



# HOUSE BILL 325: Amend Arson Law.

2017-2018 General Assembly

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<b>Committee:</b>		<b>Date:</b>	August 13, 2018
<b>Introduced by:</b>		<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	S.L. 2018-31		Staff Attorney

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**OVERVIEW:** *S.L. 2018-31 expands the criminal law regarding arson. Sections 1 and 2 of this act become effective December 1, 2018, and apply to offenses committed on or after that date. The remainder of this act became effective June 22, 2018.*

**CURRENT LAW:** There are two degrees of arson. If a dwelling was occupied at the time of the burning, the offense is arson in the first degree and punishable as a Class D felony. If the dwelling burned was unoccupied at the time of the burning, the offense is arson in the second degree and is punishable as a Class G felony.

"*Knowingly*" is a subjective mental state which requires that the person is aware or conscious of what he or she is doing.

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.

## **BILL ANALYSIS:**

**S.L. 2018-31** creates two new offenses for an unlawful burning during the commission of another felony. Both (i) knowingly damaging and (ii) 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 that results in \$10,000 worth of damage, would be a Class D felony.

**S.L. 2018-31** expands G. S. 14-69.3 to include serious bodily injury to a law enforcement officer or fire investigator.

**S.L. 2018-31** clarifies 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:** Sections 1 and 2 of this act become effective on December 1, 2018, and apply to offenses committed on or after that date. The remainder of this act became effective June 22, 2018.

Karen Cochrane-Brown  
Director



Legislative Analysis  
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