

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.  
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.

## **House Bill 1528 Written Testimony**

Tuesday, February 4<sup>th</sup>, 11:00am – Room 327B

Mr. Chairman and members of the committee, thank you for the opportunity to provide testimony in strong support of House Bill 1528. My name is Shane Weltikol, and I serve as the Battalion Chief and Fire Investigator for the Mandan Fire Department. I am here today to emphasize the critical need for this legislation and to advocate for its passage as a necessary enhancement to North Dakota's arson and fire related statutes.

As fire service professionals, we see firsthand the devastation caused by intentional fires. Arson and reckless fire setting not only destroy property but also endanger the lives of innocent civilians, first responders, and entire communities. House Bill 1528 strengthens existing laws by closing legal gaps which enhances accountability and ensures that those who put lives at risk are held responsible for their actions.

The passage of this bill is not just about legal definitions. It is about protecting lives. Every year, arson and reckless fire setting cause millions of dollars in damages, result in injuries or fatalities, and puts undue strain on emergency response resources. Strengthening the law will provide prosecutors with clearer guidelines to ensure justice for victims and deter future offenses.

Moreover, as a fire service leader, I believe this bill will help prevent tragedies by discouraging reckless behavior and ensuring that those who endanger others face appropriate consequences. Our firefighters and first responders put their lives on the line to protect our

communities and must do everything in our power to support measures that enhance public safety and prevent unnecessary risk.

I urge this committee to support House Bill 1528 and advance it through the legislative process. By passing this bill you are taking a critical step in ensuring the safety of North Dakota's citizens and those who dedicate their lives to protecting them. Thank you for your time and consideration. I welcome any questions you may have.

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**Notes for Shane Only (not given during testimony)**

**Expanded Definition of Arson:** Clarifies that arson includes intentionally setting fire to one's own property when done with the intent to defraud insurance companies or deprive another individual with a legal interest in the property. This addition is essential in addressing fraudulent and malicious destruction which can have severe financial and legal consequences.

**Strengthened Protections for Firefighters and First Responders:** Recognizes that first responders, including career and volunteer firefighters, are among those endangered by reckless fire setting and acknowledges the immense risk we take when responding to arson related incidents. Ensuring that endangerment includes fire personnel reinforces the seriousness of these offenses and helps deter reckless behavior.

**Accountability for Fire Setting While Under the Influence:** Establishes that being under the influence of drugs or alcohol at the time of a fire can serve as prima facie evidence of intent. This provision is particularly important in cases where intoxication leads to negligence as it holds individuals accountable for the consequences of their actions.

**Clearer and Stricter Penalties:** Appropriately classifies offenses based on the severity of harm caused. Ensures that cases where a fire results in death or extreme risk to human life are treated as serious felonies and aligns the law with the gravity of these crimes. This sends a strong message that reckless fire setting will not be tolerated.



**North Dakota Chapter of the International Association of Arson Investigators**

February 3, 2025

To: House Judiciary Committee  
Hon. Chairman Klemin  
Hon. Vice-Chairs Karls and Vetter  
Members of the Committee

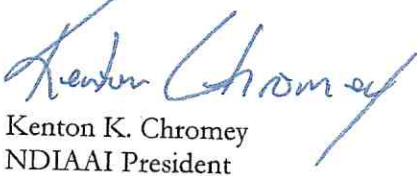
**RE: House Bill 1528**

Chairman Klemin, Vice-Chairs Karls and Vetter, and Members of the House Judiciary Committee:

The North Dakota Chapter of the International Association of Arson Investigators (NDIAAI) is submitting this letter requesting a **DO PASS** to House Bill 1528.

The safety of the Emergency Responder community within the State of North Dakota is a priority of the NDIAAI. House Bill 1528 provides the necessary language for that safety.

On behalf of the North Dakota Chapter of the International Association of Arson Investigators:

  
Kenton K. Chromey  
NDIAAI President