

2022 Regular Session

HOUSE RESOLUTION NO. 77

BY REPRESENTATIVE EDMONSTON

A RESOLUTION

To authorize and direct the office of state fire marshal to study the procedures as provided in the current Life Safety and Property Protection Licensing Act, R.S. 40:1664.1 et seq., as they relate to conducting criminal background checks required to obtain a license to perform regulated property protection activities, to determine the applicability of current law regarding persons convicted of certain felony offenses, and to report its findings to the legislature at least thirty days prior to the convening of the 2023 Regular Session of the Legislature of Louisiana.

WHEREAS, R.S. 40:1664.8(B) currently requires, in part, that "each person holding a property protection endorsement must undergo and pass a criminal background check prior to receiving a license" in order to determine whether such a person has been convicted of a "felony crime of violence, as defined in R.S. 14:2(B), or a sex offense as defined in R.S. 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony offense against property as enumerated in R.S. 14:51 through 62.8", as stated in R.S. 40:1664.8(C); and

WHEREAS, R.S.40:1664.8(D) currently provides that persons convicted of or who have entered a plea of guilty or nolo contendere to a felony charge are not automatically disqualified from obtaining a license with a property protection endorsement if ten or more years have elapsed between the date of application and the date of successful completion or service of any sentence, deferred adjudication, or period of probation or parole; and

WHEREAS, the Legislature of Louisiana has deemed that certain felony offenses are more serious in relation to other felony offenses, specifically including felony crimes of violence, as defined in R.S. 14:2(B) or sex offenses as defined in R.S. 15:541(24)(a), with

the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony offense against property as enumerated in R.S. 14:51 through 62.8; and

WHEREAS, House Bill No. 233 of the 2022 Regular Session of the Legislature by Representative Edmonston and Senator Foil seeks to amend R.S. 40:1664.8(C), (D), and (E), to provide that a conviction for a felony crime of violence specifically enumerated in R.S. 14:2(B) or a felony offense against property as enumerated in R.S. 14:51 through 62.8, respectively, shall not constitute an automatic disqualification from obtaining a license with a property protection endorsement if fifteen or more years have elapsed between the date of application and the date of successful completion or service of any sentence, deferred adjudication, or period of probation or parole.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the office of state fire marshal to study and evaluate the current application of the Life Safety and Property Protection Licensing Act as it relates to persons convicted of felony crimes of violence and felony crimes against property places and to submit its findings in the form of a written report.

BE IT FURTHER RESOLVED that the study called for in this Resolution shall examine statistical documentation to include the number of denials by the office of state fire marshal, in accordance with current law.

BE IT FURTHER RESOLVED that the study called for in this Resolution shall examine statistical and documented evidence of other states as it relates to the regulation of property protection or similar activities and any requirements for such licensure related to criminal histories.

BE IT FURTHER RESOLVED that the written report shall be submitted to the Legislature of Louisiana for review and consideration no later than thirty days prior to the convening of the 2023 Regular Session and be made available to the public.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES