
**Criminal Justice & Corrections
Committee**

HB 1283

Brief Description: Revising arson law as it relates to manufacture of controlled substances.

Sponsors: Representatives Curtis, Moeller, Hinkle, Haler, Armstrong, Eickmeyer, Fromhold and Condotta.

Brief Summary of Bill

- Expands the arson statutes to include a person who causes a fire or explosion to a structure as a result of attempting to manufacture a controlled substance.

Hearing Date: 2/4/05

Staff: Yvonne Walker (786-7841).

Background:

Arson generally occurs when a person knowingly and maliciously causes a fire or explosion which is dangerous to any human life or causes damage to any property.

There are two degrees of the crime of arson. Arson in the first degree occurs when a person knowingly and maliciously cause a fire or explosion:

- which is manifestly dangerous to any human life (including firemen);
- which damages a dwelling;
- where, at the time of the incident, there is a human being who is not a participant of the crime; or
- where there is property valued at \$10,000 or more with the intent to collect insurance proceeds.

First degree arson is a seriousness level VIII, class A felony offense. A first-time offender with no prior criminal history would receive a presumptive sentence range of 21 to 27 months in prison.

Arson in the second degree occurs when a person knowingly and maliciously cause a fire or explosion that damages such structures as buildings, bridges, vehicles, agriculture, or any other property. Second degree arson is a seriousness level IV, class B felony offense. A first-time offender with no prior criminal history would receive a presumptive sentence range of three to nine months in jail.

Generally, a person who recklessly causes a fire or explosion (i.e., while manufacturing a controlled substance) and thereby causes damage to a building or other structure is guilty of reckless burning in the first degree. The offense of reckless burning in the first degree is a seriousness level I, class C felony offense. A first-time offender with no prior criminal history would receive a presumptive sentence range of up to 60 days in jail.

Summary of Bill:

The arson statutes are expanded to include persons who cause fire damages as result of trying to manufacture controlled substances.

A person is guilty of a first degree arson offense if, while manufacturing or attempting to manufacture an illegal control substance, he or she causes a fire or explosion:

- which is manifestly dangerous to any human life (including firefighters);
- which damages a dwelling;
- where, at the time of the incident, there is a human being who is not a participant of the crime; or
- where there is property valued at \$10,000 or more with the intent to collect insurance proceeds.

A person is guilty of a second degree arson offense if, while manufacturing or attempting to manufacture an illegal control substance, he or she causes a fire or explosion that damages such structures as buildings, bridges, vehicles, agriculture, or any other property.

Appropriation: None.

Fiscal Note: Requested on January 25, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.