
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Gary Smith (SB 329)

Present law provides that the crime of theft is the misappropriation or taking of anything of value belonging to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. Present law further provides that an intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is an essential element of the crime.

Proposed law retains present law.

Present law provides the following penalties for the crime of theft:

- (1) When the value of the taking is \$1,500 or more, the offender is to be imprisoned, with or without hard labor, for up to 10 years, or fined up to \$3,000, or both.
- (2) When the value of the taking is \$500 or more but less than \$1,500, the offender is to be imprisoned, with or without hard labor, for up to five years, or fined up to \$2,000, or both.
- (3) When the value of the taking is less than \$500, the offender is to be imprisoned for up to six months, or fined up to \$1,000, or both. Present law further provides that if the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he is to be imprisoned, with or without hard labor, for up to two years, or fined up to \$2,000, or both.

Proposed law changes the value grades of the crime of theft from three to six:

- (1) When the value of the taking is less than \$1,000, the offender is to be imprisoned for up to six months, or fined up to \$1,000, or both. Proposed law further provides that if the offender in such case has been convicted of theft two or more times previously, upon any subsequent conviction he is to be imprisoned, with or without hard labor, for up to two years, or fined up to \$2,000, or both.
- (2) When the value of the taking is \$1,000 or more but less than \$5,000, the offender is to be imprisoned, with or without hard labor, for up to three years, or fined up to \$10,000, or both.
- (3) When the value of the taking is \$5,000 or more but less than \$10,000, the offender is to be imprisoned, with or without hard labor, for up to five years, or fined up to \$15,000, or both.

- (4) When the value of the taking is \$10,000 or more but less than \$50,000, the offender is to be imprisoned, with or without hard labor, for up to 10 years, and may be fined up to \$25,000.
- (5) When the value of the taking is \$50,000 or more but less than \$100,000, the offender is to be imprisoned, with or without hard labor, for up to 15 years, and may be fined up to \$50,000.
- (6) When the value of the taking is \$100,000 or more, the offender is to be imprisoned at hard labor for between two and 25 years, the first two years of which must be served without benefit of parole, probation, or suspension of sentence, and fined up to \$100,000.

Present law provides that when there has been a misappropriation or taking by a number of distinct acts of the offender, the aggregate of the amount of the misappropriations or takings determines the grade of the offense.

Proposed law retains present law.

Present law provides for the following theft crimes:

- (1) Theft of livestock
- (2) Theft of animals
- (3) Theft of crawfish
- (4) Theft of an alligator
- (5) Fraudulent acquisition of a rental motor vehicle
- (6) Theft of motor vehicle fuel
- (7) Theft of a used building component
- (8) Theft of utility property
- (9) Theft of copper from a religious building or cemetery or graveyard
- (10) Theft of copper or other metals

Proposed law deletes these specific present law crimes and accompanying penalties, which are based on the type of property that is the subject of the theft, and replaces them with proposed law based on the value of the property that is the subject of the theft.

Effective August 1, 2014.

(Amends R.S. 14:67; repeals R.S. 14:67.1, 67.2, 67.5, 67.13, 67.14, 67.17, 67.23, 67.24, 67.27, and 67.28)