

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