1   **ARSON AMENDMENTS**

2   2023 GENERAL SESSION

3   STATE OF UTAH

4 ═══

5   **LONG TITLE**

6   **General Description:**

7   This bill amends the definition of "habitable structure."

8   **Highlighted Provisions:**

9   This bill:

10   ▸   amends the definition of "habitable structure"; and

11   ▸   makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13   None

14 **Other Special Clauses:**

15   None

16 **Utah Code Sections Affected:**

17 AMENDS:

18   **76-6-101**, as last amended by Laws of Utah 2011, Chapter 340

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

21   Section 1. Section **76-6-101** is amended to read:

22   **76-6-101.   Definitions.**

23   (1) For purposes of this chapter:

24   (a) "Fire" means a flame, heat source capable of combustion, or material capable of

25 combustion that is caused, set, or maintained by a person for any purpose.

26   (b) "Habitable structure" means [any building, vehicle, trailer, railway car, aircraft, or

27 watercraft] a structure that has the apparent purpose of or is used for lodging or assembling

28 persons or conducting business whether a person is actually present or not.

29   (c) "Property" means:

30   (i) any form of real property or tangible personal property which is capable of being

31 damaged or destroyed and includes a habitable structure; and

32   (ii) the property of another, if anyone other than the actor has a possessory or

33   proprietary interest in any portion of the property.

34   (d) "Value" means:

35   (i) the market value of the property, if totally destroyed, at the time and place of the

36   offense, or where cost of replacement exceeds the market value; or

37   (ii) where the market value cannot be ascertained, the cost of repairing or replacing the

38   property within a reasonable time following the offense.

39   (2) If the property damaged has a value that cannot be ascertained by the criteria set

40   forth in Subsection (1)(d), the property shall be considered to have a value less than $500.