

SENATE BILL NO. 54

BY SENATOR MARTINY

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AN ACT

To enact R.S. 14:52.2 and R.S. 15:562.1(3)(j), relative to arson; to create the crime of negligent arson; to provide definitions; to provide penalties; to provide for certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:52.2 is hereby enacted to read as follows:

§52.2. Negligent arson

A. Negligent arson is the damaging of any building, as defined by R.S. 33:4771, of another by the setting of fire or causing an explosion, without consent of the owner or custodian of the building, when the offender's criminal negligence causes the fire or the explosion.

B. If the offender knows or should have known that he has no possessory right to the building or other interest therein, 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.

C. Whoever commits the crime of negligent arson where it is not foreseeable that human life might be endangered shall be subject to the following:

(1) On a first conviction, the offender shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. In addition, the offender shall be ordered to pay restitution for damages sustained.

(2) On a second and subsequent conviction, the offender shall be fined

1 not more than two thousand dollars and imprisoned, with or without hard
2 labor, for not more than two years. In addition, the offender shall be ordered
3 to pay restitution for damages sustained.

4 D. Whoever commits the crime of negligent arson where it is foreseeable
5 that human life might be endangered shall be fined not more than three
6 thousand dollars and imprisoned, with or without hard labor, for not more than
7 three years. In addition, the offender shall be ordered to pay restitution for
8 damages sustained.

9 E. Whoever commits the crime of negligent arson resulting in death or
10 serious bodily injury to a human being shall be fined not more than five
11 thousand dollars and imprisoned, with or without hard labor, for not more than
12 five years. In addition, the offender shall be ordered to pay restitution for
13 damages sustained. For the purposes of this Subsection, "serious bodily injury"
14 means bodily injury that involves unconsciousness, extreme physical pain or
15 protracted and obvious disfigurement, or protracted loss or impairment of the
16 function of a bodily member, organ, or mental faculty, or a substantial risk of
17 death.

18 F. Any person convicted of a violation of this Section shall register with
19 the state fire marshal in accordance with R.S. 15:562.3.

20 G. The provisions of this Section shall not apply to commonly accepted
21 practices of prescribed burning of agricultural and forestry land including
22 prescribed burning done in accordance with R.S. 3:17.

23 Section 2. R.S. 15:562.1(3)(j) is hereby enacted to read as follows:

24 §562.1. Definitions

25 For the purposes of this Chapter, the following shall apply:

26 * * *

27 (3) "Offense involving arson" includes the following:

28 * * *

29 (j) Negligent arson (R.S. 14:52.2).

30 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____