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SENATE BILL 229

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John T. L. Grubesi c

AN ACT

RELATING TO CRIMINAL LAW; REVISING THE ELEMENTS OF STATUTES
REGARDING ARSON; PROVIDING PENALTIES; AMENDING 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 a person maliciously [or] and
willfully: [~~starting a fire or causing an explosion with the~~
~~purpose of destroying or damaging any building, occupied~~
~~structure or property of another, or bridge, utility line,~~
~~fence or sign; or with the purpose of destroying or damaging~~
~~any property, whether the person's own or another's, to collect~~
~~insurance for such loss.~~]

underscored material = new
[bracketed material] = delete

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1 (1) setting fire to or burning, in whole or in
2 part, real property or personal property;

3 (2) using an explosive device or an explosive
4 substance to destroy or cause to be burned or destroyed, in
5 whole or in part, real property or personal property; or

6 (3) setting fire to or burning, with the
7 purpose of destroying or damaging real property or personal
8 property, whether the person's own property or the property of
9 another person, in order to collect insurance money for the
10 property loss.

11 ~~[(1)]~~ B. Whoever commits arson when the value of
12 the ~~[thing]~~ property destroyed or damaged or intended to be
13 destroyed or damaged is one hundred dollars (\$100) or less is
14 guilty of a petty misdemeanor.

15 ~~[(2)]~~ C. Whoever commits arson when the value of
16 the ~~[thing]~~ property destroyed or damaged or intended to be
17 destroyed or damaged is over one hundred dollars (\$100) but not
18 more than ~~[one thousand dollars (\$1,000) is guilty of a fourth~~
19 ~~degree felony]~~ two hundred fifty dollars (\$250) is guilty of a
20 misdemeanor.

21 ~~[(3)]~~ D. Whoever commits arson when the value of
22 the ~~[thing]~~ property destroyed or damaged ~~[exceeds one thousand~~
23 ~~dollars (\$1,000) is guilty of a third degree felony.~~

24 ~~B.~~ Negligent arson consists of recklessly starting
25 a fire or causing an explosion, whether on the person's

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[bracketed material] = delete

1 ~~property or another's, and thereby directly causing the death~~
2 ~~or bodily injury of another; or damaging or destroying a~~
3 ~~building or occupied structure of another.~~

4 ~~Whoever commits negligent arson is guilty of a fourth~~
5 ~~degree felony.~~

6 ~~C. As used in this section, "occupied structure"~~
7 ~~includes a boat, trailer, car, airplane, structure or place~~
8 ~~adapted for the transportation or storage of property or for~~
9 ~~overnight accommodations of persons or for carrying on business~~
10 ~~therein, whether or not a person is actually present] or~~
11 ~~intended to be destroyed or damaged is over two hundred fifty~~
12 ~~dollars (\$250) but not more than two thousand five hundred~~
13 ~~dollars (\$2,500) is guilty of a fourth degree felony.~~

14 ~~E. Whoever commits arson when the value of the~~
15 ~~property destroyed or damaged is over two thousand five hundred~~
16 ~~dollars (\$2,500) but not more than twenty thousand dollars~~
17 ~~(\$20,000) is guilty of a third degree felony.~~

18 ~~F. Whoever commits arson when the value of the~~
19 ~~property destroyed or damaged or intended to be destroyed or~~
20 ~~damaged is over twenty thousand dollars (\$20,000) is guilty of~~
21 ~~a second degree felony.~~

22 ~~G. Negligent arson in the third degree consists of~~
23 ~~a person recklessly starting a fire or causing an explosion,~~
24 ~~whether on the personal or real property of the person or on~~
25 ~~the personal or real property of another person, and directly~~

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[bracketed material] = delete

1 causing death or great bodily harm to another person.

2 H. Whoever commits negligent arson in the third
3 degree is guilty of a third degree felony.

4 I. Negligent arson in the fourth degree consists of
5 a person recklessly starting a fire or causing an explosion,
6 whether on the personal or real property of the person or on
7 the personal or real property of another person, when the value
8 of the property destroyed or damaged is two thousand five
9 hundred dollars (\$2,500) or more.

10 J. Whoever commits negligent arson in the fourth
11 degree is guilty of a fourth degree felony.

12 K. Negligent arson consists of a person recklessly
13 starting a fire or causing an explosion, whether on the
14 personal or real property of the person or on the personal or
15 real property of another person, when the value of the property
16 destroyed or damaged is less than two thousand five hundred
17 dollars (\$2,500).

18 L. Whoever commits negligent arson is guilty of a
19 misdemeanor.

20 M As used in this section, "recklessly" means
21 acting with willful disregard for the rights or safety of
22 others and in a manner that endangers another person or real or
23 personal property."

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

. 153897. 1

1 "30-17-6. AGGRAVATED ARSON. --

2 A. Aggravated arson in the second degree consists
3 of ~~[the wilful or malicious damaging by any explosive substance~~
4 ~~or the wilful or malicious setting fire to any bridge,~~
5 ~~aircraft, watercraft, vehicle, pipe line, utility line,~~
6 ~~communication line or structure, railway structure, private or~~
7 ~~public building, dwelling or other structure, causing a person~~
8 ~~great bodily harm.~~

9 ~~Whoever commits aggravated arson is guilty of a second~~
10 ~~degree felony]~~ a person maliciously and willfully setting a
11 fire or causing an explosion that results in great bodily harm
12 to another person.

13 B. Whoever commits aggravated arson in the second
14 degree is guilty of a second degree felony.

15 C. Aggravated arson in the third degree consists of
16 a person maliciously and willfully setting a fire or causing an
17 explosion that results in temporary, painful disfigurement to
18 another person or results in an impairment to the functions of
19 a member or an organ of another person's body.

20 D. Whoever commits aggravated arson in the third
21 degree is guilty of a third degree felony."

22 Section 3. EFFECTIVE DATE. --The effective date of the
23 provisions of this act is July 1, 2005.