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DIGEST

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Thompson

SB No. 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.

Present law provides for a fine of up to \$500, with an increased fine of up to \$1,000 for a second or subsequent conviction, for the failure to register, periodically renew and update registration, or provide proof of residence or notification of change of address or other registration information.

Proposed law amends present law to remove the increased penalties for a second or subsequent offense and provides that any conviction provides for a fine of up to \$1,000.

Present law requires any person who certifies by affidavit the location of the residence of the offender to provide notice to the state fire marshal when the offender is absent from his residence for at least 90 days or if the offender vacates his residence with the intent to establish a new residence. Present law imposes a fine of up to \$500 for any person who fails to provide such notice.

Proposed law retains present law and adds a term of imprisonment of up to six months to the penalty provisions.

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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill.

1. Amended the present law penalties relative to the failure to register, periodically renew and update registration, provide proof of residence, change in address or other registration information, to delete the provision which provides for increased penalties for second and subsequent convictions and provide that any conviction provides for a fine of up to \$1,000.
2. Added a term of imprisonment to the present law penalties for any person who certifies by affidavit the location of the residence of the offender who fails to notify the state fire marshal that the offender is absent from his residence for 90 days or that the offender has vacated the residence with the intent to establish a new residence.
3. Made technical corrections to reflect these changes.