

Effective 5/3/2023

76-6-102 Arson.

- (1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
- (2) An actor commits 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.
- (3)
 - (a) A violation of Subsection (2)(a) is a second degree felony.
 - (b) A violation of Subsection (2)(b) is a second degree felony if:
 - (i) the damage caused is or exceeds \$5,000 in value;
 - (ii) 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 76-1-101.5;
 - (iii)
 - (A) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value; and
 - (B) 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 (2)(b).
 - (c) A violation of Subsection (2)(b) is a third degree felony if:
 - (i) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value;
 - (ii) 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 76-1-101.5;
 - (iii) the fire or explosion endangers human life; or
 - (iv)
 - (A) the damage caused is or exceeds \$500 but is less than \$1,500 in value; and
 - (B) 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 (2)(b).
 - (d) A violation of Subsection (2)(b) is a class A misdemeanor if the damage caused:
 - (i) is or exceeds \$500 but is less than \$1,500 in value; or
 - (ii)
 - (A) is less than \$500; and
 - (B) 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 (2)(b).
 - (e) A violation of Subsection (2)(b) is a class B misdemeanor if the damage caused is less than \$500.

Amended by Chapter 111, 2023 General Session