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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 228

01/31/2013 Authored by Johnson, B.; Hilstrom; Newberger; Cornish and Zerwas
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; creating increased penalties for wildlife arson that
1.3 damages multiple dwellings, acreage, or crops; adding restitution provisions;
1.4 amending Minnesota Statutes 2012, section 609.5641, subdivisions 1, 3, by
1.5 adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 609.5641, subdivision 1, is amended to read:
1.8 Subdivision 1. **Setting wildfires.** A person ~~is guilty of a felony~~ who intentionally
1.9 sets a fire to burn out of control on land of another containing timber, underbrush, grass,
1.10 or other vegetative combustible material is guilty of a felony and may be sentenced as
1.11 provided in subdivision 1a.

1.12 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
1.13 committed on or after that date.

1.14 Sec. 2. Minnesota Statutes 2012, section 609.5641, is amended by adding a subdivision
1.15 to read:

1.16 Subd. 1a. **Penalty; felonies.** (a) Except as provided in paragraphs (b) and (c), a
1.17 person who violates subdivision 1 may be sentenced to imprisonment for not more than
1.18 five years or to payment of a fine of not more than \$10,000, or both.

1.19 (b) A person who violates subdivision 1 where the fire threatens to damage or
1.20 damages in excess of five dwellings, burns 500 acres or more, or damages crops in excess
1.21 of \$100,000, may be sentenced to imprisonment for not more than ten years or to payment
1.22 of a fine of not more than \$15,000, or both.

2.1 (c) A person who violates subdivision 1 where the fire threatens to damage or
2.2 damages in excess of 100 dwellings, burns 1,500 acres or more, or damages crops in
2.3 excess of \$250,000, may be sentenced to imprisonment for not more than 20 years or to
2.4 payment of a fine of not more than \$25,000, or both.

2.5 (d) For purposes of this section, a dwelling is threatened when there is a probability
2.6 of damage to the dwelling requiring evacuation for safety of life.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
2.8 committed on or after that date.

2.9 Sec. 3. Minnesota Statutes 2012, section 609.5641, subdivision 3, is amended to read:

2.10 Subd. 3. **Penalty; Restitution.** ~~(a) A person who violates subdivision 1 may be~~
2.11 ~~sentenced to imprisonment for not more than five years or to payment of a fine of not~~
2.12 ~~more than \$10,000, or both.~~

2.13 ~~(b) A person who violates subdivision 2 may be sentenced to imprisonment for not~~
2.14 ~~more than one year or to payment of a fine of not more than \$3,000, or both.~~

2.15 (e) In addition to the sentence otherwise authorized, the court may order a person
2.16 who is convicted of violating this section to pay fire suppression costs ~~and~~, damages to
2.17 the owner of the damaged land, costs associated with injuries sustained by a member of a
2.18 municipal or volunteer fire department in the performance of the member's duties, and
2.19 any other restitution costs allowed under section 611A.04.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2013.