

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 2/4/87

HOUSE BILL 1016

By: Representatives Fairchild, Watts and Brown, et al

"AN ACT TO AMEND SECTION 1902 OF ACT 280 OF 1975, AS AMENDED [ARKANSAS STATUTE 41-1902], TO INCREASE THE CRIMINAL PENALTIES FOR ARSON; AND TO AMEND SECTION 1501 OF ACT 280 OF 1975, AS AMENDED [ARKANSAS STATUTE 41-1501] TO CHANGE THE STANDARD FOR CAPITAL MURDER WITH REGARD TO THE CRIMINAL OFFENSE OF ARSON; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1902 of Act 280 of 1975, the same being Arkansas Statute 41-1902, is hereby amended to read as follows:

"Section 1902. Arson.

(1) A person commits arson if he starts a fire or causes an explosion with the purpose of destroying or otherwise damaging:

- (a) an occupiable structure that is the property of another person; or
- (b) any property, whether his own or that of another person, for the purpose of collecting any insurance therefor; or
- (c) any property, whether his own or that of another person, if the act thereby negligently creates a risk of death or serious physical injury to any person; or
- (d) a vital public facility.

(2) Arson is a Class B felony if any property sustains less than \$20,000 worth of damage; a Class A felony if any property sustains no less than \$20,000 nor more than \$100,000 worth of damage; and a Class Y felony if any property sustains damage in excess of \$100,000.

SECTION 2. Section 1501 of Act 280 of 1975, the same being Arkansas Statute 41-1501 is hereby amended to read as follows:

"Section 1501. Capital Murder.

(1) A person commits capital murder if:

(a) acting alone or with one or more other persons, he commits or attempts to commit rape, kidnapping, vehicular piracy, robbery, burglary, or escape in the first degree, and in the course of and in furtherance of the felony, or in immediate flight therefrom, he or an accomplice causes the death of any person under circumstances manifesting extreme indifference to the value of human life; or

(b) acting alone or with one or more other persons, he commits or attempts to commit arson, and in the course of and in furtherance of the felony or in immediate flight therefrom, he or an accomplice causes the death of any person; or

(c) with the premeditated and deliberated purpose of causing the death of any law enforcement officer, jailer, prison official, fireman, judge or other court official, probation officer, parole officer, or any military personnel, when such person is acting in line of duty, he causes the death of any person; or

(d) with the premeditated and deliberated purpose of causing the death of any person, he causes the death of two (2) or more persons in the course of the same criminal episode; or

(e) with the premeditated and deliberated purpose of causing the death of the holder of any public office filled by election or appointment or a candidate for public office, he causes the death of any person; or

(f) while under sentence of life imprisonment, life imprisonment without parole, or death, he purposely causes the death of another person after premeditation and deliberation; or

(g) pursuant to an agreement that he cause the death of another person in return for anything of value, he causes the death of any person; or

(h) he enters into an agreement whereby one person is to cause the death of another person in return for anything of value, and the person hired, pursuant to the agreement, causes the death of any person.

(2) It is an affirmative defense to any prosecution under subsection (1)(a) for an offense in which the defendant was not the only participant that the defendant did not commit the homicide act or in any way solicit, command, induce, procure, counsel, or aid its commission.

(3) Capital murder is punishable by death or life imprisonment without parole pursuant to Chapter 13. For all other purposes other than disposition

under Article III, capital murder is a class Y felony."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/Bob Fairchild, et al

