



HOUSE BILL 325: Amend Arson Law.

2017-2018 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 20, 2017
Introduced by:	Reps. McNeill, Hurley	Prepared by:	Susan Sitze
Analysis of:	PCS to Second Edition H325-CSBK-19		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, and clarify who is authorized to investigate fires.*

The PCS removes the appropriation of 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.

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. The remainder of this act would be effective when it becomes law.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
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