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HOUSE BILL 262

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Alonzo Baldonado

AN ACT

RELATING TO CRIME; PROVIDING THAT THE VALUE OF PROPERTY DAMAGED SHALL BE USED TO DETERMINE THE LEVEL OF AN ARSON OFFENSE.

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; or

(3) any property, whether the person's own property or the property of another person, to collect

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1 insurance for the loss.

2 B. Whoever commits arson when the [~~damage~~] total  
3 value of the property damaged is two hundred fifty dollars  
4 (\$250) or less is guilty of a petty misdemeanor.

5 C. Whoever commits arson when the [~~damage~~] total  
6 value of the property damaged is over two hundred fifty dollars  
7 (\$250) but not more than five hundred dollars (\$500) is guilty  
8 of a misdemeanor.

9 D. Whoever commits arson when the [~~damage~~] total  
10 value of the property damaged is over five hundred dollars  
11 (\$500) but not more than two thousand five hundred dollars  
12 (\$2,500) is guilty of a fourth degree felony.

13 E. Whoever commits arson when the [~~damage~~] total  
14 value of the property damaged is over two thousand five hundred  
15 dollars (\$2,500) but not more than twenty thousand dollars  
16 (\$20,000) is guilty of a third degree felony.

17 F. Whoever commits arson when the [~~damage~~] total  
18 value of the property damaged is over twenty thousand dollars  
19 (\$20,000) is guilty of a second degree felony.

20 G. Negligent arson consists of a person recklessly  
21 starting a fire or causing an explosion, whether on the  
22 person's property or the property of another person, and  
23 thereby directly:

24 (1) causing the death or bodily injury of  
25 another person; or

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

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

I. As used in this section, "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."

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2016.