

GREEN SHEET REDIGEST

HB 6

2025 Regular Session

Jackson

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

DIGEST

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)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Change the penalties in proposed law from imprisonment at hard labor for not more than 10 years, fine of not more than \$100,000, or both, to the penalties contained in the present law offense of theft (R.S. 14:67).
3. Clarify proposed law provisions relative to payment of restitution.
4. Clarify the definitions of "person" and "utility services".
5. Remove the proposed law offense of misappropriation of funds in connection with the payment of utility services from the present law (R.S. 14:230.1) list of offenses where all facilitating property, proceeds, and commingled funds are required to be seized and forfeited if involved or derived from such offenses.
6. Remove proposed law offense from the list of present law offenses that constitute "racketeering activity" under the La. Racketeering Act.
7. Remove the directive to the La. State Law Institute to renumber provisions of present law (R.S. 15:1352(A)) so as to properly place proposed law.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify the elements of proposed law.
3. Clarify the definition of "person".
4. Provide for a statement of legislative intent.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Make technical changes.
2. Change 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. Provide exceptions to proposed law.