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

<u>Proposed law</u> creates the crime of negligent arson. <u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that any person convicted of a violation of proposed law must register with the state fire marshal in accordance with <u>present law</u> 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 <u>proposed law</u> relative to an offender causing a fire or explosion with certain criminal intent or criminal negligence.
- 2. Delete <u>proposed law</u> relative to an offender causing a fire or explosion while engaged in certain drug crimes.
- 3. Delete <u>proposed law</u> relative to an offender causing a fire or explosion while manufacturing a bomb.
- 4. Delete <u>proposed law</u> relative to an absent property owner or custodian.
- 5. Delete <u>proposed law</u> relative to fires or explosions classified as "accidental" or "natural."
- 6. Delete <u>proposed law</u> 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 <u>from</u> one year <u>to</u> six months.
- 8. Change penalty language <u>from</u> "where there was no immediate threat to human life" <u>to</u> "where it was not foreseeable that human life might be endangered."
- 9. Delete penalty for negligent arson resulting in the death of a person.