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SENATE BILL 425

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO CRIMINAL LAW; CHANGING THE ELEMENTS OF THE CRIMES  
OF ARSON AND NEGLIGENT ARSON.

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 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~~].

(1) Whoever commits arson when the value of

underscored material = new  
[bracketed material] = delete

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[bracketed material] = del ete

1 the thing destroyed or damaged is one hundred dollars (\$100)  
2 or less is guilty of a misdemeanor.

3 (2) Whoever commits arson when the value of  
4 the thing destroyed or damaged is over one hundred dollars  
5 (\$100) but not more than one thousand dollars (\$1,000) is  
6 guilty of a fourth degree felony.

7 (3) Whoever commits arson when the value of  
8 the thing destroyed or damaged exceeds one thousand dollars  
9 (\$1,000) is guilty of a third degree felony.

10 B. Negligent arson consists of recklessly starting  
11 a fire or causing an explosion, whether on the person's  
12 property or another's, and thereby directly causing the death  
13 or bodily injury of another; or damaging or destroying a  
14 building or occupied structure of another or damaging farm or  
15 ranch land or fences of another.

16 Whoever commits negligent arson is guilty of a fourth  
17 degree felony.

18 C. As used in this section, "occupied structure"  
19 includes a boat, trailer, car, airplane, structure or place  
20 adapted for the transportation or storage of property or for  
21 overnight accommodations of persons or for carrying on  
22 business therein, whether or not a person is actually  
23 present. "