

HB0102S01 compared with HB0102

~~{deleted text}~~ shows text that was in HB0102 but was deleted in HB0102S01.

inserted text shows text that was not in HB0102 but was inserted into HB0102S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Larry B. Wiley proposes the following substitute bill:

ARSON PENALTIES AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Larry B. Wiley

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding penalties for repeat arson ~~{and reckless burning}~~ offenses.

Highlighted Provisions:

This bill:

- ▶ increases the penalties for arson ~~{and reckless burning}~~ offenses by one degree for a second or subsequent arson offense committed within 10 years after a prior arson conviction.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

76-6-102, as last amended by Laws of Utah 2010, Chapter 193

~~{ 76-6-104, as last amended by Laws of Utah 2010, Chapter 193~~

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 76-6-102 is amended to read:

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)}~~ A violation of Subsection (1)(b) is ~~{(a)}~~ a second degree felony if:

{(i)} (a) the damage caused is or exceeds \$5,000 in value; ~~{or}~~

{(ii)} (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 ~~{;}~~ ~~{;}~~

~~{(b)} A violation of Subsection (1)(b) is a first degree felony if at the time of the offense the defendant has been previously convicted of a second degree felony violation of this section.~~

~~{(b)} (4) (a) A violation of Subsection (1)(b) is a third degree felony if:~~

~~{~~

{(c)} (i) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value; ~~{~~

~~{(ii)}~~ and

{(ii)} (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 ten years prior to the commission of the violation of Subsection (1)(b).

{(b)} (4) A violation of Subsection (1)(b) is a third degree felony if:

{(i)} (a) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value;

{(ii)} (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; ~~{or}~~

{(iii)} (c) the fire or explosion endangers human life ~~{;}~~

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~~(b) A violation of Subsection (1)(b) is a second degree felony if at the time of the offense the defendant has been previously convicted of a third degree felony violation of this section.~~

~~[(c)] (5) (a) A violation of Subsection (1)(b) is a class A misdemeanor if; or
(d) (i) the damage caused is or exceeds \$500 but is less than \$1,500 in value;
and~~

~~(b) (ii) A violation of Subsection (1)(b) is a third degree felony if at the time of the offense the ~~defendant~~ actor has been previously convicted of a ~~class A misdemeanor~~ violation of this section or Section 76-6-103 regarding aggravated arson within ten years prior to the commission of the violation of Subsection (1)(b).~~

~~[(d) (e)] (6) (a) (5) A violation of Subsection (1)(b) is a class ~~B~~ A misdemeanor if the damage caused ~~is less than \$500.~~~~

~~(b) A violation of Subsection (1)(b) is a class A misdemeanor if at the time of the offense the defendant has been previously convicted of a class B misdemeanor violation of this section.~~

~~Section 2. Section 76-6-104 is amended to read:~~

~~**76-6-104. Reckless burning -- Penalties.**~~

~~(1) A person is guilty of reckless burning if the person:~~

~~(a) recklessly starts a fire or causes an explosion [which] that endangers human life;~~

~~(b) having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm;~~

~~(c) builds or maintains a fire without taking reasonable steps to remove all flammable materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or~~

~~(d) damages the property of another by reckless use of fire or causing an explosion.~~

~~(2) (a) (i) A violation of Subsection (1)(a) or (b) is a class A misdemeanor.~~

~~(ii) A violation of Subsection (1)(a) or (b) is a third degree felony if at the time of the offense the defendant has been previously convicted of a class A misdemeanor violation of this section.~~

~~(b) (i) A violation of Subsection (1)(c) is a class B misdemeanor.~~

~~(ii) A violation of Subsection (1)(c) is a class A misdemeanor if at the time of the~~

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~~offense the defendant has been previously convicted of a class B misdemeanor violation of this section:~~

~~—— (c) (i) A violation of Subsection (1)(d) is:~~

~~—— [(i)] (A) a class A misdemeanor if damage to property is or exceeds \$1,500 in value;~~

~~—— [(ii)] (B) a class B misdemeanor if the damage to property:~~

~~(a) is or exceeds \$500 but is less than \$1,500 in value; and~~

~~—— [(iii)] (C) a class C misdemeanor if the damage to property is or exceeds \$150~~

~~but; and] or~~

~~(b) (i) is less than \$500 in value.~~

~~—— (ii) A violation of Subsection (1)(d) is subject to a one degree greater penalty than provided in Subsection (2)(c)(i) if; and~~

~~(ii) at the time of the offense the defendant actor has been previously convicted of a violation under this section.~~

~~—— (d) (i) Any other violation under of this section or Section 76-6-103 regarding aggravated arson within ten years prior to the commission of the violation of Subsection (1)(b).~~

~~[(d) is an infraction.~~

~~——] (iii) 6 A violation of Subsection (2)(1)(d)(i) b is a class C B misdemeanor if at the time of the offense the defendant has been previously convicted of infraction violation of this section.~~

Legislative Review Note

~~—— as of 12-27-12 8:14 AM~~

~~—— Office of Legislative Research and General Counsel; the damage caused is less than \$500.~~