



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Matthew Ruby

District 40
1400 Golden Valley Lane
Minot, ND 58703-1192
mruby@ndlegis.gov

COMMITTEES:

Human Services (Chair)
Energy and Natural Resources

4FEB25

Good Morning Chairman Klemin and Judiciary Committee,

My name is Matt Ruby and I represent District 40 in Minot. I brought HB 1528 which deals with an issue that law enforcement is having with bringing criminal charges for certain situations involving arson. Current law doesn't consider joint property that is damaged by one of the parties, the property of another. Another situation is when someone burns their own property that they have a joint stake in with another party, but it wasn't done for an insurance claim.

March 2022 Harvey Abusive husband attempted to burn up his home after a domestic dispute with his wife, who law enforcement escorted from their joint residence. 15 minutes later the husband started the house on fire, specifically their bed and the couch his wife had been sleeping on. The fire(s) did extensive damage, but burned themselves mostly out. Home had a mortgage against it, but owners let the insurance expire. Is joint property (a home) property of another. The prosecutor/court did not think so.

September 2022 Surrey Adult child burned up residence, with fire(s) started in multiple areas. Home was in his name and parents' name. Parents carried the insurance only in their name and made an insurance claim. No prosecution because the house was not burned for an insurance claim.

January 2024 Rugby Domestic Altercation between husband and wife. Husband burned up his and wife's car on video, which was the car his wife always drove. There was no insurance on car. No prosecution because joint property and no insurance claim (or because he started the fire for purposes other than collecting insurance.)

September 2024 Jamestown Wife left the husband and they are living apart. Husband torches the house and garage with her new pickup in it, which was in both their names. The wife mase an insurance claim. No charges related to burning up joint property as a result of separation, and the husband burning the property was not for the intent of HIM collecting insurance.

We have a couple situations that this bill hopes to address. I had the Attorney General's office help with drafting. I would be happy to stand for any questions.

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