

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 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 own personal property for the purpose of depriving
19 another with a legal interest in the personal property damaged or destroyed, and

1 the value of the personal property damaged or destroyed has a value in excess
2 of two thousand dollars.

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

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

8 **12.1-21-02. Endangering by fire or explosion.**

9 1. ~~A person~~An individual is guilty of an offense if he ~~the individual intentionally~~the-
10 ~~individual willfully~~ starts or maintains a fire or causes an explosion and thereby
11 recklessly:

- 12 a. Places another person in danger of death or bodily injury;
- 13 b. Places an entire or any part of a building or inhabited structure of another or a
14 vital public facility in danger of destruction; or
- 15 c. Causes damage to property of another constituting pecuniary loss in excess of
16 two thousand dollars.

17 2. ~~If an individual is under the influence of an intoxicating liquor or drug which resulted in~~
18 ~~or contributed to starting a fire, the individual's state of being under the influence is~~
19 ~~prima facie evidence of the intent to violate the provisions of this section.~~

20 ~~3.~~ For purposes of this section, "person in danger" includes, fire department, law
21 enforcement, and emergency medical personnel, a firefighter, and a volunteer
22 firefighter while responding to a fire or during fire suppression efforts.

23 ~~4.3.~~ ~~The offense is a class A felony if the fire or explosion results in the death of another.~~
24 The offense is a class B felony if the actor places another person in danger of death
25 under circumstances manifesting an extreme indifference to the value of human life.
26 Otherwise it is a class C felony.