

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 388 By Senator Thompson**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

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

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds provisions changing penalties for failure to register as an arson offender.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

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 adds to this definition the crime of injury by arson (R.S. 14:51.1).

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 provides that a person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information shall, upon first conviction, be fined not more than \$500; upon second or subsequent convictions, the offender is to be fined \$1,000.

Proposed law provides that persons who fail to register, renew or update a registration, address or other registration information be subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

Present law requires that an offender who fails to pay the annual registration be fined not more than \$500 and requires that upon second or subsequent conviction for the failure to pay the offender be fined not more than \$1,000. Proposed law deletes this provision.

Present law provides that any person who certifies by affidavit the location of the residence of the offender shall send written notice to the state fire marshal. Provides that the notice be

made any time the offender is absent from the residence for a period of 90 days or more, or if the offender vacates the residence with the intent to establish a new residence at another location. Requires that this notice be sent within 30 days of the offender vacating the residence with the requisite intent. Provides that any person failing to provide this notice is subject to a fine of not more than \$500. Proposed law provides that person failing this notice be also subject to imprisonment for not more than six months as well as the fine.

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, 562.3(B)(2), 562.4(A)(intro para), 562.5(A) and (B)(2), and 562.6; adds R.S. 15:562.1(3)(i))

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