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HOUSE BILL 282

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING THAT INTENTIONAL ARSON
COMMITTED ON AN OCCUPIED STRUCTURE IS A FELONY; EXPANDING THE
CRIME OF AGGRAVATED ARSON TO INCLUDE BODILY INJURY AND DEATH;
PROVIDING PENALTIES.

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, as amended) is amended to read:

"30-17-5. ARSON AND NEGLIGENT ARSON.--

A. Arson consists of a person maliciously or
willfully starting a fire or causing an explosion with the
purpose of destroying or damaging:

(1) a building, occupied structure or property
of another person;

(2) a bridge, utility line, fence or sign; or

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underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 (3) any property, whether the person's own
2 property or the property of another person, to collect
3 insurance for the loss.

4 B. Whoever commits arson to property other than an
5 occupied structure and there is no resulting damage or when the
6 damage is two hundred fifty dollars (\$250) or less is guilty of
7 a petty misdemeanor.

8 C. Whoever commits arson to property other than an
9 occupied structure when the damage is over two hundred fifty
10 dollars (\$250) but not more than five hundred dollars (\$500) is
11 guilty of a misdemeanor.

12 D. Whoever commits arson to property other than an
13 occupied structure when the damage is over five hundred dollars
14 (\$500) but not more than two thousand five hundred dollars
15 (\$2,500) is guilty of a fourth degree felony.

16 E. Whoever commits arson to an occupied structure
17 when there is no resulting damage or when the damage is two
18 thousand five hundred dollars (\$2,500) or less is guilty of a
19 fourth degree felony.

20 [~~E.~~] F. Whoever commits arson when the damage is
21 over two thousand five hundred dollars (\$2,500) but not more
22 than twenty thousand dollars (\$20,000) is guilty of a third
23 degree felony.

24 [~~F.~~] G. Whoever commits arson when the damage is
25 over twenty thousand dollars (\$20,000) is guilty of a second

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underscored material = new
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1 degree felony.

2 [~~G.~~] H. Negligent arson consists of a person
3 recklessly starting a fire or causing an explosion, whether on
4 the person's property or the property of another person, and
5 thereby directly:

6 (1) causing the death or bodily injury of
7 another person; or

8 (2) damaging or destroying a building or
9 occupied structure of another person.

10 [~~H.~~] I. Whoever commits negligent arson is guilty
11 of a fourth degree felony.

12 [~~I.~~] J. As used in this section, "occupied
13 structure" includes a boat, trailer, car, airplane, structure
14 or place adapted for the transportation or storage of property,
15 for overnight accommodations of persons or for carrying on a
16 business therein, whether or not a person is actually present."

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

19 "30-17-6. AGGRAVATED ARSON.--

20 A. Aggravated arson consists of the [~~wilful~~]
21 willful or malicious damaging by any explosive substance or the
22 [~~wilful~~] willful or malicious setting fire to any bridge,
23 aircraft, watercraft, vehicle, pipe line, utility line,
24 communication line or structure, railway structure, private or
25 public building, dwelling or other structure, causing a person

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underscoring material = new
~~[bracketed material] = delete~~

1 bodily injury, great bodily harm or death.

2 B. Whoever commits aggravated arson causing bodily
3 injury to another person is guilty of a third degree felony.

4 C. Whoever commits aggravated arson causing great
5 bodily harm or death to another person is guilty of a second
6 degree felony.

7 D. Prosecution pursuant to this section shall not
8 prevent prosecution pursuant to any other provision of the law
9 when the conduct also constitutes a violation of that other
10 provision."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2012.