor for not less than ten years nor more than twenty**
20 **years, or may be fined not more than fifty thousand dollars, or both.**

21 **(2) When the misappropriation or taking and any related damage**

1 amounts to a value of five thousand dollars or more, but less than a value of
 2 twenty-five thousand dollars, the offender shall be imprisoned, with or without
 3 hard labor, for not less than five years nor more than ten years, or may be fined
 4 not more than ten thousand dollars, or both.

5 (3) When the misappropriation or taking and any related damage
 6 amounts to a value of one thousand dollars or more, but less than a value of five
 7 thousand dollars, the offender shall be imprisoned, with or without hard labor,
 8 for not less than two years nor more than five years, or may be fined not more
 9 than three thousand dollars, or both.

10 (4) When the misappropriation or taking and any related damage
 11 amounts to a value of less than one thousand dollars, the offender shall be
 12 imprisoned for not less than ninety days nor more than six months, or may be
 13 fined not more than one thousand dollars, or both.

14 C. If the offender has been convicted under this Section two or more
 15 times previously, upon any subsequent conviction he shall be imprisoned, with
 16 or without hard labor, for an additional year to be served consecutively to the
 17 sentence imposed under Subsection B of this Section, or may be fined an
 18 additional one thousand dollars, or both.

19 D. When there has been a misappropriation or taking by a number of
 20 distinct acts of the offender, the aggregate of the amount of the
 21 misappropriations or taking and any related damage shall determine the grade
 22 of the offense.

23 E. For the purposes of this Section, "engine control module" means the
 24 electronic control unit of the vehicle that controls a series of actuators which
 25 ensures that the vehicle operates at optimal performance by monitoring all
 26 sensors in the engine bay.

27 Section 2: R.S. 37:1864(A)(3) is hereby enacted to read as follows:

28 §1864. Record of secondhand goods or objects purchased required; exceptions;
 29 retention period; inspections by law enforcement; violations; penalty

30 A. * * *

