

BY REPRESENTATIVES VILLIO AND THOMPSON

To amend and reenact R.S. 14:72.2, relative to offenses against property; to provide relative to the offense of monetary instrument abuse; to provide relative to elements of the offense; to provide relative to definitions; to provide for a penalty; to provide for restitution; and to provide for related matters.

Section 1. R.S. 14:72.2 is hereby amended and reenacted to read as follows:

A. Whoever makes, issues, possesses, sells, or otherwise transfers a counterfeit or forged monetary instrument of the United States, a state, or a political subdivision thereof, ~~or of an organization, or a person~~ or a person with intent to deceive or ~~and~~ another person, shall be fined not more than one million dollars but not less than five hundred thousand dollars or imprisoned, with or without hard labor, for not more than five years but not less than six months, or both.

B. Whoever makes, issues, possesses, sells, or otherwise transfers an implement designed for or particularly suited for making a counterfeit or forged monetary instrument with the intent to deceive or defraud a person shall be fined not more than one million dollars but not less than five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years but not less than six months, or both.

C. Upon a second or subsequent conviction of a violation of the provisions
of this Section, the offender shall be imprisoned with or without hard labor, for not

1 less than one year nor more than ten years and may, in addition, be required to pay
2 a fine of not more than one million dollars.

3 D. For purposes of this Section:

4 (1) "Counterfeit" means a document or writing that purports to be genuine
5 but is not, because it has been falsely made, manufactured, or composed.

6 (2) "Forged" means the false making or altering, with intent to defraud, of
7 any signature to, or any part of, any writing purporting to have legal efficacy.
8 Forged also means the washing through the use of chemical solvents or physical
9 removal of ink writing on a monetary instrument with the intent to defraud, including
10 but not limited to the washing or physical removal of a name of a payee or dollar
11 amount on a monetary instrument.

12 (3) "Monetary instrument" means:

13 (a) A note, stock certificate, treasury stock certificate, bond, treasury bond,
14 debenture, certificate of deposit, interest coupon, warrant, debit or credit instrument,
15 access device or means of electronic fund transfer, United States currency, check or
16 draft, money order, bank check, teller's check, cashier's check, traveler's check, letter
17 of credit, warehouse receipt, negotiable bill of lading, certificate of interest in or
18 participation in any profit-sharing agreement, collateral-trust certificate, pre-
19 organization certificate of subscription, transferable share, investment contract,
20 voting trust certificate, or certificate of interest in tangible or intangible property.

21 (b) An instrument evidencing ownership of goods, wares, or merchandise.

22 (c) Any other written instrument commonly known as a security.

23 (d) A certificate of interest in, certificate of participation in, certificate for,
24 receipt for, or warrant or option or other right to subscribe to or purchase, any of the
25 foregoing.

26 (e) A blank form of any of the foregoing.

27 (4) "Organization" means a legal entity, other than a government, established
28 or organized for any purpose, and includes a corporation, limited liability company,
29 company, federally insured financial institution, association, firm, partnership, joint
30 stock company, foundation, institution, society, union, or any other association of

1 persons which operates in or the activities of which affect intrastate, interstate, or
2 foreign commerce.

3 (5) "State" includes a any state of the United States, the District of Columbia,
4 Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the
5 United States.

6 ~~Ð: E.~~ E. In addition to the penalties provided in Subsections A, ~~and B,~~ and C
7 of this Section, a person convicted under the provisions of this Section shall be
8 ordered to make full restitution to the victim and any other person who has suffered
9 a financial loss as a result of the offense in accordance with Code of Criminal
10 Procedure Article 883.2. ~~If a person ordered to make restitution pursuant to this~~
11 ~~Section is found to be indigent and therefore unable to make restitution in full at the~~
12 ~~time of conviction, the court shall order a periodic payment plan consistent with the~~
13 ~~person's financial ability.~~

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____