

SENATE BILL NO. 614

BY SENATOR THOMPSON

1 AN ACT

2 To enact Chapter 3-F of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 15:562 through 562.6, relative to the crime of arson; to provide for the
4 registration of persons who commit offenses involving arson; to provide for purposes
5 and notification; to provide for definitions; to provide for certain criteria; to provide
6 for penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 3-F of Title 15 of the Louisiana Revised Statutes of 1950, to be
9 comprised of R.S. 15:562 through 562.6, is hereby enacted to read as follows:

10 CHAPTER 3-F. REGISTRATION OF PERSONS WHO COMMIT

11 OFFENSES INVOLVING ARSON

12 §562. Findings; purpose

13 The legislature finds that persons who commit offenses involving arson,
14 even after being released from incarceration or commitment, are of paramount
15 governmental interest. The legislature further finds that local law enforcement
16 officers' efforts to protect their communities, conduct investigations, and
17 quickly apprehend persons who commit offenses involving arson are impaired
18 by the lack of information available to law enforcement agencies about persons
19 convicted of offenses involving arson, who live within the agencies' jurisdiction,
20 and the penal and mental health components of our justice system are largely
21 hidden from public view and that lack of information from either may result in
22 failure of both systems to meet this paramount concern of public safety. Release
23 of information about persons who commit offenses involving arson to public
24 agencies will further the governmental interests of public safety and public
25 scrutiny of the criminal and mental health systems so long as the information
26 released is rationally related to the furtherance of those goals. Therefore, this

1 state's policy is to assist local law enforcement agencies' efforts to protect their
2 communities by requiring persons who commit offenses involving arson to
3 register with the state fire marshal and to require the exchange of relevant
4 information about persons who commit offenses involving arson among state,
5 local, and federal public agencies and officials.

6 §562.1. Definitions

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

8 (1) "Conviction" means any disposition of charges adverse to the
9 defendant, including a plea of guilty, deferred adjudication, adjudication
10 withheld for the perpetration or attempted perpetration of or conspiracy to
11 commit an offense involving arson. "Conviction" shall not include a decision
12 not to prosecute, a dismissal, or an acquittal, except when the acquittal is due
13 to a finding of not guilty by reason of insanity and the person was committed.
14 However, a dismissal entered after a period of probation, suspension, or
15 deferral of sentence shall be included in the definition of "conviction" for
16 purposes of this Chapter.

17 (2) "Disposition" means the formal conclusion of a criminal proceeding
18 at whatever stage it occurs in the criminal justice system.

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

20 (a) Aggravated arson (R.S. 14:51).

21 (b) Simple arson (R.S. 14:52).

22 (c) Simple arson of a religious building (R.S. 14:52.1).

23 (d) Arson with intent to defraud (R.S. 14:53).

24 (e) Communicating of false information of planned arson (R.S. 14:54.1).

25 (f) Manufacture and possession of delayed action incendiary devices
26 (R.S. 14:54.2).

27 (g) Manufacture and possession of a bomb (R.S. 14:54.3).

28 (h) Fake explosive device (R.S. 14:54.5).

29 (4) "Residence" means a dwelling where an offender regularly resides,
30 regardless of the number of days or nights spent there. For those offenders who

1 lack a fixed abode or dwelling, "residence" shall include the area or place where
2 the offender habitually lives, including but not limited to a rural area with no
3 address or a shelter.

4 §562.2. Powers and duties of state fire marshal

5 In addition to any other powers and duties conferred in this Chapter, the
6 state fire marshal shall:

7 (1) Be responsible for the policy management and administration of the
8 registration of persons who commit offenses involving arson to support
9 investigations, enforcement and prevention of activities involving arson.

10 (2) Have the authority to enforce the provisions of this Chapter.

11 §562.3. Registration of arson offenders

12 A. Any person over the age of seventeen residing in this state who has
13 been convicted of an offense involving arson as defined in R.S. 15:562.1 shall
14 be required to register with the state fire marshal.

15 B.(1) The offender shall register and provide all of the following
16 information to the state fire marshal:

17 (a) Name and any aliases used by the offender.

18 (b) Physical address or addresses of residence.

