

## RÉSUMÉ DIGEST

ACT 85 (HB 370)

2023 Regular Session

Landry

Existing law provides for the crime of criminal blighting of property, defined 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.

New law removes the requirement for the property to be declared or certified as blighted after all reviews or appeals have occurred.

Prior law provided for the following penalties:

- (1) On a first conviction, the offender shall be fined not more than \$500. Imposition of the fine may have been suspended, and in lieu thereof, the court may have required 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 required 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 required the offender to correct all existing housing violations on the blighted property.

New law provides for the following penalties:

- (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 thereof, 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, with or without hard labor.

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

New law repeals prior law.

New law provides that the penalty for imprisonment shall not be imposed when the property is a single family residence occupied by the defendant.

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

New law adds the existing law crime of criminal blighting of property to the list of crimes which may be racketeering activity under existing law (R.S. 15:1352).

Effective August 1, 2023.

(Amends R.S. 14:107.3(B) and (C); Adds R.S. 14:107.3(H) and R.S. 15:1352(A)(70); Repeals R.S. 14:107.3(D))