

2025 Regular Session

HOUSE BILL NO. 375

BY REPRESENTATIVE MCMAHEN

1 AN ACT

2 To amend and reenact R.S. 14:70.8(B) and (C) and 71.1(B) and (C) and to enact R.S.
3 14:70.8(D) and 71.1(D) and Code of Evidence Article 404(A)(4), relative to financial
4 crimes; to provide penalties for subsequent convictions; to provide for admissible
5 evidence; to provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:70.8(B) and (C) and 71.1(B) and (C) are hereby amended and
8 reenacted and R.S. 14:70.8(D) and 71.1(D) are hereby enacted to read as follows:

9 §70.8. Illegal transmission of monetary funds

10 * * *

11 B. Upon a second or subsequent conviction of a violation of the provisions
12 of this Section, the offender shall be imprisoned, with or without hard labor, for not
13 less than one year nor more than ten years and may, in addition, be required to pay
14 a fine of not more than one hundred thousand dollars.

15 ~~B. C.~~ In addition to the penalties provided for in Subsection A and B of this
16 Section, a person convicted under the provisions of this Section shall be ordered to
17 make full restitution to the victim and to any other person who has suffered a
18 financial loss as a result of the offense in accordance with Code of Criminal
19 Procedure Article 883.2. ~~If a person ordered to make restitution according to this~~
20 ~~Subsection is found to be indigent and therefore unable to make restitution in full at~~
21 ~~the time of conviction, then the court shall order a periodic payment plan consistent~~
22 ~~with the person's financial ability.~~

1 ~~€.~~ D. For purposes of this Section:

2 (1) "Radio signal" means any text, email, or any other wireless transmission
3 from cellular phones, portable wireless electronic tablets or computers, or any other
4 wireless device used to transmit or receive monetary transactions.

5 (2) "Wire" means any wired electronic device that provides access to the
6 Internet or to any other access point and allows monetary transactions to be
7 transmitted or received by email, financial institution-to-financial institution transfer,
8 or money transfer facility.

9 * * *

10 §71.1. Bank fraud

11 * * *

12 B. Upon a second or subsequent conviction of a violation of the provisions
13 of this Section, the offender shall be imprisoned, with or without hard labor, for not
14 less than one year nor more than ten years and may, in addition, be required to pay
15 a fine of not more than one hundred thousand dollars.

16 ~~B. C.~~ In addition to the penalties provided in Subsection A of this Section,
17 a person convicted under the provisions of this Section shall be ordered to make full
18 restitution to the victim and any other person who has suffered a financial loss as a
19 result of the offense in accordance with Code of Criminal Procedure Article 883.2.
20 ~~If a person ordered to make restitution pursuant to this Section is found to be~~
21 ~~indigent and therefore unable to make restitution in full at the time of conviction, the~~
22 ~~court shall order a periodic payment plan consistent with the person's financial~~
23 ~~ability.~~

24 ~~€.~~ D. As used in this Section, the term "financial institution" ~~has the same~~
25 ~~meaning as in R.S. 6:2(8)~~ means any federally insured depository institution
26 chartered under the laws of the United States, this state, or any other state.

27 Section 2. Code of Evidence Article 404(A)(4) is hereby enacted to read as follows:

28 Art. 404. Character evidence generally not admissible in civil or criminal trial to
29 prove conduct; exceptions; other criminal acts

1 A. Character evidence generally. Evidence of a person's character or a trait
2 of his character, such as a moral quality, is not admissible in a civil or criminal
3 proceeding for the purpose of proving that he acted in conformity therewith on a
4 particular occasion, except:

5 * * *

6 (4) In any prosecution for a violation of R.S. 14:71.1 or R.S. 14:72.2, the
7 prosecution may enter as evidence any of the following of a perpetrator's intent to
8 deceive or defraud:

9 (a) Any previously cashed or deposited counterfeit or forged check or other
10 monetary instrument.

11 (b) Evidence regarding any previous attempt to cash or deposit a counterfeit
12 or forged check or other monetary instrument.

13 (c) Evidence of a verbal or written communication, including but not limited
14 to a warning, by a law enforcement agent with the perpetrator regarding the cashing
15 or depositing of a forged or counterfeit check or other monetary instrument suspected
16 of being part of a fraudulent scheme or warning the perpetrator that such transaction
17 could be in violation of state or federal criminal laws.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____