19 (c) Two forms of proof of residence for each residential address
20 provided, including but not limited to a driver's license, bill for utility service,
21 and bill for telephone service. If those forms of proof of residence are not
22 available, the offender may provide an affidavit of an adult resident living at the
23 same address. The affidavit shall certify that the affiant understands his
24 obligation to provide written notice pursuant to R.S. 15:562.5.

25 (d) The crime for which he was convicted and the date and place of such
26 conviction, and if known by the offender, the court in which the conviction was
27 obtained, the docket number of the case, the specific statute under which he was
28 convicted, and the sentence imposed.

29 (e) A current photograph of himself.

30 (f) Telephone numbers, including fixed location phone and mobile phone

1 numbers assigned to the offender or associated with any residence address of
2 the offender.

3 (g) A description of every vehicle registered to or operated by the
4 offender, including license plate number and a copy of the offender's driver's
5 license or identification card.

6 (h) Social security number and date of birth.

7 (i) Past or current employment, membership, or association with a public
8 safety agency or emergency service organization.

9 (2) Every offender required to register in accordance with this Chapter
10 shall appear in person and provide the information required by Paragraph (1)
11 of this Subsection to the state fire marshal within thirty business days of
12 establishing residence in Louisiana, or if a current resident, within thirty
13 business days after conviction or adjudication if not immediately incarcerated
14 or taken into custody after conviction or adjudication. If incarcerated, once
15 released from confinement, every offender shall appear in person within thirty
16 business days to register with the state fire marshal pursuant to the provisions
17 of this Section.

18 (3) Knowingly providing false information to the state fire marshal
19 pursuant to the provisions of this Chapter shall constitute a failure to register
20 pursuant to R.S. 15:562.5(A)(1).

21 §562.4. Duty of offenders to notify law enforcement of change of address,
22 residence, or other registration information

23 A. Those persons required to register pursuant to the provisions of this
24 Chapter shall appear in person at the fire marshal's office within thirty business
25 days of establishing a new or additional physical residential address or of
26 changes in information previously provided when any of the following occur:

27 (1) The offender changes his place of residence or establishes a new or
28 additional residence.

29 (2) The offender has vacated his current address of registration with the
30 intent not to return.

1 (3) The offender has been absent from his current address of registration
2 for more than ninety consecutive days or an aggregate of ninety days or more
3 per calendar year and is physically present at another address during that same
4 time period.

5 (4) The offender has a change in name.

6 B. The notice of change of address required by this Section shall include
7 proof of residence as required by R.S. 15:562.3(B)(1)(c).

8 C. Any person who commits an offense involving arson who fails to
9 provide change of address or other information as provided in this Section shall
10 be subject to criminal prosecution as provided in R.S. 15:562.5.

11 §562.5. Failure to register; penalties

12 A.(1) A person who fails to register, periodically renew and update
13 registration, provide proof of residence or notification of change of address or
14 other registration information, as required by the provisions of this Chapter,
15 and a person who knowingly provides false information to the state fire marshal
16 as provided in R.S. 15:562.3(B)(3), shall, upon first conviction, be fined not
17 more than five hundred dollars.

18 (2) Upon second or subsequent convictions, the offender shall be fined
19 one thousand dollars.

20 (3) An offender who fails to pay the annual registration fee in accordance
21 with the provisions of R.S. 15:562.3 shall be fined not more than five hundred
22 dollars. Upon a second or subsequent conviction for the failure to pay the
23 annual registration fee, the offender shall be fined not more than one thousand
24 dollars.

25 B.(1) Any person who certifies by affidavit the location of the residence
26 of the offender shall send written notice to the state fire marshal. This
27 notification shall be made any time the offender is absent from the residence for
28 a period of ninety days or more, or the offender vacates the residence with the
29 intent to establish a new residence at another location. This notification shall be
30 sent within thirty days of the offender vacating the residence with the requisite

1 intent.

2 (2) Any person who fails to provide the notice required by this
3 Subsection shall be fined not more than five hundred dollars.

4 §562.6. Duration of registration and notification period

5 A person required to register pursuant to the provisions of this Chapter
6 shall comply with the requirement for five years for a first offense and for the
7 duration of the lifetime of the offender for a second or subsequent offense,
8 unless the underlying conviction is reversed, set aside, or vacated.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____