



# HOUSE BILL 325: Amend Arson Law/Prosecutor Funds.

2017-2018 General Assembly

<b>Committee:</b>	House Judiciary II. If favorable, re-refer to Appropriations	<b>Date:</b>	April 4, 2017
<b>Introduced by:</b>	Reps. McNeill, Hurley	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition H325-CSBK-13		Jessica Sammons Committee Co-Counsel

**OVERVIEW:** *The proposed committee substitute (PCS) for House Bill 325 would create a new offense for knowingly damaging a building by fire or explosive during the commission of another felony, expand the scope of an unlawful burning resulting in serious injury to include a law enforcement officer or fire investigator, clarify who is authorized to investigate fires, and appropriate funds to create a resource prosecutor position for arson and homicide cases.*

**CURRENT LAW:** There are varying offenses of arson, depending on the circumstances involved. Offenses of arson and other unlawful burnings are classified as Class D through Class H felonies. If the burned building is occupied at the time of the burning, the offense is a Class D felony. The minimum presumptive punishment, assuming no prior record level, for convictions of these felonies ranges from 5-6 months of community, intermediate, or active punishment (for a Class H felony) through 51-64 months of active punishment (for a Class D felony).

Under G.S. 14-69.3, committing a felony involving arson or an unlawful burning that results in serious bodily injury to a firefighter or emergency medical technician who is discharging or attempting to discharge his or her duties on or near the property is a Class E felony. The minimum presumptive punishment, assuming no prior record level, for a Class E felony conviction is 20-25 months of active or intermediate punishment.

### BILL ANALYSIS:

**Section 1** of the PCS would create a new offense for an unlawful burning during the commission of another felony. Knowingly damaging or knowingly aiding, encouraging, or procuring damage to any building or structure described in this Article, while in the commission of a felony, and by means of fire or explosive, would be a Class D felony.

**Section 2** of the PCS would expand G.S. 14-69.3 to include serious bodily injury to a law enforcement officer or fire investigator.

**Section 3** of the PCS would clarify that the Office of the State Fire Marshal is authorized to investigate the cause, origin, and circumstances of every fire in which property has been destroyed or damaged, and may make investigate whether the fire was the result of carelessness or design.

**Section 4** of the PCS would appropriate from the General Fund to the Conference of District Attorneys \$115,603 in recurring funds and \$3,865 in nonrecurring funds for the 2017-2018 fiscal year to establish and support a resource prosecutor position. The resource prosecutor would serve as a State resource on arson and homicide cases and develop training programs to improve the ability to effectively prosecute arson and homicide cases.

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**EFFECTIVE DATE:** Section 1 and 2 of this act would become effective on December 1, 2017, and apply to offenses committed on or after that date. Section 4 would become effective July 1, 2017. The remainder of this act would be effective when it becomes law.