

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 370

2023 Regular Session

Landry

CRIMINAL/PENALTIES: Provides relative to criminal blighting of property

### Synopsis of Senate Amendments

1. Provides that the term of imprisonment for a third or subsequent conviction of the crime shall be served with or without hard labor.
2. Provides the terms of imprisonment shall not be imposed when the property is a single family residence occupied by the defendant at the time of the violation.
3. Adds the crime to the present law list of racketeering activities.

### Digest of Bill as Finally Passed by Senate

Present law provides for the crime of criminal blighting of property, defined as the intentional or criminally negligent permitting of the existence of a condition of deterioration of property by the owner, which is deemed to have occurred when the property has been declared or certified as blighted after an administrative hearing pursuant to present law and after all reviews or appeals have occurred.

Proposed law retains the present law definition of the crime but removes the requirement for the property to be declared or certified as blighted after all reviews or appeals have occurred.

Present law provides for the following penalties:

- (1) On a first conviction, the offender will be fined not more than \$500. Imposition of the fine may be suspended, and in lieu thereof, the court may require the offender to correct all existing housing violations on the blighted property.
- (2) On a second conviction, the offender will be fined not more than \$500 and ordered to perform not more than 40 hours of community service. Additionally, the court will require the offender to correct all existing housing violations on the blighted property.
- (3) On a third or subsequent conviction, the offender will be fined not more than \$2,000 and ordered to perform not more than 80 hours of community service, or both. Additionally, the court will require the offender to correct all existing housing violations on the blighted property.

Proposed law amends the present law penalties to provide for the following:

- (1) On a first conviction, the offender will be fined not more than \$500 per violation. Imposition of such fine may be suspended, and in lieu thereof, the court may require the offender to correct all existing housing violations on the blighted property within a timely manner determined by the court.
- (2) On a second conviction, or if the offender fails to correct violations after ordered by the court, the offender will be fined not more than \$1,000 per violation and imprisoned for not more than six months. Additionally, the court will require the offender to correct all existing housing violations on the blighted property.
- (3) On a third or subsequent conviction, or if the offender fails to correct all violations after a second conviction, the offender will be fined not more than \$2,000 per

violation, and imprisoned for not more than one year, with or without hard labor.

Present law provides that upon a second or third conviction, the court is authorized to order the offender to occupy the blighted property for a designated period of not more than 60 days.

Proposed law repeals present law.

Proposed law provides that the penalty for imprisonment shall not be imposed when the property is a single family residence occupied by the defendant.

Proposed law provides that prosecution may occur concurrently with review and appeal of declarations and certifications of blight.

Proposed law adds the present law crime of criminal blighting of property to the list of crimes which may be racketeering activity under present law (R.S. 15:1352).

(Amends R.S. 14:107.3(B) and (C); Adds R.S. 14:107.3(H) and R.S. 15:1352(A)(70); Repeals R.S. 14:107.3(D))