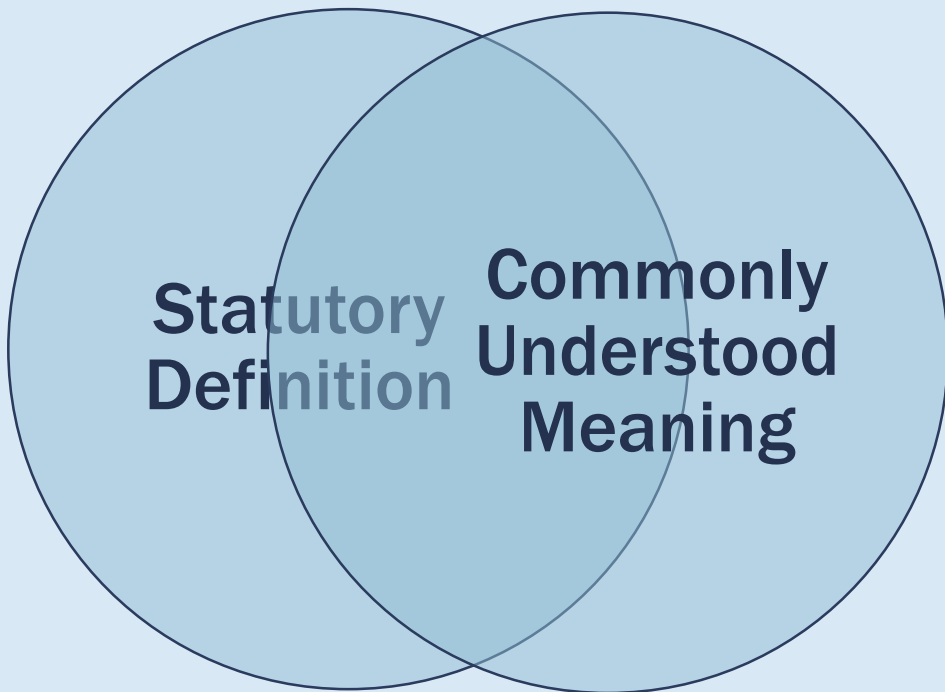


# State v. Carter

Utah Court of Appeals -- 2022 UT App 9

- **Utah Code Section 76-6-103**

- A person is guilty of aggravated arson if by means of fire or explosives he intentionally and unlawfully damages . . . “a habitable structure.”



**Statutory Definition (Utah Code Section 76-6-101):**

- Buildings, vehicles, trailers, railway cars, aircraft, or watercraft
- Used for lodging, assembling persons, or conducting business
- Regardless of whether a person is present or not

**Commonly Understood Meaning:**

- Capable of being lived in



# State v. Carter

Utah Court of Appeals -- 2022 UT App 9

- **Call for Legislative Action:**

- “[W]hile the house [in this case] may have been ‘habitable’ as that term is commonly understood, it was not ‘habitable’ as that term is specifically defined in the statute. Given this conundrum, our Legislature may well wish to revisit this provision.” 2022 UT App 9, ¶¶ 20-21.

- **Recommendation:**

- Committee may want to refer the issue to the Law Enforcement and Criminal Justice Interim Committee to consider whether the definition should be amended.