

2018 Regular Session

SENATE BILL NO. 54

BY SENATOR MARTINY

ARSON. Creates the crime of negligent arson. (gov sig)

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AN ACT

To enact R.S. 14:52.2, relative to arson; to create the crime of negligent arson; to provide definitions; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:52.2 is hereby enacted to read as follows:

§52.2. Negligent arson

A. Negligent arson is the damaging of any property of another, movable or immovable, by the setting of fire or causing an explosion, without consent of the owner or custodian of the property, when the offender causes the setting of a fire or an explosion and fails to report the fire or explosion as soon as possible to the proper authorities, including any law enforcement agency, fire department, or emergency services for the jurisdiction in which the property is located.

B.(1) Whoever commits the crime of negligent arson, where the damage done amounts to five thousand dollars or less, and where there was no immediate threat to human life:

(a) On a first conviction shall be fined not more than one thousand

1 dollars, or imprisoned for not more than six months, or both. In addition, the
2 offender shall be ordered to pay restitution for damages sustained.

3 (b) On a second and subsequent conviction, shall be fined not more than
4 two thousand five hundred dollars and imprisoned, with or without hard labor,
5 for not less than six months nor more than two years. In addition, the offender
6 shall be ordered to pay restitution for damages sustained.

7 (2) Whoever commits the crime of negligent arson, where the damage
8 done amounts to more than five thousand dollars, and where it is not
9 foreseeable that human life might be endangered, shall be fined not more than
10 five thousand dollars, or imprisoned, with or without hard labor, for not more
11 than two years, or both. In addition, the offender shall be ordered to pay
12 restitution for damages sustained.

13 (3) Whoever commits the crime of negligent arson, where it is foreseeable
14 that human life might be endangered, or where bodily injury was sustained,
15 shall be fined not less than ten thousand dollars nor more than fifteen thousand
16 dollars, or imprisoned, with or without hard labor, for not more than five years,
17 or both. In addition, the offender shall be ordered to pay restitution for
18 damages and injuries sustained.

19 C. Any person convicted of a violation of this Section shall register with
20 the state fire marshal in accordance with R.S. 15:562.3.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 54 Engrossed

2018 Regular Session

Martiny

Proposed law creates the crime of negligent arson. Proposed law defines negligent arson as the damaging of any property of another, movable or immovable, by the setting of fire or causing an explosion, without consent of the owner or custodian of the property, when the offender causes the setting of a fire or an explosion and fails to immediately report the fire or explosion to the proper authorities, including any law enforcement agency, fire department, emergency services, or government agency within the jurisdiction in which the property is located.

Proposed law provides that whoever commits the crime of negligent arson, where the damage done amounts to \$5,000 or less, and where there was no immediate threat to human life:

- (1) On a first conviction is to be fined not more than \$1,000, imprisoned for not more than six months, or both, and in addition must pay restitution.
- (2) On a second and subsequent conviction, is to be fined not more than \$2,500 and imprisoned, with or without hard labor, for between six months and two years, and in addition must pay restitution.

Proposed law provides that whoever commits the crime of negligent arson, where the damage done amounts to more than \$5,000, and where it was not foreseeable that human life might be endangered, is to be fined not more than \$5,000 or imprisoned, with or without hard labor, for not more than two years, or both, and in addition must pay restitution.

Proposed law provides that whoever commits the crime of negligent arson, where it was foreseeable that human life might be endangered or where bodily injury was sustained, is to be fined between \$10,000 and \$15,000, or imprisoned, with or without hard labor, for up to five years, or both, and in addition must pay restitution.

Proposed law provides that any person convicted of a violation of proposed law must register with the state fire marshal in accordance with present law requiring the registration of certain arson offenders.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:52.2)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete proposed law relative to an offender causing a fire or explosion with certain criminal intent or criminal negligence.
2. Delete proposed law relative to an offender causing a fire or explosion while engaged in certain drug crimes.
3. Delete proposed law relative to an offender causing a fire or explosion while manufacturing a bomb.

4. Delete proposed law relative to an absent property owner or custodian.
5. Delete proposed law relative to fires or explosions classified as "accidental" or "natural."
6. Delete proposed law relative to a fire or explosion that is part of a permissible controlled burn or for which the offender had a permit.
7. Change imprisonment for a first offense of negligent arson from one year to six months.
8. Change penalty language from "where there was no immediate threat to human life" to "where it was not foreseeable that human life might be endangered."
9. Delete penalty for negligent arson resulting in the death of a person.