

2015 Regular Session

HOUSE BILL NO. 297

BY REPRESENTATIVES BURRELL AND JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Creates the crimes of theft of livestock and theft of timber

1 AN ACT

2 To enact R.S. 14:67.1 and 67.2, relative to theft; to create the crimes of theft of livestock and
3 theft of timber; to provide for definitions; to provide for criminal penalties; to
4 provide for duties of enforcement and investigation; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.1 and 67.2 are hereby enacted to read as follows:

8 §67.1. Theft of livestock

9 A. Any of the following acts shall constitute theft of livestock:

10 (1) The misappropriation or taking of livestock belonging to another or
11 proceeds derived from the sale of such livestock or its meat, whether done without
12 the consent of the owner to the misappropriation or taking, or by means of fraudulent
13 conduct, practices, or representations, with the intent to deprive the owner
14 permanently of the livestock or proceeds derived from the sale of the livestock or its
15 meat.

16 (2) Transporting or causing the transportation of livestock to a
17 slaughterhouse or a public livestock market as defined in R.S. 3:663, for purposes
18 of selling or keeping the livestock or meat with an intent to deprive the owner
19 permanently of the livestock or meat or proceeds derived from the sale of the
20 livestock or meat.

1 (3) Failing or refusing to pay for livestock purchased from an agent, dealer,
2 public livestock market as defined in R.S. 3:663, or owner, or acquired with the
3 consent of the agent, dealer, public livestock market, or owner, within thirty days of
4 the date the livestock was purchased or acquired or the date payment was due,
5 whichever is longer, with the intent to permanently deprive the other of the livestock
6 or the value of the livestock.

7 B. Either of the following acts shall constitute presumptive evidence of
8 intent to permanently deprive the other of the livestock or meat, or proceeds derived
9 from sale of the livestock or meat:

10 (1) Assignment of the livestock in a record book maintained by a
11 slaughterhouse or public livestock market as defined in R.S. 3:663, in a name other
12 than that of the owner.

13 (2) Failing to pay for the livestock within ten days after notice of a request
14 for payment or return of the livestock or meat has been sent by the agent, dealer,
15 public livestock market as defined in R.S. 3:663, or owner, to the offender's last
16 known address by either registered or certified mail, return receipt requested, or by
17 actual delivery by a commercial courier.

18 C. Affirmative defenses shall include but not be limited to a contract
19 establishing longer terms for payment and fraud in regard to the quality of the
20 livestock.

21 D. "Livestock" means any animal except dogs and cats, bred, kept,
22 maintained, raised, or used for profit, that is used in agriculture, aquaculture,
23 agritourism, competition, recreation, or silvaculture, or for other related purposes or
24 used in the production of crops, animals, or plant or animal products for market.
25 This definition includes but is not limited to cattle, buffalo, bison, oxen, and other
26 bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens,
27 turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk,
28 farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic
29 animals; fish, pet turtles, and other animals identified with aquaculture which are

1 located in artificial reservoirs or enclosures that are both on privately owned property
2 and constructed so as to prevent, at all times, the ingress and egress of fish life from
3 public waters; any commercial crawfish from any crawfish pond; and any hybrid,
4 mixture, or mutation of any such animal.

5 E. The Livestock Brand Commission of the state of Louisiana shall have
6 primary responsibility for the enforcement and collection of information in such
7 cases, and livestock brand inspectors shall aid all law enforcement agencies in such
8 investigations.

9 F. Whoever commits the crime of theft of livestock shall be fined not more
10 than five thousand dollars, imprisoned, with or without hard labor, for not more than
11 ten years, or both.

12 §67.2. Theft of timber

13 A. Theft of timber is the misappropriation or taking of timber belonging to
14 another, or proceeds derived from the sale of such timber, either taken without the
15 consent of the owner, or by means of fraudulent conduct, practices, or
16 representations, with the intent to deprive the owner permanently of the timber or
17 proceeds derived therefrom.

18 B.(1) Whoever commits the crime of theft of timber when the
19 misappropriation or taking amounts to a value of twenty-five thousand dollars or
20 more shall be fined not more than ten thousand dollars and imprisoned at hard labor
21 for not more than ten years.

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

26 C. The enforcement division of the office of forestry within the Department
27 of Agriculture and Forestry shall have primary responsibility for collection,
28 preparation, and central registry of information relating to theft of timber and shall

1 assist all law enforcement agencies in investigations of violations of the provisions
 2 of this Section.

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)]

HB 297 Reengrossed

2015 Regular Session

Burrell

Abstract: Reinstates the law regarding theft of timber and theft of livestock that were repealed by Act No. 255 of the 2014 R.S.

Present law provides for the general crime of theft.

Proposed law retains present law.

Proposed law reenacts the provisions of law regarding theft of livestock and theft of timber which were repealed by Act No. 255 of the 2014 R.S. For the crime of theft of livestock, provides for criminal penalties including a fine of \$5,000, imprisonment with or without hard labor, for not more than 10 years, or both. For the crime of theft of timber, provides for criminal penalties dependent upon the value of the timber taken.

(Adds R.S. 14:67.1 and 67.2)