

**76-6-102 Arson.**

- (1) A person is guilty of arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:
  - (a) any property with intention of defrauding an insurer; or
  - (b) the property of another.
- (2) A violation of Subsection (1)(a) is a second degree felony.
- (3) A violation of Subsection (1)(b) is a second degree felony if:
  - (a) the damage caused is or exceeds \$5,000 in value;
  - (b) as a proximate result of the fire or explosion, any person not a participant in the offense suffers serious bodily injury as defined in Section 76-1-601;
  - (c)
    - (i) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value; and
    - (ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).
- (4) A violation of Subsection (1)(b) is a third degree felony if:
  - (a) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value;
  - (b) as a proximate result of the fire or explosion, any person not a participant in the offense suffers substantial bodily injury as defined in Section 76-1-601;
  - (c) the fire or explosion endangers human life; or
  - (d)
    - (i) the damage caused is or exceeds \$500 but is less than \$1,500 in value; and
    - (ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).
- (5) A violation of Subsection (1)(b) is a class A misdemeanor if the damage caused:
  - (a) is or exceeds \$500 but is less than \$1,500 in value; or
  - (b)
    - (i) is less than \$500; and
    - (ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).
- (6) A violation of Subsection (1)(b) is a class B misdemeanor if the damage caused is less than \$500.

Amended by Chapter 272, 2013 General Session