

## State of Minnesota

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **228**

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

02/25/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Environment and Natural Resources Policy

03/04/2013 Adoption of Report: Pass and re-referred to the Committee on Judiciary Finance and Policy

03/13/2013 Adoption of Report: Pass and Read Second Time

05/07/2013 Calendar for the Day  
Read Third Time  
Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to public safety; creating increased penalties for wildfire arson

1.3 that damages multiple buildings or dwellings, acreage, or crops or causes

1.4 demonstrable bodily harm; adding restitution provisions; amending Minnesota

1.5 Statutes 2012, section 609.5641, subdivisions 1, 3, by 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), (c), and (d), 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 buildings or dwellings, burns 500 acres or more, or damages

1.21 crops in excess of \$100,000, may be sentenced to imprisonment for not more than ten

1.22 years or to payment 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 buildings or dwellings, burns 1,500 acres or more, or damages  
2.3 crops in excess of \$250,000, may be sentenced to imprisonment for not more than 20 years  
2.4 or to payment of a fine of not more than \$25,000, or both.

2.5 (d) A person who violates subdivision 1 and the fire causes another person to suffer  
2.6 demonstrable bodily harm may be sentenced to imprisonment for not more than ten years  
2.7 or to payment of a fine of \$15,000, or both.

2.8 (e) For purposes of this section, a building or dwelling is threatened when there is a  
2.9 probability of damage to the dwelling requiring evacuation for safety of life.

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

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

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

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

2.18 (e) In addition to the sentence otherwise authorized, the court may order a person  
2.19 who is convicted of violating this section to pay fire suppression costs and<sub>2</sub> damages to  
2.20 the owner of the damaged land, costs associated with injuries sustained by a member of a  
2.21 municipal or volunteer fire department in the performance of the member's duties, and  
2.22 any other restitution costs allowed under section 611A.04.

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