

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 440

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO CRIMES; CLARIFYING THE ELEMENTS OF THE CRIMES OF  
ARSON, NEGLIGENT ARSON AND AGGRAVATED ARSON; CHANGING  
PUNISHMENT PROVISIONS TO MAKE THEM CONSISTENT WITH OTHER  
CRIMES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-17-5 NMSA 1978 (being Laws 1970,  
Chapter 39, Section 1) is amended to read:

"30-17-5. ARSON [~~AND NEGLIGENT ARSON~~]. - -

A. Arson consists of maliciously or willfully  
starting a fire or causing an explosion:

(1) with the purpose of destroying or  
damaging [~~any building, occupied structure or~~] property of  
another [~~or bridge, utility line, fence or sign~~]; or

(2) with the purpose of destroying or

1 damaging [any] property, whether the person's own or  
2 another's, to collect insurance for [such] the loss.

3 ~~[(1)]~~ B. Whoever commits arson when the value of  
4 the thing destroyed or damaged:

5 (1) is one hundred dollars (\$100) or less is  
6 guilty of a petty misdemeanor;

7 ~~(2)~~ ~~[Whoever commits arson when the value of~~  
8 ~~the thing destroyed or damaged]~~ is over one hundred dollars  
9 (\$100) but not more than ~~[one thousand dollars (\$1,000)]~~ two  
10 hundred fifty dollars (\$250) is guilty of a ~~[fourth-degree~~  
11 ~~felony]~~ misdemeanor;

12 ~~(3)~~ ~~[Whoever commits arson when the value of~~  
13 ~~the thing destroyed or damaged exceeds one thousand dollars~~  
14 ~~(\$1,000)]~~ is more than two hundred fifty dollars (\$250) but  
15 not more than two thousand five hundred dollars (\$2,500) is  
16 guilty of a ~~[third]~~ fourth degree felony;

17 ~~[B. Negligent arson consists of recklessly~~  
18 ~~starting a fire or causing an explosion, whether on the~~  
19 ~~person's property or another's, and thereby directly causing~~  
20 ~~the death or bodily injury of another; or damaging or~~  
21 ~~destroying a building or occupied structure of another.~~

22 ~~Whoever commits negligent arson is guilty of a fourth~~  
23 ~~degree felony.~~

24 ~~C. As used in this section, "occupied structure"~~  
25 ~~includes a boat, trailer, car, airplane, structure or place~~

1 ~~adapted for the transportation or storage of property or for~~  
2 ~~overnight accommodations of persons or for carrying on~~  
3 ~~business therein, whether or not a person is actually~~  
4 ~~present.]~~

5 (4) is over two thousand five hundred dollars  
6 (\$2,500) but not more than twenty thousand dollars (\$20,000)  
7 is guilty of a third degree felony; and

8 (5) is over twenty thousand dollars (\$20,000)  
9 is guilty of a second degree felony."

10 Section 2. Section 30-17-6 NMSA 1978 (being Laws 1963,  
11 Chapter 303, Section 17-6) is amended to read:

12 "30-17-6. AGGRAVATED ARSON. --

13 A. Aggravated arson consists of the [wilful or  
14 ~~malicious damaging by any explosive substance or the wilful or~~  
15 ~~malicious setting fire to any bridge, aircraft, watercraft,~~  
16 ~~vehicle, pipe line, utility line, communication line or~~  
17 ~~structure, railway structure, private or public building,~~  
18 ~~dwelling or other structure, causing a person great bodily~~  
19 ~~harm] commission of arson resulting in injury to a person.~~

20 B. Whoever commits aggravated arson resulting in  
21 great bodily harm is guilty of a second degree felony.

22 C. Whoever commits aggravated arson resulting in  
23 painful temporary disfigurement or temporary loss or  
24 impairment of the functions of any member or organ of the body  
25 is guilty of a third degree felony."

underscored material = new  
[bracketed material] = delete

