

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 6

2025 Regular Session

Jackson

CRIME/THEFT: Creates the crime of misappropriation of funds in connection with the payment of utility services

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes the proposed law time allowed to remit payment for utility services from an indeterminate period of time to within 60 days of receiving the bill.
3. Provides exceptions to proposed law.

Digest of Bill as Finally Passed by Senate

Proposed law provides that no person who has received money or payment in accordance with a lease contract or rental agreement to pay utility services shall knowingly do any of the following:

- (1) Fail to apply the money or payment as necessary to satisfy the amount owed for the utility services within 60-days of receiving the bill for utility services.
- (2) Use or cause an agent or employee to use any deception, false pretense, or false promise in the failure to apply the money or payment as necessary to satisfy the amount owed for the utility services.

Proposed law provides that a person who violates proposed law shall be punished as follows:

- (1) When the misappropriation or taking amounts to a value of \$25,000 or more, the offender shall be imprisoned at hard labor for not more than 20 years, fined not more than \$50,000, or both.
- (2) When the misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$25,000, the offender shall be imprisoned with or without hard labor for not more than 10 years, fined not more than \$10,000, or both.
- (3) When the misappropriation or taking amounts to a value of \$1,000 or more, but less than a value of \$5,000, the offender shall be imprisoned with or without hard labor for not more than five years, fined not more than \$3,000, or both.
- (4) When the misappropriation or taking amounts to less than a value of \$1,000, the offender shall be imprisoned for not more than six months, fined not more than \$1,000, or both. Further provides that if the offender in such cases has been convicted two or more times previously, upon any subsequent conviction, the offender shall be imprisoned with or without hard labor for not more than two years, fined not more than \$2,000, or both.

Proposed law provides that in addition to the penalties provided in proposed law, a person convicted under proposed law shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense in accordance with C.Cr.P. Art. 883.2.

Proposed law provides that proposed law will not apply if the person required to remit utility payments to a utility provider is unable to do so because either:

- (1) He has not received the full amount from the tenant or lessee required to satisfy the utility bill.
- (2) An administrative, clerical, or technical error or omission by the utility provider causes a delay in the receipt of either the utility bill or payment.

Proposed law defines the terms "person" and "utility services".

Proposed law provides for a statement of legislative intent.

(Adds R.S. 14:71.5)