

**SENATE SUMMARY OF HOUSE AMENDMENTS**

**SB 54**

**2018 Regular Session**

**Martiny**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

ARSON. Creates the crime of negligent arson. (gov sig)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Redefines the crime of negligent arson as damage to a building by the setting of fire or causing an explosion when the offender's criminal negligence causes the fire or the explosion.
2. Adds exemption for commonly accepted practices of prescribed burning of agricultural and forestry lands.
3. Technical amendments

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

SB 54 Reengrossed

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Proposed law creates the crime of negligent arson and defines it as the damaging of any building of another when the offenders criminal negligence causes the fire or the explosion.

Proposed law provides that if the offender knows or should have known that he has no possessory right to the building or other interest in it, or has not previously established a right of entry into or onto the building, it may be inferred that the setting of the fire or the causing of the explosion was without consent of the owner or custodian of the building.

Proposed law requires that whoever commits the crime of negligent arson, where it is not foreseeable that human life might be endangered, the offender, on first conviction, be fined not more than \$1,000 or imprisoned for not more than six months and is required to pay restitution for the damage sustained.

Requires that on second and subsequent conviction, the offender be fined not more than \$2,000 and imprisoned for not more than two years and is required to pay restitution for the damages sustained.

Proposed law requires that whoever commits the crime of negligent arson when it is foreseeable that human life might be endangered be fined not more than \$3,000 and imprisoned, with or without hard labor, for not more than three years, and shall be ordered to pay restitution.

Proposed law requires that whoever commits the crime of negligent arson resulting in death or serious bodily injury to a human being shall be fined not more than \$5,000, or imprisoned, with or without hard labor, for not more than five years, and in addition must pay restitution.

Defines "serious bodily injury" as bodily injury that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

Proposed law requires that persons convicted of the crime of negligent arson register with the state fire marshal in accordance with current law requiring the registration of certain arson offenders.

Proposed law does not apply to commonly accepted practices of prescribed burning of agricultural and forestry land.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 14:52.2 and R.S. 15:562.1(3)(j))

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Thomas L. Tyler  
Deputy Chief of Staff