

Regular Session, 2010

HOUSE BILL NO. 1439

BY REPRESENTATIVE BALDONE

CRIME: Creates the crime of fraudulent auction practices

1 AN ACT

2 To enact R.S. 14:70.8, relative to misappropriation without violence; to create the crime of
3 fraudulent auction practices; to provide for penalties; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §70.8. Fraudulent auction practices

8 A. "Fraudulent auction" practices is the intentional inflation of bid amounts
9 at an auction sale through any of the following:

10 (1) The use of a person known as a "capper", "booster", or "shill", or any
11 other person placing a false bid or offer to buy.

12 (2) Making false claims that there is a higher bid or offer to buy.

13 B.(1) Whoever commits the crime of fraudulent auction practices when
14 property has a value of five hundred dollars or more shall be imprisoned, with or
15 without hard labor, for not more than ten years, may be fined not more than three
16 thousand dollars, or both.

17 (2) When the property has a value of three hundred dollars or more, but less
18 than a value of five hundred dollars, the offender shall be imprisoned, with or
19 without hard labor, for not more than two years, may be fined not more than two
20 thousand dollars, or both.

1 (3) When the property has a value of three hundred dollars, the offender shall
2 be imprisoned for not more than six months, may be fined not more than one
3 thousand dollars, or both. If the offender in such cases has been convicted of theft
4 two or more times previously, upon any subsequent conviction he shall be
5 imprisoned, with or without hard labor, for not more than two years, may be fined
6 not more than two thousand dollars, or both.

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)]

Baldone

HB No. 1439

Abstract: Creates the crime of fraudulent auction practices.

Proposed law provides that "fraudulent auction" practices is the intentional inflation of bid amounts at an auction sale through any of the following:

- (1) The use of a person known as a "capper", "booster", or "shill", or any other person placing a false bid or offer to buy.
- (2) Making false claims that there is a higher bid or offer to buy.

Proposed law provides penalty provisions which are identical to present law theft penalties.

(Adds R.S. 14:70.8)