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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 801

02/12/2015

Authored by Johnson, B.; Winkler and Fischer

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

03/05/2015

Adoption of Report: Placed on the General Register

Read Second Time

05/18/2015

Pursuant to Rule 4.20, returned to the Committee on Public Safety and Crime Prevention Policy and 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, section 609.5641, subdivision 1a; proposing coding for new law

1.4

in Minnesota Statutes, chapter 609.

1.5

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

1.6

Sec. 1. [609.5634] REAL OR PERSONAL PROPERTY ARSON RESULTING IN

1.7

BODILY HARM.

1.8

Subdivision 1. **Penalty; felony.** Whoever, 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

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official duties, the actor shall be sentenced as follows:

1.12

(1) if the injury results in great bodily harm, the actor shall be sentenced to

1.13

imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000,

1.14

or both;

1.15

(2) if the injury results in substantial bodily harm, the actor shall be sentenced

1.16

to imprisonment for not more than ten years or to payment of a fine of not more than

1.17

\$15,000, or both; and

1.18

(3) if the injury results in demonstrable bodily harm, the actor shall be sentenced

1.19

to imprisonment for not more than five years or to payment of a fine of not more than

1.20

\$10,000, or both.

1.21

Subd. 2. **Definitions.** (a) As used in this section, "personal property" does not

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include items where fire is involved in its normally intended use or repair, such as the wick

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of a candle, solder or flux in the act of welding, or logs in a campfire.

2.1 (b) As used in this section, "public safety officer" has the meaning given in section
2.2 299A.41, subdivision 4.

2.3 Sec. 2. Minnesota Statutes 2014, section 609.5641, subdivision 1a, is amended to read:

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

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

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

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

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