

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/14/17
A Bill

HOUSE BILL 1577

By: Representative Hammer
By: Senator Collins-Smith

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSE OF ARSON; CONCERNING
THE STATUTE OF LIMITATIONS FOR ARSON; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING THE OFFENSE OF ARSON; AND
CONCERNING THE STATUTE OF LIMITATIONS FOR
ARSON.

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

SECTION 1. Arkansas Code § 5-1-109(a), concerning the statute of limitations for certain offenses, is amended to add an additional subdivision to read as follows:

(3) A prosecution for arson, § 5-38-301(a)(1)(G), may be commenced within ten (10) years after the offense was committed.

SECTION 2. Arkansas Code § 5-38-301(a) and (b), concerning the elements and available penalties for the offense of arson, are amended to read as follows:

(a) A person commits arson if he or she:

(1) Starts a fire or causes an explosion with the purpose of destroying or otherwise damaging:

(A) An occupiable structure or motor vehicle that is the property of another person;

(B) Any property, whether his or her own or property of



another person, for the purpose of collecting any insurance for the property;

(C) Any property, whether his or her own or property of another person, if the act thereby negligently creates a risk of death or serious physical injury to any person;

(D) A vital public facility;

(E) Any dedicated church property used as a place of worship exempt from taxes pursuant to § 26-3-301; ~~or~~

(F) Any public building or occupiable structure that is either owned or leased by the state or any political subdivision of the state; or

(G) An area of real property being used for the commercial growth of timber or other agricultural product, if:

(i) Timber or other agricultural product is destroyed or made commercially nonviable; and

(ii) The value of the destroyed or commercially nonviable timber or other agricultural product is more than five thousand dollars (\$5,000); or

(2) Recklessly causes a fire or an explosion in the course of and in furtherance of a felony or in immediate flight after committing a felony that results in destroying or otherwise damaging:

(A) Any occupiable structure or motor vehicle;

(B) Any property, if the fire or explosion creates a risk of death or serious physical injury to any person;

(C) A vital public facility;

(D) Any dedicated church property used as a place of worship exempt from taxes pursuant to § 26-3-301; or

(E) Any public building or occupiable structure that is either owned or leased by the state or any political subdivision of the state.

(b) Arson is a:

(1) Class A misdemeanor if the property sustains less than five hundred dollars (\$500) worth of damage;

(2) Class D felony if the property sustains at least five hundred dollars (\$500) but less than two thousand five hundred dollars (\$2,500) worth of damage;

(3) Class C felony if the property sustains at least two

thousand five hundred dollars (\$2,500) but less than five thousand dollars (\$5,000) worth of damage;

(4) Class B felony if:

(A) the The property sustains at least five thousand dollars (\$5,000) but less than fifteen thousand dollars (\$15,000) worth of damage; or

(B) The arson is under subdivision (a)(1)(G) of this section;

(5) Class A felony if the property sustains at least fifteen thousand dollars (\$15,000) but less than one hundred thousand dollars (\$100,000) worth of damage; or

(6) Class Y felony if the property sustains damage in an amount of at least one hundred thousand dollars (\$100,000).

/s/Hammer