

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)]

SB 211 Reengrossed

2017 Regular Session

Gary Smith

Present law defines "life safety and property protection contracting" as performing certification, inspection, installation, integration, sale, or service of systems and equipment designed to protect life and property. Present law further provides that life safety and property protection systems and equipment include, but is not limited to, mechanical or electronic locks, special locking systems and equipment, security systems and equipment, fire sprinkler systems and equipment, fire detection and alarm systems and equipment, fire suppression systems and equipment, and portable fire extinguishers, and fire hoses. Present law further provides that life safety and property protection contracting includes but is not limited to the sale, lease, rent, planning with the intent to prewire, prewiring, hydrostatic testing, maintenance, repair, testing, modification, improvement, or alteration of life safety systems and equipment; holding oneself or one's firm out for hire to perform any such task; or otherwise offering to perform any such task for compensation, either directly or indirectly.

Proposed law retains present law.

Present law provides that no person or firm can engage in life safety and property protection contracting without holding a current and valid license issued by the state fire marshal.

Proposed law provides that it is unlawful for any person to engage in the business of life safety and property protection contracting, as defined in present law, unless he holds an active license as required by present law. Proposed law further provides that it is sufficient for the indictment, affidavit, or complaint to allege that the accused unlawfully engaged in life safety and property protection contracting without authority from the office of state fire marshal.

Proposed law provides that any person who violates the provisions of proposed law will be guilty of a misdemeanor and, upon conviction, is to be imprisoned for not more than 90 days, fined not more than \$500 per day of the violation, or both.

Proposed law provides that notwithstanding any action taken by the office of state fire marshal, any person who does not possess a license as required by present law, and who violates any provision of proposed law and causes harm or damage to another in excess of \$500, upon conviction, is to be imprisoned for up to six months, fined between \$500 and \$5,000, or both. Proposed law further provides that notwithstanding the present law (R.S. 15:571.11) provision that provides for the distribution of criminal fines, any fine assessed and collected pursuant to proposed law is to be remitted to the La. Life Safety and Property Protection Trust Fund provided for in present law.

Present law provides that the fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, have the authority to investigate and cause the arrest of individuals suspected of having committed various enumerated present law crimes.

Proposed law adds the proposed law crime of engaging in life safety and property protection contracting without authority to this list.

Proposed law provides that the fire marshal, the first assistant fire marshal, and each deputy fire marshal has the authority to investigate and cause the arrest of any person suspected of having committed any offense connected to the investigation of any of the offenses enumerated in the present law list, or connected to the investigation of a burn injury report submitted to the office of state fire marshal in accordance with present law.

Effective August 1, 2017.

(Amends R.S. 40:1563.1(A)(20) and (C), (D), and (E); adds R.S. 14:206.1 and R.S. 40:1563.1(A)(21) and (F))

Summary of Amendments Adopted by Senate

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

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Changes punishment for violations that result in damages valued over \$500.
2. Makes bureau note technical changes.

Summary of Amendments Adopted by House

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

1. Amend proposed law relative to the remission of any fines collected to the La. Life Safety and Property Protection Fund to provide that proposed law shall apply notwithstanding the provision of present law (R.S. 15:571.11) which provides for the disposition of all criminal fines.
2. Change reference from "P.O.S.T. Council" to "Council on Peace Officer Standards and Training".
3. Make technical corrections.