

ARSON AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill amends the definition of "habitable structure."

Highlighted Provisions:

This bill:

- ▶ amends the definition of "habitable structure"; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-101, as last amended by Laws of Utah 2011, Chapter 340

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-101** is amended to read:

76-6-101. Definitions.

(1) For purposes of this chapter:

(a) "Fire" means a flame, heat source capable of combustion, or material capable of combustion that is caused, set, or maintained by a person for any purpose.

(b) "Habitable structure" means ~~[any building, vehicle, trailer, railway car, aircraft, or watercraft]~~ a structure that has the apparent purpose of or is used for lodging or assembling

30 persons or conducting business whether a person is actually present or not.

31 (c) "Property" means:

32 (i) any form of real property or tangible personal property which is capable of being
33 damaged or destroyed and includes a habitable structure; and

34 (ii) the property of another, if anyone other than the actor has a possessory or
35 proprietary interest in any portion of the property.

36 (d) "Value" means:

37 (i) the market value of the property, if totally destroyed, at the time and place of the
38 offense, or where cost of replacement exceeds the market value; or

39 (ii) where the market value cannot be ascertained, the cost of repairing or replacing the
40 property within a reasonable time following the offense.

41 (2) If the property damaged has a value that cannot be ascertained by the criteria set
42 forth in Subsection (1)(d), the property shall be considered to have a value less than \$500.