

HOUSE BILL NO. 1528

Introduced by

Representatives M. Ruby, Nelson

Senator Klein

1 A BILL for an Act to amend and reenact sections 12.1-21-01 and 12.1-21-02 of the North
2 Dakota Century Code, relating to arson and endangering by fire or explosion; and to provide a
3 penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 12.1-21-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-21-01. Arson.**

8 A person

9 1. An individual is guilty of arson, a class B felony, if ~~he~~the individual starts or maintains a
10 fire or causes an explosion with intent to destroy an:

11 a. An entire or any part of a building or inhabited structure of another or a vital
12 public facility, ~~or if he starts or maintains a fire or causes an explosion with intent~~
13 ~~to destroy or;~~

14 b. Or damage ~~his~~the individual's own real or personal property for the purpose of
15 collecting insurance for the loss;:

16 c. Or damage ~~the individual's~~the individual's own real property for the purpose of depriving another
17 with a legal interest in the real property damaged or destroyed; or

18 d. Or damage ~~the individual's~~the individual's own personal property for the purpose of depriving
19 another with a legal interest in the personal property damaged or destroyed, and
20 the value of the personal property damaged or destroyed has a value in excess
21 of two thousand dollars.

22 2. For purposes of this section, "a legal interest" includes, a joint legal interest by joint
23 ownership of the property, or an individual's own legal interest in property financed by
24 another, such as a mortgage, contract, deed, or lien.

1 **SECTION 2. AMENDMENT.** Section 12.1-21-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **12.1-21-02. Endangering by fire or explosion.**

- 4 1. ~~A person~~An individual is guilty of an offense if ~~he intentionally~~the individual willfully
5 starts or maintains a fire or causes an explosion and thereby ~~recklessly~~:
6 a. Places another person in danger of death or bodily injury;
7 b. Places an entire or any part of a building or inhabited structure of another or a
8 vital public facility in danger of destruction; or
9 c. Causes damage to property of another constituting pecuniary loss in excess of
10 two thousand dollars.
11 2. If an individual is under the influence of an intoxicating liquor or drug which resulted in
12 or contributed to starting a fire, the individual's state of being under the influence is
13 prima facie evidence of the intent to violate the provisions of this section.
14 3. For purposes of this section, "person in danger" includes, fire department personnel, a
15 firefighter, and a volunteer firefighter while responding to a fire or during fire
16 suppression efforts.
17 4. The offense is a class A felony if the fire or explosion results in the death of another.
18 The offense is a class B felony if the actor places another person in danger of death
19 under circumstances manifesting an extreme indifference to the value of human life.
20 Otherwise it is a class C felony.