

**ARSON OFFENSE AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Patrice M. Arent**

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**LONG TITLE**

**General Description:**

This bill amends the offense of arson to include injury to a person as an element of the offense.

**Highlighted Provisions:**

This bill:

- ▶ currently measures the degree of an arson offense by the value of property damage caused;
- ▶ provides that an arson offense can be based on serious bodily injury or endangerment of human life that is proximately caused by the fire or explosion; and
- ▶ clarifies that the injury or endangerment must involve a person who is not a participant in the offense.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-102**, as last amended by Chapter 291, Laws of Utah 1995

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*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, by means of fire or explosives, the person 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 violation of Subsection (1)(b) is:

(a) a second degree felony if:

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

(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 76-1-601;

(b) a third degree felony if:

(i) the damage caused is or exceeds \$1,000 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 76-1-601; or

(iii) the fire or explosion endangers human life;

(c) a class A misdemeanor if the damage caused is or exceeds \$300 but is less than \$1,000 in value; and

(d) a class B misdemeanor if the damage caused is less than \$300.