

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 325
Committee Substitute Favorable 4/4/17
Committee Substitute #2 Favorable 4/21/17

Short Title: Amend Arson Law.

(Public)

Sponsors:

Referred to:

March 14, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY AND STRENGTHEN THE CRIMINAL LAWS REGARDING
3 ARSON.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 15 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 14-67.2. Burning caused during commission of another felony.**

8 If any person shall, during the commission of a felony, by means of fire or explosive,
9 knowingly damage or knowingly cause, aid, abet, advise, encourage, hire, counsel, or procure
10 another to damage any dwelling, structure, building, or conveyance referenced in this Article,
11 the person shall be punished as a Class D felon."

12 SECTION 2. G.S. 14-69.3 reads as rewritten:

13 "**§ 14-69.3. Arson or other unlawful burning that results in serious injury to a firefighter**
14 **or firefighter, law enforcement officer, fire investigator, or emergency medical**
15 **technician.**

16 (a) The following definitions apply in this section:

17 (1) Emergency medical technician. – The term includes an emergency medical
18 technician, an emergency medical technician-intermediate, and an
19 emergency medical technician-paramedic, as those terms are defined in
20 G.S. 131E-155.

21 (2) Fire investigator. – The term includes any person who, individually or as
22 part of an investigative team, has the responsibility and authority to
23 determine the origin, cause, or development of a fire or explosion.

24 (b) A person is guilty of a Class E felony if the person commits a felony under Article
25 15 of Chapter 14 of the General Statutes and a firefighter firefighter, law enforcement officer,
26 fire investigator, or emergency medical technician suffers serious bodily injury while
27 discharging or attempting to discharge the firefighter's or emergency medical technician's
28 official duties on the property, or proximate to the property, that is the subject of the
29 firefighter's firefighter's, law enforcement officer's, fire investigator's, or emergency medical
30 technician's discharge or attempt to discharge his or her respective duties. As used in this
31 section, the term "emergency medical technician" includes an emergency medical technician,
32 an emergency medical technician-intermediate, and an emergency medical
33 technician-paramedic, as those terms are defined in G.S. 131E-155."

34 SECTION 3. G.S. 58-79-1 reads as rewritten:

35 "**§ 58-79-1. Fires investigated; reports; records.**



1 The Director of the State Bureau of Investigation, through the State Bureau of
2 Investigation, the Office of the State Fire Marshal, and the chief of the fire department, or chief
3 of police where there is no chief of the fire department, in municipalities and towns, and the
4 county fire marshal and the sheriff of the county and the chief of the rural fire department
5 where such fire occurs outside of a municipality, are hereby authorized to investigate the cause,
6 origin, and circumstances of every fire occurring in such municipalities or counties in which
7 property has been destroyed or damaged, and shall specially make investigation whether the
8 fire was the result of carelessness or design. A preliminary investigation shall be made by the
9 chief of fire department or chief of police, where there is no chief of fire department in
10 municipalities, and by the county fire marshal and the sheriff of the county or the chief of the
11 rural fire department where such fire occurs outside of a municipality, and must be begun
12 within three days, exclusive of Sunday, of the occurrence of the fire, and the Director of the
13 State Bureau of Investigation, through the State Bureau of Investigation, shall have the right to
14 supervise and direct the investigation when he deems it expedient or necessary.

15 The officer making the investigation of fires shall forthwith notify the Director of the State
16 Bureau of Investigation, and must within one week of the occurrence of the fire furnish to the
17 Director of the State Bureau of Investigation a written statement of all facts relating to the
18 cause and origin of the fire, the kind, value and ownership of the property destroyed, and such
19 other information as is called for by the forms provided by the Director of the State Bureau of
20 Investigation. Departments capable of submitting the required information by the utilization of
21 computers and related equipment, by means of an approved format of standard punch cards,
22 magnetic tapes or an approved telecommunications system, may do so in lieu of the submission
23 of the written statement as provided for in this section. The Director of the State Bureau of
24 Investigation shall keep in his office a record of all reports submitted pursuant to this section.
25 These reports shall at all times be open to public inspection."

26 **SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2017, and
27 apply to offenses committed on or after that date. The remainder of this act is effective when it
28 becomes law.