

1 HOUSE BILL 442

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Javier Martínez

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9  
10 AN ACT

11 RELATING TO ARSON; AMENDING THE DEFINITION OF "ARSON"; CHANGING  
12 WHAT QUALIFIES AS AGGRAVATED ARSON.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

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

23 (2) a bridge, utility line, fence [~~or~~], sign  
24 or wildland; or

25 (3) any property, whether the person's own

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1 property or the property of another person, to collect  
2 insurance for the loss.

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

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

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

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

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

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

23 (1) causing the death or bodily injury of  
24 another person, [~~or~~] including a public safety officer  
25 performing the officer's duties;

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underscored material = new  
[bracketed material] = delete

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

3 (3) damaging or destroying wildland.

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

6 I. As used in this section, "occupied structure"  
7 includes a boat, trailer, car, airplane, structure or place  
8 adapted for the transportation or storage of property, for  
9 overnight accommodations of persons or for carrying on business  
10 therein, whether or not a person is actually present.

11 J. As used in this section, "wildland" means any  
12 brush-covered land, cut-over land, forest, grasslands, woods or  
13 wild land-urban interface."

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

16 "30-17-6. AGGRAVATED ARSON.--

17 A. Aggravated arson consists of [~~the wilful or~~  
18 ~~malicious~~] a person maliciously or willfully and unlawfully  
19 damaging by any explosive substance or [~~the wilful or~~  
20 ~~malicious~~] maliciously or willfully and unlawfully setting fire  
21 to any bridge, aircraft, watercraft, vehicle, [~~pipe line~~  
22 pipeline, utility line, communication line or structure,  
23 railway structure, private or public building, dwelling or  
24 other structure or wildland:

25 (1) causing a person, including a public

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underscoring material = new  
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1 safety officer performing the officer's duties, great bodily  
2 harm;

3 (2) causing property damage and other losses  
4 in excess of one million dollars (\$1,000,000);

5 (3) causing or proximately causing multiple  
6 structures to burn in any single violation pursuant to Section  
7 30-17-5 NMSA 1978;

8 (4) by a person who has been previously  
9 convicted of arson on one or more occasions within the past ten  
10 years; or

11 (5) by a person who used a device designed to  
12 accelerate the fire or delay the fire's ignition.

13 B. Whoever commits aggravated arson is guilty of a  
14 second degree felony.

15 C. As used in this section, "wildland" means any  
16 brush-covered land, cut-over land, forest, grasslands, woods or  
17 wild land-urban interface."

18 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
19 provisions of this act is July 1, 2019.