

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: H3/22/13

# A Bill

HOUSE BILL 1514

5 By: Representative Kizzia  
6

## For An Act To Be Entitled

8 AN ACT TO ABOLISH ANY COMMON LAW PRESUMPTION THAT A  
9 FIRE WAS CAUSED BY AN ACCIDENT OR NATURAL CAUSES; AND  
10 FOR OTHER PURPOSES.  
11

### Subtitle

12  
13  
14 TO ABOLISH ANY COMMON LAW PRESUMPTION  
15 THAT A FIRE WAS CAUSED BY AN ACCIDENT OR  
16 NATURAL CAUSES.  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

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

23 *5-38-312. No presumption on cause of fire.*

24 *(a) The purpose of this section is to:*

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

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

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

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

34 *(1) A fire was caused by:*

35 *(A) Accident; or*

36 *(B) Natural causes; or*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

(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**