

# House Research Act Summary

**CHAPTER:** 155

**SESSION:** 2001 Regular Session

**TOPIC:** Negligent Fires Definition

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## Overview

This act changes the standard for proving a negligent fire resulting in injury or property damage from culpable negligence to gross negligence.

- Negligent fire resulting in injury or property damage.** Lowers the standard for proving a negligent fire resulting in injury or property damage from culpable negligence to gross negligence.

"Culpable negligence" means gross negligence with an implication of recklessness. In other words, it means disregard of the consequences which may ensue from an act, and indifference to the rights of others. It is intentional conduct which the actor may not intend to be harmful but which an ordinary and reasonably prudent person would recognize as involving a strong probability of injury to others.

"Gross negligence" means "without even scant care but not with such reckless disregard of probable consequences as is equivalent to a willful and intentional wrong."

Changing the standard from culpable negligence to gross negligence decreases the standard of proof placed on a prosecutor because the prosecutor will no longer need to prove recklessness to obtain a conviction.
- Effective date.** Establishes August 1, 2001 as the effective date.