

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION
7-67 OF THE THIBODAUX CITY CODE OF
ORDINANCES (THEFT GENERALLY)**

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section 7-67 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

Sec. 7-67 – Theft Generally

- (a) Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.
- (b)(1) Whoever commits the crime of theft when the misappropriation or taking amounts to a value of twenty-five thousand dollars (\$25,000.00) or more shall be imprisoned, with or without hard labor, for not less than five (5) years nor more than twenty (20) years, or may be fined not more than fifty thousand dollars (\$50,000.00), or both.
- (2) When the misappropriation or taking amounts to a value of five thousand dollars (\$5,000.00) or more, but less than a value of twenty-five thousand dollars (\$25,000.00), the offender shall be imprisoned, with or without hard labor, for not more than ten (10) years, or may be fined not more than ten thousand dollars (\$10,000.00), or both.
- (3) When the misappropriation or taking amounts to a value of seven hundred fifty dollars (\$750.00) or more, but less than a value of five thousand dollars (\$5,000.00), the offender shall be imprisoned, with or without hard labor, for not more than five (5) years, or may be fined not more than three thousand dollars (\$3,000.00), or both.
- (4) When the misappropriation or taking amounts to less than a value of seven hundred fifty dollars (\$750.00), the offender shall be imprisoned for not more than six (6) months, or may be fined not more than one thousand dollars (\$1,000.00), or both. If the offender in such cases has been convicted of theft two (2) or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two (2) years, or may be fined not more than two thousand dollars (\$2,000.00), or both.
- (c) When there has been a misappropriation or taking by a number of distinct acts of the offender, the aggregate of the amount of the misappropriations or taking shall determine the grade of the offense.
- (d) In a prosecution under this Section where the property allegedly misappropriated or taken was held for sale by a merchant, an intent to permanently deprive the merchant of the property held for sale may be

inferred when the defendant:

- (1) Intentionally conceals, on his person or otherwise, goods held for sale.
- (2) Alters or transfers any price marking reflecting the actual retail price of the goods.
- (3) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection.
- (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods.
- (5) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods.

State Law reference— Similar provisions, R.S. 14:67.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall become effective immediately upon its adoption and approval by the Mayor.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSTAINED:

ABSENT:

And the above ordinance was declared adopted this ____ day of ____ 2021.

Jennifer Morvant, Council Adm.

Chad J. Mire, President