SLS 20RS-353 **ORIGINAL**

2020 Regular Session

SENATE BILL NO. 181

BY SENATOR HARRIS

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CRIME/PUNISHMENT. Provides mandatory sentences for persons who commit burglary of a motor vehicle or solicit juveniles to commit burglary of a motor vehicle. (8/1/20)

AN ACT

2	To amend and reenact R.S. 14:62 and 92(C), (D), and (E)(1) and (2), relative to the crime
3	of simple burglary; to provide mandatory sentences for persons who commit simple
4	burglary of a motor vehicle resulting in certain property damage; to provide
5	mandatory sentences for adults who solicit juveniles to commit simple burglary of
6	a motor vehicle; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 14:62 and 92(C), (D), and (E)(1) and (2) are hereby amended and
9	reenacted to read as follows:
10	§62. Simple burglary
11	A. Simple burglary is the unauthorized entering of any dwelling, motor
12	vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with
13	the intent to commit a felony or any theft therein, other than as set forth in R.S.
14	14:60.
15	B. Whoever (1) Except as provided in Paragraph (2) of this Subsection,
16	whoever commits the crime of simple burglary shall be fined not more than two
17	thousand dollars, imprisoned, with or without hard labor, for not more than twelve

1 years, or both.

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(2) Whoever con	nmits th	e crime	of simp	ple bu	rglary (of a mo	otor ve	<u>ehicle</u>
shall be fined not less	than sev	en hur	ndred fi	ifty do	ollars no	or mor	e thar	n two
thousand dollars, impri	isoned w	ith or	without	hard	labor f	or not	more	than
twelve years, or both.								
	*	*	*					

§92. Contributing to the delinquency of juveniles

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C. Whoever Except as provided in Subsections (D) and (E) of this Section, whoever commits the crime of contributing to the delinquency of a juvenile shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

D. Whoever is charged and convicted of contributing to the delinquency of a juvenile under Paragraph (7) of Subsection A of this Section shall be fined not more than one thousand dollars, or imprisoned, with or without hard labor, for not more than two years, or both.

- E.(1) Whoever is charged and convicted of contributing to the delinquency of a juvenile under Subparagraph (a) of Paragraph (11) of Subsection A of this Section shall be imprisoned at hard labor for not less than two years and for not nor more than ten years, or imprisoned according to the sentence of imprisonment for the underlying felony, whichever is less.
- (2) Whoever (a) Except as provided in Subparagraph (b) of this **Paragraph, whoever** is charged and convicted of contributing to the delinquency of a juvenile under Subparagraph (b) of Paragraph (11) of Subsection A of this Section shall be fined not more than one thousand dollars, or imprisoned, with or without hard labor, for not more than two years, or both.
- (b) Whoever is charged and convicted of contributing to the delinquency of a juvenile under Subparagraph (b) of Paragraph (11) of Subsection A of this Section when the underlying felony is a violation of R.S. 14:62, simple burglary,

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relating to simple burglary of a motor vehicle, shall be fined not less than one
thousand dollars nor more than five thousand dollars and imprisoned, with or
without hard labor, for not less than two years nor more than five years.

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criteria set forth in the present law crime of aggravated burglary.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST 2020 Regular Session

Harris

<u>Present law</u> provides that the crime of simple burglary is the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein, except when the conduct meets the

<u>Proposed law</u> changes the term "vehicle" to "motor vehicle" but otherwise retains <u>present</u> law.

<u>Present law</u> provides that whoever commits the crime of simple burglary is to be fined up to \$2,000, or imprisoned, with or without hard labor, for up to 12 years, or both.

<u>Proposed law</u> retains <u>present law</u> and adds that whoever commits the crime of simple burglary of a motor vehicle is to be fined between \$750 and \$2,000 and imprisoned, with or without hard labor, for not more than 12 years, or both.

<u>Present law</u> provides that the crime of contributing to the delinquency of juveniles is the intentional enticing, aiding, soliciting, or permitting, by anyone over the age of 17 of any child under the age of 17, to commit certain acts, including:

- (1) To become involved in the commission of a crime of violence as defined in <u>present</u> <u>law</u> that is a felony or a violation of the Uniform Controlled Dangerous Substances Law that is a felony.
- (2) To become involved in the commission of any other felony that is not a crime of violence and not a violation of the Uniform Controlled Dangerous Substances Law.

Proposed law retains present law.

<u>Present law</u> provides that whoever is charged and convicted of contributing to the delinquency of a juvenile for soliciting a crime of violence or violation of the Uniform Controlled Dangerous Substances Law is to be imprisoned at hard labor for not less than two years nor more than 10 years, or imprisoned according to the sentence of imprisonment for the underlying felony, whichever is less.

Proposed law retains present law.

<u>Present law</u> provides that whoever is charged and convicted of contributing to the delinquency of a juvenile by soliciting any felony other than a crime of violence or a violation of the Uniform Controlled Dangerous Substances Law is to be fined up to \$1,000, or imprisoned, with or without hard labor, for up to two years, or both.

<u>Proposed law</u> retains <u>present law</u> and adds that whoever is charged and convicted of contributing to the delinquency of a juvenile when the underlying felony is the <u>present law</u>

crime of simple burglary relating to the simple burglary of a motor vehicle is to be fined between \$1000 and \$5,000 and imprisoned, with or without hard labor, for between two years and five years.

Effective August 1, 2020.

(Amends R.S. 14:62 and 92(C), (D), and (E)(1) and (2))