

2024 Regular Session

SENATE BILL NO. 34

BY SENATORS HENSGENS, ABRAHAM, KLEINPETER AND MIGUEZ

THEFT. Provides relative to coordinated retail robbery offenses. (8/1/24)

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AN ACT

To amend and reenact R.S. 14:64.4 and 65(A), relative to robbery; to provide relative to simple and second degree robbery; to provide relative to organized robbery from a retail establishment; to provide relative to penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:64.4 and 65(A) are hereby amended and reenacted to read as follows:

§64.4. Second degree robbery

A. **Second degree robbery is either of the following:**

(1) ~~Second degree robbery is the~~ **The** taking of anything of value belonging to another from the person of another or that is in the immediate control of another when the offender intentionally inflicts serious bodily injury.

(2) ~~Repealed by Acts 2019, No. 2, §3, eff. August 1, 2019~~ **The taking of, or the recruiting of another person who takes, anything of value from a retail establishment that is in the immediate control of a retail employee or employer when a person acts in concert with three or more individuals for the purpose of**

another from the person of another or that is in the immediate control of another when the offender intentionally inflicts serious bodily injury.

Present law defines simple robbery as either:

- (1) The taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon.
- (2) The taking of anything of value when a person is part of a group of three or more individuals and the person has the intent to take anything of value from a retail establishment that is in the immediate control of a retail employee or employer and there is a reasonable belief that a reasonable person would not intercede because of fear.

Proposed law deletes the taking of anything of value from a retail establishment under certain circumstances from the definition of simple robbery and adds it to the definition of second degree robbery.

Present law makes second degree robbery punishable by imprisonment at hard labor for between three and 40 years.

Proposed law applies second degree robbery penalties to persons who either take anything of retail value under certain circumstances or who recruit others who then take anything of retail value under certain circumstances.

Proposed law increases the minimum period of incarceration for second degree robbery from three years to five years if the defendant has a prior conviction for second degree robbery within the previous 10 years. Proposed law also provides for sentencing a defendant to an additional five consecutive years without benefit of parole, probation, or suspension of sentence if a firearm was used commit the crime.

Proposed law otherwise retains present law.

Effective August 1, 2024.

(Amends R.S. 14:64.4 and 14:65(A))

Summary of Amendments Adopted by Senate

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

1. Add a provision that makes the recruiting of another to take a thing of value second degree robbery once the crime has been completed.
2. Increase the minimum period of imprisonment for second degree robbery repeat offenders.
3. Require an additional five years be added to a sentence if the defendant used a firearm to commit second degree robbery.