

2019 Regular Session

HOUSE BILL NO. 359

BY REPRESENTATIVES MIKE JOHNSON AND ABRAMSON

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

CRIME: Provides relative to the crime of looting

1 AN ACT

2 To amend and reenact R.S. 14:62.5, relative to the crime of looting; to provide for the crime  
3 of looting; to provide relative to the elements of the offense; to provide for criminal  
4 penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:62.5 is hereby amended and reenacted to read as follows:

7 §62.5. Looting

8 A. Looting is the intentional entry by a person without authorization of any  
9 of the following when ~~into any dwelling or other structure belonging to another and~~  
10 ~~used in whole or in part as a home or place of abode by a person, or any structure~~  
11 ~~belonging to another and used in whole or in part as a place of business, or any~~  
12 ~~vehicle, watercraft, building, plant, establishment, or other structure, movable or~~  
13 ~~immovable, in which~~ normal security of property is not present by virtue of a  
14 hurricane, flood, fire, act of God, or force majeure of any kind, or by virtue of a riot,  
15 mob, or other human agency, and the person obtaining or obtains, exerting exerts  
16 control over, ~~or damaging damages,~~ or removing removes the property of the owner  
17 another without authorization:

18 (1) Any dwelling or other structure belonging to another and used in whole  
19 or in part as a home or place of abode by a person,

1           (2) Any structure belonging to another and used in whole or in part as a place  
2           of business.

3           (3) Any vehicle, watercraft, building, plant, establishment, or other structure,  
4           movable or immovable.

5           B. Whoever commits the crime of looting shall be fined not more than ~~ten~~  
6           twenty-five thousand dollars or imprisoned at hard labor for not more than ~~fifteen~~  
7           twenty years, or both.

8           C. Whoever commits the crime of looting during the existence of a state of  
9           emergency, which has been declared pursuant to law by the governor or the chief  
10          executive officer of any parish, may be fined not less than ~~five~~ ten thousand dollars  
11          nor more than ~~ten~~ twenty-five thousand dollars and shall be imprisoned at hard labor  
12          for not less than ~~three~~ five years nor more than ~~fifteen~~ twenty years without benefit  
13          of probation, parole, or suspension of sentence.

14          Section 2. This Act shall become effective on July 1, 2019.

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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)]

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HB 359 Original

2019 Regular Session

Mike Johnson

**Abstract:** Provides relative to the elements and penalties of the crime of looting.

Present law provides that looting is the unauthorized entry into certain structures or property belonging to another without authorization under certain circumstances and the obtaining, exerting, control, damaging, or removing of the property of the owner when normal security is not present due to certain events.

Proposed law retains present law but provides that for the crime of looting to apply, the removal of the property belonging to another must be without authorization.

Present law provides that a person who commits the crime of looting shall be fined not more than \$10,000, imprisoned at hard labor for not more than 15 years, or both.

Proposed law increases the penalty for the crime of looting from a fine of not more than \$10,000 to a fine of not more than \$25,000, imprisonment at hard labor from not more than 15 years to not more than 20 years, or both.

Present law further provides that a person who commits the crime of looting during a state of emergency as declared by the governor or chief executive officer of any parish shall be fined not less than \$5,000 nor more than \$10,000 and imprisonment at hard labor for not less

than three years nor more than 15 years without benefit of probation, parole, or suspension of sentence.

Proposed law increases the penalty of looting during a state emergency from a fine of not less than \$5,000 nor more than \$10,000 to a fine of not less than \$10,000 nor more than \$25,000 and imprisonment at hard labor without benefit of probation, parole, or suspension from not less than three years nor more than 15 years to not less than five years nor more than 20 years.

Effective July 1, 2019.

(Amends R.S. 14:62.5)