

Sixty-ninth
Legislative Assembly
of North Dakota

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 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
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.