

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/22/13
A Bill

HOUSE BILL 1514

By: Representative Kizzia

For An Act To Be Entitled

AN ACT TO ABOLISH ANY COMMON LAW PRESUMPTION THAT A
FIRE WAS CAUSED BY AN ACCIDENT OR NATURAL CAUSES; AND
FOR OTHER PURPOSES.

Subtitle

TO ABOLISH ANY COMMON LAW PRESUMPTION
THAT A FIRE WAS CAUSED BY AN ACCIDENT OR
NATURAL CAUSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 5, Chapter 38, Subchapter 3, is amended to add an additional section to read as follows:

5-38-312. No presumption on cause of fire.

(a) The purpose of this section is to:

(1) Clarify that there is not a presumption as to the cause of fire related to a violation of this subchapter;

(2) Abolish any common law contrary to this section, including without limitation Johnson v. State, 198 Ark. 871, 131 S.W.2d 934 (1939) and Thomas v. State, 295 Ark. 29, 746 S.W.2d 49 (1988); and

(3) Clarify that there is no change under this section to the public policy as it relates to civil actions involving the cause of a fire.

(b) There is not a presumption in a prosecution brought under this subchapter that:

(1) A fire was caused by:

(A) Accident; or

(B) Natural causes; or



(2) A fire was set on purpose or of incendiary origin.

(c) The burden of proof for the cause of a fire in a prosecution brought under this subchapter is beyond a reasonable doubt as provided under § 5-1-111.

(d) This section does not affect a civil action involving the cause of a fire.

/s/Kizzia

APPROVED: 04/08/2013