

FIRST ENGROSSMENT

ENGROSSED 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
20 the value of the personal property damaged or destroyed has a value in excess
21 of two thousand dollars.

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

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

6 **12.1-21-02. Endangering by fire or explosion.**

- 7 1. ~~A person~~An individual is guilty of an offense if he ~~he~~ the individual intentionally starts or
8 maintains a fire or causes an explosion and thereby recklessly:
9 a. Places another person in danger of death or bodily injury;
10 b. Places an entire or any part of a building or inhabited structure of another or a
11 vital public facility in danger of destruction; or
12 c. Causes damage to property of another constituting pecuniary loss in excess of
13 two thousand dollars.
- 14 2. For purposes of this section, "person in danger" includes, fire department, law
15 enforcement, and emergency medical personnel, a firefighter, and a volunteer
16 firefighter while responding to a fire or during fire suppression efforts.
- 17 3. The offense is a class B felony if the actor places another person in danger of death
18 under circumstances manifesting an extreme indifference to the value of human life.
19 Otherwise it is a class C felony.