

SENATE BILL NO. 211

BY SENATOR GARY SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

AN ACT

To amend and reenact R.S. 40:1563.1(A)(20) and (C), (D), and (E) and to enact R.S. 14:206.1 and R.S. 40:1563.1(A)(21) and (F), relative to life safety and property protection contracting; to create the crime of life safety and property protection contracting without authority; to provide the elements of the crime; to provide penalties; to provide relative to the authority of the fire marshal to investigate the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:206.1 is hereby enacted to read as follows:

§206.1. Engaging in life safety and property protection contracting without authority prohibited; penalty

A. It shall be unlawful for any person to engage in the business of life safety and property protection contracting, as defined in R.S. 40:1664.3, unless he holds an active license as required by R.S. 40:1664.4.

B. It shall be sufficient for the indictment, affidavit, or complaint to allege that the accused unlawfully engaged in life safety and property protection contracting without authority from the office of state fire marshal.

C.(1) Any person violating this Section shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than ninety days, fined not more than five hundred dollars per day of the violation, or both.

(2) Notwithstanding any action taken by the office of state fire marshal, any person who does not possess a license as required by R.S. 40:1664.4, and who violates any provision of this Section and causes harm or damage to another in excess of five hundred dollars, upon conviction, shall be imprisoned for up to six months, fined not less than five hundred dollars nor more than five thousand dollars, or both.

1 local arson investigator allowing him to carry and use firearms and to arrest
2 individuals suspected of violating crimes enumerated in this Section. The issuance
3 of a commission pursuant to this Subsection, the powers granted by those
4 commissions, and the use of firearms by the persons to whom those commissions are
5 issued shall be subject to all of the following provisions:

6 (1) The chief of each fire protection district, each fire department, and each
7 volunteer fire department who issues a commission to a local arson investigator may
8 require that the local arson investigator be certified by the Council on Peace Officer
9 Standards and Training (~~P.O.S.T.~~) or be qualified by the ~~P.O.S.T.~~ Council **on Peace**
10 **Officer Standards and Training**, or both.

11 (2) The chief of each fire protection district, each fire department, and each
12 volunteer fire department who requires that local arson investigators to whom that
13 chief issues commissions be P.O.S.T. certified or P.O.S.T. qualified, or both, shall
14 pay the cost of providing to those local arson investigators the training necessary to
15 obtain the P.O.S.T. certification or the P.O.S.T. qualification, or both.

16 (3) Local arson investigators who are required by their chief to be P.O.S.T.
17 certified or P.O.S.T. qualified, or both, are specifically authorized to attend any
18 school or training course which is operated by a commercial entity or which is
19 operated by a public agency and which is open to peace officers from more than one
20 law enforcement agency. Each person or agency operating a school or a training
21 course which is attended by local arson investigators shall award the appropriate
22 document or documents to each local arson investigator who successfully completes
23 the requirements for P.O.S.T. certification or for P.O.S.T. qualification, or both. The
24 Louisiana Commission on Law Enforcement **and Administration of Criminal**
25 **Justice** and the Council on Peace Officer Standards and Training shall make the
26 provisions which are necessary to enable local arson investigators to attend the
27 required schools and training courses and for those local arson investigators who
28 successfully complete the requirements for P.O.S.T. certification or P.O.S.T.
29 qualification, or for both, to receive the appropriate documents to demonstrate the
30 P.O.S.T. certification or P.O.S.T. qualification, or both.

1 (4) Possession of a P.O.S.T. certification or P.O.S.T. qualification, or both,
2 by a local arson investigator shall not grant to that local arson investigator any
3 authority other than the authority granted by a commission issued pursuant to this
4 Subsection.

5 (5) The authority granted by a commission which is issued under the
6 provisions of this Subsection shall be limited to the powers, functions, duties, and
7 responsibilities which are set forth for local arson investigators in this Section. A
8 commission which is issued under the provisions of this Subsection shall not grant
9 any authority other than the powers, functions, duties, and responsibilities which are
10 set forth for local arson investigators in this Section.

11 (6) The authority to carry and use firearms which is granted to local arson
12 investigators by a commission which is issued under the provisions of this
13 Subsection is limited to the power to carry weapons while acting in the course and
14 scope of their duties as local arson investigators. Local arson investigators may carry
15 concealed weapons while acting in the course and scope of their duties, and the
16 provisions of R.S. 14:95 shall not apply to local arson investigators who carry
17 concealed weapons while acting in the course and scope of their duties.

18 ~~E.~~ **F.** The fire marshal shall have the authority to commission local certified
19 arson investigators to serve on a multi-jurisdictional arson task force operated by the
20 fire marshal. The fire marshal shall have the power to promulgate rules and
21 regulations to accomplish the operations and functions of the task force and to issue
22 orders for the enforcement of such rules and regulations.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____