

Regular Session, 2014

SENATE BILL NO. 388

BY SENATOR THOMPSON

ARSON. Provides relative to the registration of arson offenders. (8/1/14)

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:562.2, 562.3(B)(2), the introductory paragraph of 562.4(A), and 562.6 and to enact R.S. 15:562.1(3)(i) and 562.2(B), relative to the registration of arson offenders; to provide relative to definitions; to authorize the state fire marshal to promulgate rules; to increase the duration of registration for certain offenders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 15:562.2, 562.3(B)(2), the introductory paragraph of 562.4(A), and 562.6 are hereby amended and reenacted and R.S. 15:562.1(3)(i) and 562.2(B) are hereby enacted to read as follows:

§562.1. Definitions

For the purposes of this Chapter, the following shall apply:

\* \* \*

(3) "Offense involving arson" includes the following:

\* \* \*

**(i) Injury by arson (R.S. 14:51.1).**

\* \* \*

## 1 §562.2. Powers and duties of state fire marshal

2 A. In addition to any other powers and duties conferred in this Chapter, the  
3 state fire marshal shall:

4 \* \* \*

5 **B. The state fire marshal may promulgate rules and regulations in**  
6 **accordance with the Administrative Procedure Act to implement the provisions**  
7 **of this Chapter.**

## 8 §562.3. Registration of arson offenders

9 \* \* \*

10 B. \* \* \*

11 (2) Every offender required to register in accordance with this Chapter shall  
12 appear in person and provide the information required by Paragraph (1) of this  
13 Subsection to the state fire marshal **or his designee** within thirty business days of  
14 establishing residence in Louisiana, or if a current resident, within thirty business  
15 days after conviction or adjudication if not immediately incarcerated or taken into  
16 custody after conviction or adjudication. If incarcerated, once released from  
17 confinement, every offender shall appear in person within thirty business days to  
18 register with the state fire marshal **or his designee** pursuant to the provisions of this  
19 Section.

20 \* \* \*

21 §562.4. Duty of offenders to notify law enforcement of change of address,  
22 residence, or other registration information

23 A. Those persons required to register pursuant to the provisions of this  
24 Chapter shall appear in person at the fire marshal's office **or his designee's office**  
25 within thirty business days of establishing a new or additional physical residential  
26 address or of changes in information previously provided when any of the following  
27 occur:

28 \* \* \*

## 29 §562.6. Duration of registration and notification period

1                   A person required to register pursuant to the provisions of this Chapter shall  
2                   comply with the requirement for ~~five~~ **ten** years **from the date of initial registration**  
3                   for a first offense and for the duration of the lifetime of the offender for a second or  
4                   subsequent offense, unless the underlying conviction is reversed, set aside, or  
5                   vacated.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Curry Johnson.

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#### DIGEST

Thompson (SB 388)

Present law provides for the definition of "offense involving arson", which includes the following offenses:

- (1) Aggravated arson (R.S. 14:51).
- (2) Simple arson (R.S. 14:52).
- (3) Simple arson of a religious building (R.S. 14:52.1).
- (4) Arson with intent to defraud (R.S. 14:53).
- (5) Communicating of false information of planned arson (R.S. 14:54.1).
- (6) Manufacture and possession of delayed action incendiary devices (R.S. 14:54.2).
- (7) Manufacture and possession of a bomb (R.S. 14:54.3).
- (8) Fake explosive device (R.S. 14:54.5).

Proposed law retains present law and adds the offense of injury by arson (R.S. 14:51.1) to the definition.

Proposed law authorizes the state fire marshal to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of the arson registry.

Proposed law authorizes the state fire marshal to appoint a designee to fulfill his responsibilities under the arson registry requirements.

Present law requires a person to register with the state fire marshal for a period of five years for a first offense.

Proposed law increases the duration requirement for registration from five years to 10 years from the date of initial registration for a first offense.

Effective August 1, 2014.

(Amends R.S. 15:562.2(intro para), 562.3(B)(2), 562.4(A)(intro para), and 562.6; adds R.S. 15:562.1(3)(i) and 562.2(B))