
DIGEST

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HB 94 Reengrossed

2023 Regular Session

Bacala

Abstract: Creates the crime of theft or criminal access of an automated teller machine and provides for criminal penalties.

Proposed law creates the crime of theft or criminal access of an automated teller machine.

Proposed law provides that theft of an automated teller machine is the misappropriation or taking of an automated teller machine which belongs to another without the consent of the other to the misappropriation or taking with the intent to deprive the owner permanently of the automated teller machine or its contents.

Proposed law provides that criminal access of an automated teller machine is the intentional destroying, damaging, impairing, tampering with, or otherwise rendering inoperable of an automated teller machine belonging to another with the intent to steal currency or personal financial information of another, regardless of the pecuniary loss.

Proposed law defines "automated teller machine" as an electronic information processing device which accepts or dispenses cash in connection with an account or credit card.

Proposed law provides that whoever commits the proposed law crime shall be imprisoned with or without hard labor for not less than five years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$10,000. Requires restitution to be ordered pursuant to present law (C.Cr.P. Art. 883.2).

(Adds R.S. 14:67.13)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide for the action of criminal access of an automated teller machine and define criminal access of an automated teller machine.

The House Floor Amendments to the engrossed bill:

1. Relative to theft of an automated teller machine, remove proposed law language that provides for fraudulent conduct, practices, or representations.
2. Provide for the intent to deprive the owner permanently of the contents of the automated teller machine.
3. Remove proposed law requirement of payment of a fine equal to the total amount of money contained in the machine at the time of the commission of the offense and any damages that result.
4. Provide for a fine of not more than \$10,000 and require restitution to be made pursuant to present law.