

CHAPTER 139—H.F.No. 228

An act relating to public safety; creating increased penalties for wildfire arson that damages multiple buildings or dwellings, acreage, or crops, or causes demonstrable bodily harm; adding restitution provisions; amending Minnesota Statutes 2012, section 609.5641, subdivisions 1, 3, by adding a subdivision.

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

Section 1. Minnesota Statutes 2012, section 609.5641, subdivision 1, is amended to read:

Subdivision 1. **Setting wildfires.** ~~A person is guilty of a felony~~ who intentionally sets a fire to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material is guilty of a felony and may be sentenced as provided in subdivision 1a.

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

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

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

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

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

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

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

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

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

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

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

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

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

Presented to the governor May 22, 2013

Signed by the governor May 24, 2013, 2:37 p.m.