

Regular Session, 2013

HOUSE BILL NO. 189

BY REPRESENTATIVE GAINES

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

CRIME/THEFT: Provides relative to the attempt to commit the crime of theft

1 AN ACT

2 To amend and reenact R.S. 14:27(D)(2)(c)(i), relative to the attempt to commit theft; to  
3 amend the threshold amount of the taking relative to persons who attempt to commit  
4 the crime of theft; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:27(D)(2)(c)(i) is hereby amended and reenacted to read as  
7 follows:

8 §27. Attempt; penalties; attempt on peace officer; enhanced penalties

9 \* \* \*

10 D. Whoever attempts to commit any crime shall be punished as follows:

11 \* \* \*

12 (2)

13 \* \* \*

14 (c)(i) If the offense so attempted is theft of an amount not less than ~~three~~ five  
15 hundred dollars nor more than five thousand dollars, he shall be fined not more than  
16 five hundred dollars, imprisoned for not more than one year, or both.

17 \* \* \*

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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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Gaines

HB No. 189

**Abstract:** Amends the penalty provision for the attempt to commit theft by using the \$500 threshold which exists in the existing theft statutes.

Present law defines the crime of theft and provides that any offender who commits the crime of theft shall be punished as follows:

- (1) If the misappropriation or taking amounts to less than a value of \$500, the person shall be imprisoned for not more than six months, fined not more than \$1,000, or both.
- (2) If the misappropriation or taking amounts to a value of \$500 or more, but less than a value of \$1,500, the person shall be imprisoned, with or without hard labor, for not more than five years, fined not more than \$2,000, or both.
- (3) If the misappropriation or taking amounts to a value of \$1,500 or more, the person shall be imprisoned, with or without hard labor, for not more than 10 years, fined not more than \$3,000, or both.

Act No. 585 of the 2010 R.S. increased the lowest threshold amount of theft from a value of less than \$300 to less than \$500, but did not amend the present law attempt provisions.

Present law provides that any offender who attempts to commit the crime of theft of an amount not less than \$300 nor more than \$5,000 shall be imprisoned for not more than one year.

Proposed law amends present law penalty provision relative to those persons who attempt to commit the crime of theft by using the \$500 threshold in the present law theft statute. Provides that when the amount attempted to be taken or misappropriated is not less than \$500 nor more than \$5,000, the person shall be imprisoned for not more than one year, fined not more than \$500, or both.

(Amends R.S. 14:27(D)(2)(c)(i))