SENATE BILL 396

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Harold Pope, Jr.

AN ACT

RELATING TO CRIMES; ADDING WILDLAND TO THE CRIMES OF ARSON,
NEGLIGENT ARSON AND AGGRAVATED ARSON; ADDING PRIOR ARSON
CONVICTIONS AND USE OF FIRE ACCELERATOR DEVICES TO THE CRIME OF
AGGRAVATED ARSON; DEFINING "WILDLAND".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 30-17-5 NMSA 1978 (being Laws 1970,
Chapter 39, Section 1, as amended) is amended to read:

"30-17-5. ARSON AND NEGLIGENT ARSON.--

A. Arson consists of a person maliciously or
willfully starting a fire or causing an explosion with the
purpose of destroying or damaging:

(1) a building, occupied structure or property
of another person;

(2) a bridge, utility line, fence or sign;
(3) any property, whether the person's own
property or the property of another person, to collect
insurance for the loss; or

(4) wildland.

B. Whoever commits arson when the damage is two
hundred fifty dollars ($250) or less is guilty of a petty
misdemeanor.

C. Whoever commits arson when the damage is over
two hundred fifty dollars ($250) but not more than five hundred
dollars ($500) is guilty of a misdemeanor.

D. Whoever commits arson when the damage is over
five hundred dollars ($500) but not more than two thousand five
hundred dollars ($2,500) is guilty of a fourth degree felony.

E. Whoever commits arson when the damage is over
two thousand five hundred dollars ($2,500) but not more than
twenty thousand dollars ($20,000) is guilty of a third degree
felony.

F. Whoever commits arson when the damage is over
twenty thousand dollars ($20,000) is guilty of a second degree
felony.

G. Negligent arson consists of a person recklessly
starting a fire or causing an explosion, whether on the
person's property or the property of another person, and
thereby directly:
(1) causing the death or bodily injury of another person; or

(2) damaging or destroying a building or occupied structure of another person; or

(3) damaging or destroying wildland.

H. Whoever commits negligent arson is guilty of a fourth degree felony.

I. As used in this section:

(1) "occupied structure" includes a boat, trailer, car, airplane, structure or place adapted for the transportation or storage of property, for overnight accommodations of persons or for carrying on business therein, whether or not a person is actually present; and

(2) "wildland" means managed or unmanaged forest, land in the wildland-urban interface, riparian areas, pasture or range land, recreation land or any other land at risk of wildfire."

SECTION 2. Section 30-17-6 NMSA 1978 (being Laws 1963, Chapter 303, Section 17-6) is amended to read:

"30-17-6. AGGRAVATED ARSON.--Aggravated arson consists of:

A. the [wilful] willful or malicious damaging by any explosive substance or the [wilful] willful or malicious setting fire to any bridge, aircraft, watercraft, vehicle, pipeline, utility line, communication line or structure, railway

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structure, private or public building, dwelling or other structure or wildland causing a person great bodily harm;

B. arson or negligent arson committed by a person convicted of arson, negligent arson or aggravated arson within the last ten years; or

C. the use of a device designed to accelerate the fire or delay the fire's ignition.

Whoever commits aggravated arson is guilty of a second degree felony."

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