

76-6-104.5 Abandoned fire -- Penalties.

- (1) A person is guilty of abandoning a fire if, under circumstances not amounting to the offense of arson, aggravated arson, or causing a catastrophe under Title 76, Chapter 6, Part 1, Property Destruction, the person leaves a fire:
 - (a) without first completely extinguishing it; and
 - (b) with the intent to not return to the fire.
- (2) A person does not commit a violation of Subsection (1) if the person leaves a fire to report an uncontrolled fire.
- (3) A violation of Subsection (1):
 - (a) is a class C misdemeanor if there is no property damage;
 - (b) is a class B misdemeanor if property damage is less than \$1,000 in value; and
 - (c) is a class A misdemeanor if property damage is or exceeds \$1,000 in value.
- (4) If a violation of Subsection (1) involves a wildland fire, the violator is also liable for suppression costs under Section 65A-3-4.
- (5) A fire spreading or reigniting is prima facie evidence that the person did not completely extinguish the fire as required by Subsection (1)(a).

Amended by Chapter 320, 2009 General Session