

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

A Bill

HOUSE BILL 1577

5 By: Representative Hammer
6

For An Act To Be Entitled

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

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13 CONCERNING THE OFFENSE OF ARSON; AND
14 CONCERNING THE STATUTE OF LIMITATIONS FOR
15 ARSON.
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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 § 5-1-109(a), concerning the statute of
22 limitations for certain offenses, is amended to add an additional subdivision
23 to read as follows:

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

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

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

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

35 (B) Any property, whether his or her own or property of
36 another person, for the purpose of collecting any insurance for the property;



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

4 (D) A vital public facility;

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

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

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

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

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

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

20 (A) Any occupiable structure or motor vehicle;

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

23 (C) A vital public facility;

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

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

29 (b) Arson is a:

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

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

35 (3) Class C felony if the property sustains at least two
 36 thousand five hundred dollars (\$2,500) but less than five thousand dollars

1 (\$5,000) worth of damage;

2 (4) Class B felony if:

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

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

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

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

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