

2023 Regular Session

HOUSE BILL NO. 370

BY REPRESENTATIVES LANDRY, BACALA, CARRIER, ROBBY CARTER,
EDMONSTON, FREEMAN, GOUDEAU, GREEN, HILFERTY, HORTON,
JENKINS, KNOX, AND MOORE

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

CRIMINAL/PENALTIES: Provides relative to criminal blighting of property

1 AN ACT

2 To amend and reenact R.S. 14:107.3(B) and (C), to enact R.S. 14:107.3(H), and to repeal
3 R.S. 14:107.3(D), relative to criminal blighting of property; to provide relative to
4 penalties for the offense; to provide relative to review and appeal of declarations of
5 certifications of blight; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:107.3(B) and (C) are hereby amended and reenacted and R.S.
8 14:107.3(H) is hereby enacted to read as follows:

9 §107.3. Criminal blighting of property

10 * * *

11 B. Criminal blighting of property is the intentional or criminally negligent
12 permitting of the existence of a condition of deterioration of property by the owner,
13 which is deemed to have occurred when the property has been declared or certified
14 as blighted after an administrative hearing, pursuant to R.S. 13:2575 or 2576, ~~and~~
15 ~~after all reviews or appeals have occurred.~~

16 C.(1) On ~~the~~ a first conviction, the offender shall be ~~punished by a fine~~ fined
17 ~~not to exceed more than~~ five hundred dollars per violation. Imposition of a fine may
18 be suspended and in lieu thereof, the court may require the offender to correct all

1 existing housing violations on the blighted property within a timely manner
2 determined by the court.

3 (2) On a second conviction, or if the offender fails to correct violations after
4 ordered to do so by the court, the offender shall be ~~punished by a fine not to exceed~~
5 ~~five hundred~~ fined not more than one thousand dollars per violation and ~~ordered to~~
6 ~~perform not more than forty hours of community service~~ imprisoned for not more
7 than six months. Additionally, the court shall require that the offender correct all
8 existing housing violations on the blighted property.

9 (3) On any third or subsequent conviction, or if the offender fails to correct
10 all violations after a second conviction, the offender shall be ~~punished by a fine not~~
11 ~~to exceed~~ fined not more than two thousand dollars per violation, and ~~ordered to~~
12 ~~perform not more than eighty hours of community service, or both.~~ Additionally, the
13 court shall require that the offender correct all existing housing violations on the
14 ~~blighted property~~ imprisoned for not more than one year.

15 * * *

16 H. Prosecution pursuant to this Section may occur concurrently with review
17 and appeal of declarations and certifications of blight.

18 Section 2. R.S. 14:107.3(D) is hereby repealed in its entirety.

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)]

HB 370 Reengrossed 2023 Regular Session Landry

Abstract: Provides relative to penalties for criminal blighting of property.

Present law provides for the crime of criminal blighting of property and defines such crime as the intentional or criminally negligent permitting of the existence of a condition of deterioration of property by the owner, which is deemed to have occurred when the property has been declared or certified as blighted after an administrative hearing pursuant to present law and after all reviews or appeals have occurred.

Proposed law retains the present law definition of the crime and removes the requirement for the property to be declared or certified as blighted after all reviews or appeals have occurred.

Present law provides for the following penalties:

- (1) On a first conviction, the offender shall be fined not more than \$500. Imposition of such fine may be suspended, and in lieu of, the court may require the offender to correct all existing housing violations on the blighted property.
- (2) On a second conviction, the offender shall be fined not more than \$500 and ordered to perform not more than 40 hours of community service. Additionally, the court shall require the offender to correct all existing housing violations on the blighted property.
- (3) On a third or subsequent conviction, the offender shall be fined not more than \$2,000 and ordered to perform not more than 80 hours of community service, or both. Additionally, the court shall require the offender to correct all existing housing violations on the blighted property.

Proposed law amends the present law penalties to provide for the following:

- (1) On a first conviction, the offender shall be fined not more than \$500 per violation. Imposition of such fine may be suspended, and in lieu of, the court may require the offender to correct all existing housing violations on the blighted property within a timely manner determined by the court.
- (2) On a second conviction, or if the offender fails to correct violations after ordered by the court, the offender shall be fined not more than \$1,000 per violation and imprisoned for not more than six months. Additionally, the court shall require the offender to correct all existing housing violations on the blighted property.
- (3) On a third or subsequent conviction, or if the offender fails to correct all violations after a second conviction, the offender shall be fined not more than \$2,000 per violation, and imprisoned for not more than one year.

Present law provides that upon a second or third conviction, the court is authorized to order the offender to occupy the blighted property for a designated period of not more than 60 days.

Proposed law repeals present law.

Proposed law provides that prosecution may occur concurrently with review and appeal of declarations and certifications of blight.

(Amends R.S. 14:107.3(B) and (C); Adds R.S. 14:107.3(H); Repeals R.S. 14:107.3(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Relative to a third or subsequent conviction for criminal blighting of property, provide for imprisonment for not more than one year.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law relative to the definition of criminal blighting of property applying to commercial or large-scale residential buildings and restore the present law definition of criminal blighting of property.