

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 304

2017 Regular Session

Hilferty

CRIME/RACKETEERING: Expands definition of "racketeering activity" to include armed robbery and armed robbery or attempted armed robbery committed with a firearm

Synopsis of Senate Amendments

1. With regard to the allocation of proceeds from the forfeiture and disposition of property used in, derived from, or realized through a pattern of racketeering activity, allocates 25% of the proceeds to the judicial district indigent defender fund, and decreases the amount allocated to law enforcement agencies pursuant to present law from 75% to 50% of the proceeds.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 14:64) provides for the offense of armed robbery which is the taking of anything of value belonging to another from the person of another, by use of force or intimidation, while armed with a dangerous weapon.

Present law (R.S. 14:64.3) provides for an additional offense when the crime of armed robbery, or attempted armed robbery, is committed with a firearm.

Present law (R.S. 15:1352) defines "racketeering activity" by enumerating various crimes which can be prosecuted as a pattern of racketeering activity if at least two incidents of the crimes occur.

Proposed law retains present law and adds the present law crimes of armed robbery (R.S. 14:64) and armed robbery or attempted armed robbery committed with a firearm (R.S. 14:64.3) to the list of offenses included in the definition of "racketeering activity".

Present law (R.S. 15:1354 and 1356) provides for increased criminal penalties for convictions of racketeering and also provides for forfeiture of the property used in or derived from the racketeering activity.

Present law (R.S. 15:1356) provides that the allocation of proceeds from the forfeiture of the property used in or derived from the racketeering activity shall be as follows:

- (1) The costs of investigation paid to the law enforcement agency conducting the investigation.
- (2) 25% of the proceeds, including the costs of prosecution, shall be paid to the district attorney's six percent fund, or in parishes where no such fund exists, to the district attorney's office.
- (3) 75% of the proceeds shall be allocated to law enforcement agencies based on the court's determination of the following:
 - (a) When more than one law enforcement agency has equally participated in the management of the investigation, seizure, and forfeiture, the proceeds shall be allocated equally among them.
 - (b) When one law enforcement agency has conducted or substantially conducted the investigation, the proceeds shall be allocated to such agency, with costs reimbursed to the other agencies, not to exceed 10% of the proceeds allocated to the primary law enforcement agency.

Proposed law amends present law to allocate 25% of the proceeds to the judicial district indigent defender fund, and decrease the amount allocated to law enforcement agencies pursuant to present law from 75% to 50% of the proceeds.

(Amends R.S. 15:1356(A)(3); Adds R.S. 15:1352(A)(64) and (65))