
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Kleckley

HB No. 590

Abstract: Grants the state fire marshal the authority to issue subpoenas, summon witnesses, and administer oaths and affirmations when investigating fires of suspicious origin, and provides that a person who fails to properly answer a subpoena issued by the state fire marshal is punishable by the judge as contempt.

Present law provides that the fire marshal shall make or cause to be made a special examination of the circumstances surrounding each fire of suspicious origin and of any fire reported to have been caused by design.

Present law further provides that, in the performance of this duty, the fire marshal or his authorized representative may take or cause to be taken testimony from persons supposed to be cognizant of any fact which may relate to the cause of any fire. The fire marshal may secure testimony under oath and have it reduced to writing.

Proposed law provides that, in the furtherance of this investigation, the fire marshal or his authorized representative has the power to issue subpoenas, summon witnesses, and administer oaths and affirmations. Requires any fire marshal employee to serve any process that is directed to him by the fire marshal or his authorized representative.

Proposed law provides that any witness who refuses to obey the order and to give testimony and to produce evidence as required by the order shall be held in contempt, and authorizes the judge to enforce obedience by ordering that the witness pay a fine not more than \$100, be imprisoned, or both.

(Amends R.S. 40:1568(B); Adds R.S. 40:1568(D))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Added a provision that any witness who fails to respond properly to a subpoena issued by the state fire marshal is guilty of contempt and shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

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

1. Added a provision authorizing the fire marshal to issue subpoenas and subpoenas duces tecum.
2. Provided that any fire marshal employee shall serve the subpoena or subpoena duces tecum issued by the fire marshal.
3. Changed proposed law to provide that the failure to properly comply with a subpoena will be handled in a civil rather than criminal proceeding.
4. Authorized the judge, upon ex parte motion, to issue an order awarding process of the subpoena or subpoena duces tecum.
5. Authorized the judge, upon satisfactory proof of the person's refusal to comply with the order, to issue an attachment for the arrest of the person.
6. Authorized the judge to enforce obedience by a fine not to exceed \$100, imprisonment, or both, and to compel the person to pay court costs associated with the proceeding.
8. Provided that proceedings held pursuant to proposed law are summary in nature.