

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/14/17
A Bill

HOUSE BILL 1577

5 By: Representative Hammer
6 *By: Senator Collins-Smith*
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE OFFENSE OF ARSON; CONCERNING
10 THE STATUTE OF LIMITATIONS FOR ARSON; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 CONCERNING THE OFFENSE OF ARSON; AND
16 CONCERNING THE STATUTE OF LIMITATIONS FOR
17 ARSON.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-1-109(a), concerning the statute of
23 limitations for certain offenses, is amended to add an additional subdivision
24 to read as follows:

25 (3) A prosecution for arson, § 5-38-301(a)(1)(G), may be
26 commenced within ten (10) years after the offense was committed.
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28 SECTION 2. Arkansas Code § 5-38-301(a) and (b), concerning the
29 elements and available penalties for the offense of arson, are amended to
30 read as follows:

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

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

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

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



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

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

5 (D) A vital public facility;

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

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

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

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

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

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

21 (A) Any occupiable structure or motor vehicle;

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

24 (C) A vital public facility;

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

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

30 (b) Arson is a:

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

33 (2) Class D felony if the property sustains at least five
34 hundred dollars (\$500) but less than two thousand five hundred dollars
35 (\$2,500) worth of damage;

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

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

3 (4) Class B felony if:

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

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

9 (5) Class A felony if the property sustains at least fifteen
10 thousand dollars (\$15,000) but less than one hundred thousand dollars
11 (\$100,000) worth of damage; or

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

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15 /s/Hammer
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