



# HOUSE BILL 606: Arson Law Revisions.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2019-2020 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 6, 2019
<b>Introduced by:</b>	Reps. McNeill, Boles, Faircloth, Saine	<b>Prepared by:</b>	Shawn Middlebrooks Staff Attorney
<b>Analysis of:</b>	PCS to Second Edition H606-CSBQ-25		

**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 606 would clarify the punishments for setting fire to or burning certain buildings, and authorize the Commissioner of Insurance, through the Office of State Fire Marshal to investigate fires pursuant to Article 79 (Investigation of Fires and Inspection of Premises) of Chapter 58 (Insurance) of the General Statutes.*

**CURRENT LAW AND ANALYSIS:** Article 15 of Chapter 14 of the General Statutes governs "Arson and Other Burnings."

### **PART I. BURNING OF COMMERCIAL STRUCTURES**

**Section 1.(a)** Any person who wantonly and willfully sets fire to or burns or assist in the burning of any schoolhouse, college or educational institution is guilty of a Class F felony. G.S. 14-60.

The PCS to House Bill 606 would repeal G.S. 14-60.

### **Sections 1.(b),(c),(d),(e), and (f).**

Any person who wantonly and willfully sets fire to or burns or assist in the burning of any of the following is guilty of the corresponding felony:

- **G.S. 14-61** – Bridge, fire-engine house or rescue-squad building, or house belonging to an incorporated company or unincorporated association (Class F felony).
- **G.S. 14-62** – Uninhabited house, stable, coach house, outhouse, warehouse, office, shop, mill, barn, granary, or building, structure or erection intended in carrying out any of the foregoing trades (Class F felony).
- **G.S. 14-62.1** – Building structure in the process of construction (Class H felony).
- **G.S. 14-62.2** – Church, chapel, or meeting house (Class E felony).
- **G.S. 14-64** – Ginhouse or Tobacco house (Class H felony).

The PCS to House Bill 606 would:

- Clarify that a violation of **Section 1.(b), (c), (d), (e) or (f)** is punishable pursuant to the corresponding felony, unless a greater punishment is provided.
- Define the terms *Ginhouse* and Tobacco house under G.S. 14-64.

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## Section 1.(g)

The PCS to House Bill 606 creates a new criminal offense (G.S. 14-62.3) that would:

- Make it a Class D felony to wantonly and willfully set fire to or burn an occupied commercial structure, unless a greater punishment is provided.
- Defines "commercial structure" as a building or structure not designed for residential purposes.
- Make it a Class E felony to wantonly and willfully set fire to or burn an unoccupied commercial structure, unless a greater punishment is provided.

## **PART II. ARSON OR OTHER UNLAWFUL BURNING THAT RESULTS IN INJURY TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN**

### Section 2

A person is guilty of a Class E felony if the person commits a felony under Article 15 of Chapter 14 of the General Statutes that results in serious bodily injury to a firefighter, law enforcement, fire investigator, or emergency medical technician discharging or attempting to discharge official duties. G.S. 14-69.3.

The PCS to House Bill 606 would:

- Eliminate the offense of "serious ~~bodily~~ injury".
- Make it a Class F felony to violate this section and cause *serious injury*.
- Make it a Class I felony to violate this section and cause *physical injury*.

## **PART III. COMMISSIONER OF INSURANCE THROUGH OFFICE OF STATE FIRE MARSHAL TO INVESTIGATE FIRES**

### Section 3.(a)

The Director of the State Bureau of Investigation (SBI) is authorized to investigate every fire occurring in a municipality or county in which property has been damaged or destroyed. G.S. 58-79-1.

The PCS to House Bill 606 would authorize both the Commissioner of Insurance, through the Office of State Fire Marshall, *and* the Director of SBI to investigate fires under this section.

### Section 3.(b)

The Director of the SBI is required to examine the circumstances and origin of all fires, decide whether the fire was caused due to carelessness or the act of an incendiary, take testimony from persons with knowledge related to the fire, and reduce the findings of any fire investigation to writing. G.S. 58-79-5.

The PCS to House Bill 606 would authorize the Commissioner of Insurance, through the Office of State Fire Marshall, and the Director of the SBI to carry out the duties of this section.

### Section 3.(c)

The Director of the SBI has the power of trial justice for purposes of summoning and compelling the attendance of witnesses under this Article, may administer oaths and affirmations, and at all times may enter and examine any building or premises where a fire has occurred. G.S. 58-79-10.

The PCS to House Bill 606 would authorize the Commissioner of Insurance, through the Office of State Fire Marshal, and the Director of the SBI to carry out the duties of this section.

### Section 3.(d)

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A person who fails to comply with a summons or subpoena of the Director of SBI under G.S. 58-79-10 may be punished for contempt. G.S. 58-79-15.

The PCS to House Bill 606 would authorize a person that fails to comply with a summons or subpoena of the Commissioner of Insurance, through the Office of State Fire Marshal to be punished for contempt.

## **Section 3.(e)**

The chief of a municipal fire or police department, county fire marshal, sheriff, or special agent of the SBI may request that an insurance company investigating a fire loss of real or personal property to release information pertaining to the fire. If an insurance company suspects a fire loss was caused by incendiary means, the company shall furnish all relevant materials to the SBI. G.S. 58-70-49.

The PCS to House Bill 606 would:

- Allow the Commissioner of Insurance, through the Office of State Fire Marshal, to request information from an insurance company under this section.
- Authorize an insurance company to furnish relevant materials of a fire investigation to the SBI and the Office of State Fire Marshal if the company suspects the fire was started by incendiary means.

**EFFECTIVE DATE:** See the bill text for additional information.