

## RÉSUMÉ DIGEST

ACT 576 (SB 54)

2018 Regular Session

Martiny

New 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.

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.

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.

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.

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.

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.

Does not apply to commonly accepted practices of prescribed burning of agricultural and forestry land.

Effective upon signature of governor (May 31, 2018).

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