

# House Research Act Summary

**CHAPTER:** 176

**SESSION:** 1999 Regular Session

**TOPIC:** Arson

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**Analyst:** Vicky Donaldson, 651-296-5808

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## Overview

This act (1) expands first degree arson to include additional accelerant materials; (2) provides that fourth degree arson applies only if first, second or third degree arson are not committed; and (3) proposes a new petty misdemeanor for students who operate ignition devices in an educational building.

- 1 Arson in the first degree.** Expands first degree arson to include fires caused by any flammable material, including flammable solids and gases. The current provision is limited to flammable liquids. Defines "flammable material" to include a flammable or combustible liquid, a flammable gas or a flammable solid. Retains the definition of flammable liquid in current law and adds definitions of combustible liquid, flammable gas, and flammable solid.
- 2 Crime described (fourth degree arson).**

Eliminates the reference to "real" property in fourth degree arson and clarifies that fourth degree arson applies only when first, second, or third degree arson are not committed. Under current law:

  - first degree arson covers arson of a dwelling, an occupied building and use of an accelerant,
  - second degree arson covers arson that damages a building of any value or personal property valued at more than \$1,000,
  - third degree arson covers arson that damages property with a value of more than \$300 to \$1,000 and,
  - fourth degree arson covers burning property in a multiple unit residential building or public building.
- 3 Possession or use of ignition device, petty misdemeanor.** Proposes a new petty misdemeanor for students who use an ignition device in an educational building under circumstances where there is an obvious risk of fire and arson in the first, second, third or fourth degree was not

committed.

Provides that the petty misdemeanor does not apply if a student uses an ignition device in a manner authorized by the school. Defines student as a child who is a Minnesota resident or a child of a Minnesota resident who is enrolled in a school, referring to the definition in section 123B.41, subdivision 11.

**4** **Effective Date.** August 1, 1999, for crimes occurring on or after that date.