

2025 Regular Session

HOUSE BILL NO. 6

BY REPRESENTATIVE JACKSON

1 AN ACT

2 To enact R.S. 14:71.5, relative to misappropriation without violence; to create the crime of
3 misappropriation of funds in connection with the payment of utility services; to
4 provide for definitions; to provide for penalties; to provide for exceptions; to provide
5 for a statement of legislative intent; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:71.5 is hereby enacted to read as follows:

8 §71.5. Misappropriation of funds; utility services

9 A. No person who has received money or payment in accordance with a
10 lease contract or rental agreement to pay utility services shall knowingly:

11 (1) Fail to apply the money or payment as necessary to satisfy the amount
12 owed for the utility services within sixty days of the person's receipt of the bill for
13 utility services.

14 (2) Use or cause an agent or employee to use any deception, false pretense,
15 or false promise in the failure to apply the money or payment as necessary to satisfy
16 the amount owed for the utility services.

17 B.(1) Whoever violates the provisions of this Section when the
18 misappropriation or taking amounts to a value of twenty-five thousand dollars or
19 more shall be imprisoned at hard labor for not more than twenty years, fined not
20 more than fifty thousand dollars, or both.

21 (2) When the misappropriation or taking amounts to a value of five thousand
22 dollars or more, but less than a value of twenty-five thousand dollars, the offender

1 ~~shall be imprisoned with or without hard labor for not more than ten years, fined not~~
2 ~~more than ten thousand dollars, or both.~~

3 (3) When the misappropriation or taking amounts to a value of one thousand
4 dollars or more, but less than a value of five thousand dollars, the offender shall be
5 imprisoned with or without hard labor for not more than five years, fined not more
6 than three thousand dollars, or both.

7 (4)(a) When the misappropriation or taking amounts to less than a value of
8 one thousand dollars, the offender shall be imprisoned for not more than six months,
9 fined not more than one thousand dollars, or both.

10 (b) If the offender in such cases has been convicted two or more times
11 previously, upon any subsequent conviction, the offender shall be imprisoned with
12 or without hard labor for not more than two years, fined not more than two thousand
13 dollars, or both.

14 (5) In addition to the penalties provided in Paragraphs (1) through (4) of this
15 Subsection, a person convicted under the provisions of this Section shall be ordered
16 to make full restitution to the victim and any other person who has suffered a
17 financial loss as a result of the offense in accordance with Code of Criminal
18 Procedure Article 883.2.

19 C. The provisions of this Section shall not apply if the person who has
20 received money or payment for utility services is unable to pay the bill for utility
21 services because either:

22 (1) The tenant or lessee has failed to timely pay sufficient funds to satisfy the
23 specific amount owed in the bill for utility services.

24 (2) The reason for the delay in receipt of either the bill or payment for utility
25 services is due to an administrative, clerical, or technical error or omission on behalf
26 of the company providing utility services.

27 D. For purposes of this Section:

28 (1) "Person" means a natural or juridical person, including but not limited
29 to a sole proprietorship, corporation, company, limited liability company,
30 partnership, limited liability partnership, trust, incorporated or unincorporated

1 association, or any other individual or entity. "Person" shall also include any
 2 representative, director, trustee, agent, or officer of a juridical person who is
 3 authorized and responsible for making payments for utility services.

4 (2) "Utility services" means any water, electricity, gas, heat, or sewer
 5 services, whether privately, municipally, cooperatively, or investor-owned.

6 Section 2. It is the intent of the legislature to establish a clear criminal offense for
 7 the misappropriation of utility funds received under a lease or rental agreement. This statute
 8 is designed to address circumstances where payments collected for utility services are
 9 knowingly or fraudulently diverted, resulting in harm to tenants and utility providers. It is
 10 not intended to apply to isolated errors or good-faith disputes, but rather to conduct that
 11 reflects a pattern of intentional nonpayment, misrepresentation, or deception. The legislature
 12 further intends for this statute to apply to both natural and juridical persons, including
 13 entities, in line with other Louisiana statutes addressing contract-based financial misconduct.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____