

Regular Session, 2012

HOUSE BILL NO. 219

BY REPRESENTATIVE WILLMOTT

CRIME: Increases the value of the contract for home improvement or the amount of damage caused by home improvement fraud to be consistent with theft provisions

1 AN ACT

2 To amend and reenact R.S. 14:202.1(D)(1) and (3), (E)(1) and (3), and (F)(1) and (3),
3 relative to the crime of home improvement fraud; to increase the values associated
4 with the amount of damage caused by home improvement fraud or the amount
5 contracted to conduct the home improvements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:202.1(D)(1) and (3), (E)(1) and (3), and (F)(1) and (3) are hereby
8 amended and reenacted to read as follows:

9 §202.1. Home improvement fraud; penalties

10 * * *

11 D. Whoever commits the crime of home improvement fraud shall be fined
12 not more than one thousand dollars and shall be imprisoned for not more than six
13 months, when any of the following occur:

14 (1) The home improvement fraud is an act specified in Paragraph (A)(1) of
15 this Section, and the person with whom the contract for the home improvement has
16 been entered into has been paid an amount of less than ~~three~~ five hundred dollars.

17 * * *

18 (3) The home improvement fraud is an act specified in Paragraph (A)(3) of
19 this Section, and the cost to repair the damaged property is in an amount which is
20 less than ~~three~~ five hundred dollars.

E. Whoever commits the crime of home improvement fraud shall be imprisoned, with or without hard labor, for not more than two years, and shall be fined not more than five thousand dollars, when any of the following occur:

(1) The home improvement fraud is an act specified in Paragraph (A)(1) of this Section, and the person with whom the contract for the home improvement has been entered into has been paid an amount of ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars.

* * *

(3) The home improvement fraud is an act specified in Paragraph (A)(3) of this Section, and the cost to repair the damaged property is in an amount which is valued at ~~three~~ five hundred dollars or more, but less than one thousand five hundred dollars.

F. Whoever commits the crime of home improvement fraud shall be fined not more than twenty thousand dollars and shall be imprisoned, with or without hard labor, for not more than ten years, if the home improvement fraud is committed under any of the following circumstances:

(1) The home improvement fraud is an act specified in Paragraph (A)(1) of this Section, and the person with whom the contract for the home improvement has been entered into has been paid an amount of one thousand five hundred dollars or more.

* * *

(3) The home improvement fraud is an act specified in Paragraph (A)(3) of this Section, and the cost to repair the damaged property is in an amount which is valued at one thousand five hundred dollars or more.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Willmott

HB No. 219

Abstract: Increases the amounts associated with fraud or the cost of repairing damage caused by home improvement fraud to be consistent with theft provisions.

Present law provides for penalties for theft based upon the value of the goods taken and uses the following scale for those penalties:

- (1) The misappropriation or taking amounts to \$1,500 or more.
- (2) The misappropriation or taking amounts to \$500 or more, but less than a value of \$1,500.
- (3) The misappropriation or taking amounts to less than \$500.

Present law provides penalties for the crime of home improvement fraud based upon the amount of the contract entered into for the home improvement or the cost of repairing the damage caused by the home improvement fraud using the following scale:

- (1) The amount of the contract or cost to repair is less than \$300.
- (2) The amount of the contract or the cost to repair is \$300 or more, but less than \$500.
- (3) The amount of the contract or the cost to repair is \$500 or more.

Proposed law changes the amount of the contract or damage for home improvement fraud to be consistent with present law theft provisions as follows:

- (1) The amount of the contract or cost to repair is less than \$500.
- (2) The amount of the contract or the cost to repair is \$500 or more, but less than \$1,500.
- (3) The amount of the contract or the cost to repair is \$1,500 or more.

(Amends R.S. 14:202.1(D)(1) and (3), (E)(1) and (3), and (F)(1) and (3))