

Representative Larry B. Wiley proposes the following substitute bill:

ARSON PENALTIES AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Larry B. Wiley

Senate Sponsor: Gene Davis

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- increases the penalties for arson offenses by one degree for a second or subsequent arson offense committed within 10 years after a prior arson 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

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



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

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

28 (b) the property of another.

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

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

31 ~~[(i)]~~ (a) the damage caused is or exceeds \$5,000 in value; ~~[or]~~

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

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

35 (ii) at the time of the offense the actor has been previously convicted of a violation of
36 this section or Section 76-6-103 regarding aggravated arson within ten years prior to the
37 commission of the violation of Subsection (1)(b).

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

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

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

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

43 (d) (i) the damage caused is or exceeds \$500 but is less than \$1,500 in value; and

44 (ii) at the time of the offense the actor has been previously convicted of a violation of
45 this section or Section 76-6-103 regarding aggravated arson within ten years prior to the
46 commission of the violation of Subsection (1)(b).

47 ~~[(e)]~~ (5) A violation of Subsection (1)(b) is a class A misdemeanor if the damage
48 caused:

49 (a) is or exceeds \$500 but is less than \$1,500 in value; ~~[and]~~ or

50 (b) (i) is less than \$500; and

51 (ii) at the time of the offense the actor has been previously convicted of a violation of
52 this section or Section 76-6-103 regarding aggravated arson within ten years prior to the
53 commission of the violation of Subsection (1)(b).

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