

**ACT No. 61**

2018 Regular Session

HOUSE BILL NO. 131

BY REPRESENTATIVE STEFANSKI

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 215(C) and R.S. 14:66(A)(2) and  
3 to enact Code of Criminal Procedure Article 215(A)(3), relative to theft of goods; to  
4 provide relative to theft prevention programs; to prohibit the exclusion of  
5 participants based upon certain factors; to provide relative to a fee; to provide  
6 relative to certain requirements of the program; to provide definitions; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Article 215(C) is hereby amended and  
10 reenacted and Code of Criminal Procedure Article 215(A)(3) is hereby enacted to read as  
11 follows:

12 Art. 215. Detention and arrest of shoplifters

13 A.

14 \* \* \*

15 (3)(a) A merchant or a specifically authorized employee or agent of a  
16 merchant who has reasonable cause to believe that a person has committed a theft of  
17 goods held for sale by the merchant, is not precluded from offering such person the  
18 opportunity to complete a theft prevention program in lieu of reporting the suspected  
19 theft to law enforcement. The provisions of this Subparagraph apply only to those  
20 merchants who employ at least twenty-five persons.

21 (b)(i) A provider of a theft prevention program may charge a fee of not more  
22 than five hundred dollars for participation in the program and may not exclude a

1 person otherwise eligible to participate in the program on the basis of the person's  
2 race, national origin, religion, sex, or the ability to pay the fee.

3 (ii) A provider of a theft prevention program that charges a fee to participate  
4 in the program may reduce or waive the fee based upon the inability of a participant  
5 to pay.

6 (iii) A provider of a theft prevention program shall maintain records of the  
7 criteria described in Item (b)(i) for a period of not less than three years without  
8 including personal identifying information. This report shall be made available to  
9 the district attorney upon request.

10 (iv) A provider of a theft prevention program shall provide to the district  
11 attorney, upon request, its criteria for a person's participation in its theft prevention  
12 program.

13 (v) A merchant or a specifically authorized employee or agent of a merchant  
14 that offers a person the opportunity to complete a theft prevention program shall  
15 provide a copy of the written offer to the district attorney upon request.

16 (vi) Nothing in this Subparagraph shall preclude a district attorney or court  
17 from offering a theft prevention program in compliance with the provisions of this  
18 Subparagraph.

19 (c) The participant shall not be required to sign an admission of guilt nor  
20 sign any binding agreement in connection with participation in the theft prevention  
21 program.

22 (d) Any person who successfully completes a theft prevention program  
23 pursuant to this Subparagraph shall not be subject to any additional civil penalties  
24 under any other provision of law.

25 \* \* \*

26 C. As used in this Article, the following definitions apply:

27 (1) "~~reasonable~~ Reasonable under the circumstances" shall be construed in  
28 such a manner so as to include the value of the merchandise in question, the location  
29 of the store, the length of time taken for law enforcement personnel to respond, the

1 cooperation of the person detained, and any other relevant circumstances to be  
2 considered with respect to the length of time a person is detained.

3 (2) "Theft prevention program" is a pre-arrest program designed to address  
4 the underlying causes of theft, reduce the occurrences of theft, and promote  
5 accountability and reconciliation between the person suspected of theft and the  
6 merchant, and may be provided by the merchant or an independent third-party  
7 provider.

8 Section 2. R.S. 14:66(A)(2) is hereby amended and reenacted to read as follows:

9 §66. Extortion

10 A. Extortion is the communication of threats to another with the intention  
11 thereby to obtain anything of value or any acquittance, advantage, or immunity of  
12 any description. Any one of the following kinds of threats shall be sufficient to  
13 constitute extortion:

14 \* \* \*

15 (2) A threat to accuse the individual threatened or any member of his family  
16 or any other person held dear to him of any crime. An offer to participate in a theft  
17 prevention program pursuant to Code of Criminal Procedure Article 215 shall not  
18 constitute a violation of the provisions of this Paragraph.

19 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_