

Regular Session, 2009

SENATE BILL NO. 249

BY SENATORS JACKSON, DORSEY AND DUPLESSIS

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

CONSUMERS/PROTECTION. Provides for increased penalties relative to home improvement fraud.(8/15/09)

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AN ACT

To amend and reenact R.S. 14:202.1 (D) and (E), relative to increasing the penalties for home improvement fraud; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:202.1 (D) and (E) are hereby amended and reenacted to read as follows:

§202.1. Home improvement fraud; penalties

\* \* \*

D. Whoever commits the crime of home improvement fraud shall be fined not more than ~~one ten~~ ten thousand dollars or imprisoned for not more than ~~six months~~ five years, or both.

E. Whoever commits the crime of home improvement fraud for a second or subsequent offense, or when the person with whom the contract for home improvements is entered into is a disabled person, or a person sixty years of age or older, shall be fined not more than ~~ten~~ twenty thousand dollars or imprisoned, with or without hard labor, for not more than ~~five~~ ten years, or both. Lack of knowledge of the person's age or disability shall not be a defense. Restitution ~~may~~ shall be

1 ordered ~~at the discretion of the~~ **by the** court.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, was prepared by Dennis C. Weber.

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DIGEST

Jackson (SB 249)

Present law limits punishment for the crime of home improvement fraud to a fine of up to \$1,000.00 and imprisonment for not more than six months, or both. Restitution is optional with the court.

Proposed law increases the punishment for the crime of home improvement fraud to a fine of up to \$10,000.00 and imprisonment for not more than five years or both. Restitution is mandatory. For subsequent offenses, the maximum fine is increased from \$10,000.00 to \$20,000.00, and the maximum period of imprisonment with or without hard labor, is increased from five years to ten years.

Effective August 15, 2009.

(Amends R.S. 14:202.1 (D) and (E))