

HOUSE RESEARCH

Bill Summary

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Subject: Wildfire arson

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Overview

This bill creates increased penalties for wildfire arson that damages multiple buildings or dwellings, acreage, or crops, or causes someone to suffer demonstrable harm. In addition, it adds restitution provisions.

Section

- 1 **Setting wildfires.** Conforming cross reference.
- 2 **Penalty; felonies.** Creates increased felony penalties for wildfire arson (defined below) based on certain damages. Imposes a maximum sentence of:
 - ten years' imprisonment and/or \$15,000 fine – where fire causes another person to suffer demonstrable bodily harm.
 - ten years' imprisonment and/or \$15,000 fine – where the fire threatens to damage or damages in excess of five buildings or dwellings, burns 500+ acres, or results in over \$100,000 in crop damage.
 - 20 years' imprisonment and/or \$25,000 – where the fire threatens to damage or damages in excess of 100 buildings or dwellings, burns 1,500+ acres, or results in over \$250,000 in crop damage.

Provides that a building or dwelling “is threatened” when there is a probability of damage to the dwelling requiring evacuation for safety of life.

Section

The bill does not changes the current five-year felony for wildfire arson, which is defined as intentionally setting a fire to burn uncontrolled on land of another containing vegetative combustible material.

- 3** **Restitution.** Deletes the five-year felony which is moved to section 2 and deletes the gross misdemeanor penalty which is found and remains unchanged in subdivision 2.

Amends current restitution provisions by authorizing the court to order the defendant to pay costs associated with firefighters' injuries. Clarifies that these restitution costs are in addition to those found in section 611A.04.