

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40269-ML-100

Short Title: Arson Law Revisions.

(Public)

Sponsors: Representatives McNeill, Boles, Faircloth, and Saine (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR THE BURNING OF COMMERCIAL
3 STRUCTURES AND TO AMEND THE OFFENSE OF ARSON OR OTHER UNLAWFUL
4 BURNINGS THAT RESULT IN INJURY TO A FIREFIGHTER, LAW ENFORCEMENT
5 OFFICER, FIRE INVESTIGATOR, OR EMERGENCY MEDICAL TECHNICIAN.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. BURNING OF COMMERCIAL STRUCTURES**

9 **SECTION 1.(a)** G.S. 14-60 is repealed.

10 **SECTION 1.(b)** G.S. 14-61 reads as rewritten:

11 "**§ 14-61. Burning of certain bridges and buildings.**

12 ~~If-Unless the conduct is covered under some other provision of law providing greater~~
13 ~~punishment, if~~ any person shall wantonly and willfully set fire to or burn or cause to be burned,
14 or aid, counsel or procure the burning of, any public bridge, or private toll bridge, or the bridge
15 of any incorporated company, or any fire-engine house or rescue-squad building, or any house
16 belonging to an incorporated company or unincorporated association and used in the business of
17 such company or association, ~~he-the person~~ shall be punished as a Class F felon."

18 **SECTION 1.(c)** G.S. 14-62 reads as rewritten:

19 "**§ 14-62. Burning of certain buildings.**

20 ~~If-Unless the conduct is covered under some other provision of law providing greater~~
21 ~~punishment, if~~ any person shall wantonly and willfully set fire to or burn or cause to be burned,
22 or aid, counsel or procure the burning of, any uninhabited house, or any stable, coach house,
23 outhouse, warehouse, office, shop, mill, barn or granary, or any building, structure or erection
24 used or intended to be used in carrying on any trade or manufacture, or any branch thereof,
25 whether the same or any of them respectively shall then be in the possession of the offender, or
26 in the possession of any other person, ~~he-the person~~ shall be punished as a Class F felon."

27 **SECTION 1.(d)** G.S. 14-62.1 reads as rewritten:

28 "**§ 14-62.1. Burning of building or structure in process of construction.**

29 ~~If-Unless the conduct is covered under some other provision of law providing greater~~
30 ~~punishment, if~~ any person shall wantonly and willfully set fire to or burn or cause to be burned,
31 or aid, counsel or procure the burning of, any building or structure in the process of construction
32 for use or intended to be used as a dwelling house or in carrying on any trade or manufacture, or
33 otherwise, whether the same or any of them respectively shall then be in the possession of the
34 offender, or in the possession of any other person, ~~he-the person~~ shall be punished as a Class H
35 felon."

36 **SECTION 1.(e)** G.S. 14-62.2 reads as rewritten:



1 **"§ 14-62.2. Burning of churches and certain other religious buildings.**

2 ~~If-Unless the conduct is covered under some other provision of law providing greater~~
3 ~~punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned,~~
4 ~~or aid, counsel or procure the burning of any church, chapel, or meetinghouse, the person shall~~
5 ~~be punished as a Class E felon."~~

6 **SECTION 1.(f)** G.S. 14-64 reads as rewritten:

7 **"§ 14-64. Burning of ginhouses and tobacco houses.**

8 ~~If-Unless the conduct is covered under some other provision of law providing greater~~
9 ~~punishment, if any person shall wantonly and willfully set fire to or burn or cause to be burned,~~
10 ~~or aid, counsel or procure the burning of, any ginhouse or tobacco house, or any part thereof, he~~
11 ~~the person shall be punished as a Class H felon."~~

12 **SECTION 1.(g)** Article 15 of Chapter 14 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 14-62.3. Burning of commercial structure.**

15 (a) Definition. – For purposes of this section, the term "commercial structure" means any
16 building or structure that is not designed principally for residential purposes.

17 (b) Burning of Occupied Commercial Structure. – Unless the conduct is covered under
18 some other provision of law providing greater punishment, if any person shall wantonly and
19 willfully set fire to or burn or cause to be burned, or aid, counsel, or procure the burning of any
20 commercial structure that is occupied at the time of the burning, the person shall be punished as
21 a Class D felon.

22 (c) Burning of Unoccupied Commercial Structure. – Unless the conduct is covered under
23 some other provision of law providing greater punishment, if any person shall wantonly and
24 willfully set fire to or burn or cause to be burned, or aid, counsel, or procure the burning of any
25 commercial structure that is unoccupied at the time of the burning, the person shall be punished
26 as a Class E felon."

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28 **PART II. ARSON OR OTHER UNLAWFUL BURNING THAT RESULTS IN INJURY**
29 **TO A FIREFIGHTER, LAW ENFORCEMENT OFFICER, FIRE INVESTIGATOR, OR**
30 **EMERGENCY MEDICAL TECHNICIAN**

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

32 **"§ 14-69.3. Arson or other unlawful burning that results in ~~serious bodily injury~~ to a**
33 **firefighter, law enforcement officer, fire investigator, or emergency medical**
34 **technician.**

35 (a) Definitions. – The following definitions apply in this section:

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

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

42 (b) Offense Involving Serious Injury. – A person is guilty of a Class ~~E-F~~ felony if the
43 person commits a felony under Article 15 of Chapter 14 of the General Statutes and a firefighter,
44 law enforcement officer, fire investigator, or emergency medical technician suffers serious ~~bodily~~
45 injury while discharging or attempting to discharge official duties on the property, or proximate
46 to the property, that is the subject of the firefighter's, law enforcement officer's, fire investigator's,
47 or emergency medical technician's discharge or attempt to discharge his or her respective duties.

48 (c) Offense Involving Physical Injury. – A person is guilty of a Class I felony if the person
49 commits a felony under Article 15 of Chapter 14 of the General Statutes and a firefighter, law
50 enforcement officer, fire investigator, or emergency medical technician suffers physical injury
51 while discharging or attempting to discharge official duties on the property, or proximate to the

1 property, that is the subject of the firefighter's, law enforcement officer's, fire investigator's, or
2 emergency medical technician's discharge or attempt to discharge his or her respective duties."

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4 **PART III. SAVINGS CLAUSE AND EFFECTIVE DATE**

5 **SECTION 3.(a)** Prosecutions for offenses committed before the effective date of
6 this act are not abated or affected by this act, and the statutes that would be applicable but for
7 this act remain applicable to those prosecutions.

8 **SECTION 3.(b)** This act becomes effective December 1, 2019, and applies to
9 offenses committed on or after that date.