

**ARSON PENALTIES AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Larry B. Wiley**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding penalties for repeat arson and reckless burning offenses.

**Highlighted Provisions:**

This bill:

► increases the penalties for arson and reckless burning offenses by one degree for a second or subsequent conviction.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-102**, as last amended by Laws of Utah 2010, Chapter 193

**76-6-104**, as last amended by Laws of Utah 2010, Chapter 193

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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



28 arson, the person by means of fire or explosives unlawfully and intentionally damages:

29 (a) any property with intention of defrauding an insurer; or

30 (b) the property of another.

31 (2) A violation of Subsection (1)(a) is a second degree felony.

32 (3) (a) A violation of Subsection (1)(b) is~~[(a)]~~ a second degree felony if:

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

34 (ii) as a proximate result of the fire or explosion, any person not a participant in the  
35 offense suffers serious bodily injury as defined in Section 76-1-601[;].

36 (b) A violation of Subsection (1)(b) is a first degree felony if at the time of the offense  
37 the defendant has been previously convicted of a second degree felony violation of this section.

38 ~~[(b)]~~ (4) (a) A violation of Subsection (1)(b) is a third degree felony if:

39 (i) the damage caused is or exceeds \$1,500 but is less than \$5,000 in value;

40 (ii) as a proximate result of the fire or explosion, any person not a participant in the  
41 offense suffers substantial bodily injury as defined in Section 76-1-601; or

42 (iii) the fire or explosion endangers human life[;].

43 (b) A violation of Subsection (1)(b) is a second degree felony if at the time of the  
44 offense the defendant has been previously convicted of a third degree felony violation of this  
45 section.

46 ~~[(c)]~~ (5) (a) A violation of Subsection (1)(b) is a class A misdemeanor if the damage  
47 caused is or exceeds \$500 but is less than \$1,500 in value~~[; and]~~.

48 (b) A violation of Subsection (1)(b) is a third degree felony if at the time of the offense  
49 the defendant has been previously convicted of a class A misdemeanor violation of this section.

50 ~~[(d)]~~ (6) (a) A violation of Subsection (1)(b) is a class B misdemeanor if the damage  
51 caused is less than \$500.

52 (b) A violation of Subsection (1)(b) is a class A misdemeanor if at the time of the  
53 offense the defendant has been previously convicted of a class B misdemeanor violation of this  
54 section.

55 Section 2. Section **76-6-104** is amended to read:

56 **76-6-104. Reckless burning -- Penalties.**

57 (1) A person is guilty of reckless burning if the person:

58 (a) recklessly starts a fire or causes an explosion ~~[which]~~ that endangers human life;

59 (b) having started a fire, whether recklessly or not, and knowing that it is spreading and  
60 will endanger the life or property of another, either fails to take reasonable measures to put out  
61 or control the fire or fails to give a prompt fire alarm;

62 (c) builds or maintains a fire without taking reasonable steps to remove all flammable  
63 materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or

64 (d) damages the property of another by reckless use of fire or causing an explosion.

65 (2) (a) (i) A violation of Subsection (1)(a) or (b) is a class A misdemeanor.

66 (ii) A violation of Subsection (1)(a) or (b) is a third degree felony if at the time of the  
67 offense the defendant has been previously convicted of a class A misdemeanor violation of this  
68 section.

69 (b) (i) A violation of Subsection (1)(c) is a class B misdemeanor.

70 (ii) A violation of Subsection (1)(c) is a class A misdemeanor if at the time of the  
71 offense the defendant has been previously convicted of a class B misdemeanor violation of this  
72 section.

73 (c) (i) A violation of Subsection (1)(d) is:

74 [(†)] (A) a class A misdemeanor if damage to property is or exceeds \$1,500 in value;

75 [(††)] (B) a class B misdemeanor if the damage to property is or exceeds \$500 but is  
76 less than \$1,500 in value; and

77 [(†††)] (C) a class C misdemeanor if the damage to property is or exceeds \$150 but is  
78 less than \$500 in value.

79 (ii) A violation of Subsection (1)(d) is subject to a one degree greater penalty than  
80 provided in Subsection (2)(c)(i) if at the time of the offense the defendant has been previously  
81 convicted of a violation under this section.

82 (d) (i) Any other violation under Subsection (1)(d) is an infraction.

83 (ii) A violation of Subsection (2)(d)(i) is a class C misdemeanor if at the time of the  
84 offense the defendant has been previously convicted of infraction violation of this section.