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**ARSON AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: Stephanie Pitcher

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 4 absent

**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

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*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.**



28 (1) For purposes of this chapter:

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

31 (b) "Habitable structure" means [~~any building, vehicle, trailer, railway car, aircraft, or~~  
32 ~~watercraft~~] a structure that has the apparent purpose of or is used for lodging or assembling  
33 persons or conducting business whether a person is actually present or not.

34 (c) "Property" means:

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

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

39 (d) "Value" means:

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

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

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