

2022 Regular Session

HOUSE RESOLUTION NO. 77

BY REPRESENTATIVE EDMONSTON

FIRE PROTECT/FIRE MARSHAL: Authorizes and directs the office of state fire marshal to study the current application of the Life Safety and Property Protection Licensing Act relative to persons convicted of felony crimes of violence and felony crimes against property

1 A RESOLUTION

2 To authorize and direct the office of state fire marshal to study the procedures as provided
3 in the current Life Safety and Property Protection Licensing Act, R.S. 40:1664.1 et
4 seq., as they relate to conducting criminal background checks required to obtain a
5 license to perform regulated property protection activities, to determine the
6 applicability of current law regarding persons convicted of certain felony offenses,
7 and to report its findings to the legislature at least thirty days prior to the convening
8 of the 2023 Regular Session of the Legislature of Louisiana.

9 WHEREAS, R.S. 40:1664.8(B) currently requires, in part, that "each person holding
10 a property protection endorsement must undergo and pass a criminal background check prior
11 to receiving a license" in order to determine whether such a person has been convicted of a
12 "felony crime of violence, as defined in R.S. 14:2(B), or a sex offense as defined in R.S.
13 15:541(24)(a), with the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony offense
14 against property as enumerated in R.S. 14:51 through 62.8", as stated in R.S. 40:1664.8(C);
15 and

16 WHEREAS, R.S.40:1664.8(D) currently provides that persons convicted of or who
17 have entered a plea of guilty or nolo contendere to a felony charge are not automatically
18 disqualified from obtaining a license with a property protection endorsement if ten or more
19 years have elapsed between the date of application and the date of successful completion or
20 service of any sentence, deferred adjudication, or period of probation or parole; and

1 WHEREAS, the Legislature of Louisiana has deemed that certain felony offenses are
2 more serious in relation to other felony offenses, specifically including felony crimes of
3 violence, as defined in R.S. 14:2(B) or sex offenses as defined in R.S. 15:541(24)(a), with
4 the exception of R.S. 14:92(A)(7) and R.S. 14:80, or a felony offense against property as
5 enumerated in R.S. 14:51 through 62.8; and

6 WHEREAS, House Bill No. 233 of the 2022 Regular Session of the Legislature by
7 Representative Edmonston and Senator Foil seeks to amend R.S. 40:1664.8(C), (D), and (E),
8 to provide that a conviction for a felony crime of violence specifically enumerated in R.S.
9 14:2(B) or a felony offense against property as enumerated in R.S. 14:51 through 62.8,
10 respectively, shall not constitute an automatic disqualification from obtaining a license with
11 a property protection endorsement if fifteen or more years have elapsed between the date of
12 application and the date of successful completion or service of any sentence, deferred
13 adjudication, or period of probation or parole.

14 THEREFORE, BE IT RESOLVED that the House of Representatives of the
15 Legislature of Louisiana does hereby authorize and direct the office of state fire marshal to
16 study and evaluate the current application of the Life Safety and Property Protection
17 Licensing Act as it relates to persons convicted of felony crimes of violence and felony
18 crimes against property places and to submit its findings in the form of a written report.

19 BE IT FURTHER RESOLVED that the study called for in this Resolution shall
20 examine statistical documentation to include the number of denials by the office of state fire
21 marshal, in accordance with current law.

22 BE IT FURTHER RESOLVED that the study called for in this Resolution shall
23 examine statistical and documented evidence of other states as it relates to the regulation of
24 property protection or similar activities and any requirements for such licensure related to
25 criminal histories.

26 BE IT FURTHER RESOLVED that the written report shall be submitted to the
27 Legislature of Louisiana for review and consideration no later than thirty days prior to the
28 convening of the 2023 Regular Session and be made available to the public.

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)]

HR 77 Original

2022 Regular Session

Edmonston

Authorizes and directs the office of state fire marshal to study the criminal background check requirement pursuant to the Life Safety and Property Protection Licensing Act and its application as it relates to persons convicted of felony crimes of violence and felony crimes against property and to report its findings to the legislature no later than 30 days before the convening of the 2023 R.S.