

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1032

(SENATE AUTHORS: LIMMER, Latz, Goodwin, Hall and Dzedzic)

DATE	D-PG	OFFICIAL STATUS
02/23/2015	392	Introduction and first reading Referred to Judiciary
03/12/2015	691a	Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act
 1.2 relating to public safety; establishing a new arson offense; amending Minnesota
 1.3 Statutes 2014, sections 609.564; 609.5641, subdivision 1a; proposing coding for
 1.4 new law in Minnesota Statutes, chapter 609.

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

1.6 Section 1. **[609.5634] REAL OR PERSONAL PROPERTY ARSON RESULTING**
 1.7 **IN BODILY HARM.**

1.8 Subdivision 1. **Penalty; felony.** Whoever unlawfully by means of fire or explosives,
 1.9 intentionally sets fire to or burns any real or personal property and the fire or explosion
 1.10 proximately causes bodily harm to any person, including a public safety officer performing
 1.11 official duties, who is not a participant in the crime, is guilty of a crime and may be
 1.12 sentenced as follows:

1.13 (1) if the injury results in great bodily harm, to imprisonment for not more than 20
 1.14 years or to payment of a fine of not more than \$20,000, or both;

1.15 (2) if the injury results in substantial bodily harm, to imprisonment for not more than
 1.16 ten years or to payment of a fine of not more than \$15,000, or both; and

1.17 (3) if the injury results in demonstrable bodily harm, to imprisonment for not more
 1.18 than five years or to payment of a fine of not more than \$10,000, or both.

1.19 Subd. 2. **Definitions.** (a) As used in this section, "personal property" does not
 1.20 include items where fire is involved in its normally intended use or repair, such as the wick
 1.21 of a candle, solder or flux in the act of welding, or logs in a campfire.

1.22 (b) As used in this section, "public safety officer" has the meaning given in section
 1.23 299A.41, subdivision 4.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
2.2 committed on or after that date.

2.3 Sec. 2. Minnesota Statutes 2014, section 609.564, is amended to read:

2.4 **609.564 EXCLUDED FIRES.**

2.5 A person does not violate section 609.561, 609.562, 609.563, 609.5634, or 609.5641
2.6 if the person sets a fire pursuant to a validly issued license or permit or with written
2.7 permission from the fire department of the jurisdiction where the fire occurs.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
2.9 committed on or after that date.

2.10 Sec. 3. Minnesota Statutes 2014, section 609.5641, subdivision 1a, is amended to read:

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

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

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

2.22 (d) A person who violates subdivision 1 where the fire causes another person to
2.23 suffer ~~demonstrable~~ bodily harm may be sentenced to imprisonment for not more than
2.24 ~~ten years or to payment of a fine of \$15,000, or both~~ as provided in section 609.5634,
2.25 subdivision 1, clauses (1) to (3).

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

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
2.29 committed on or after that date.