

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

A Bill

HOUSE BILL 1514

4
5 By: Representative Kizzia

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.

Subtitle

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

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

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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; and

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).

30 (b) There is not a presumption in a criminal matter brought under this
31 subchapter that:

32 (1) A fire was caused by:

33 (A) Accident; or

34 (B) Natural causes; or

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

36 (c) The burden of proof for the cause of a fire in a criminal matter



1 brought under this subchapter is beyond a reasonable doubt as provided under
2 § 5-1-111.

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