

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

Senate Judiciary Committee Substitute Adopted 6/21/17

Senate Judiciary Committee Substitute Adopted 6/13/18

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 adding
6 a new section to read:

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

8 (a) If any person, during the commission of a felony, knowingly damages any dwelling,
9 structure, building, or conveyance referenced in this Article by means of fire or explosive that
10 results in damages valued at ten thousand dollars (\$10,000) or more, the person shall be punished
11 as a Class D felon unless the person's conduct is covered under some other provision of law
12 providing greater punishment.

13 (b) If any person, during the commission of a felony, knowingly causes, aids, abets,
14 advises, encourages, hires, counsels, or procures another person to damage any dwelling,
15 structure, building, or conveyance referenced in this Article by means of fire or explosive that
16 results in damages valued at ten thousand dollars (\$10,000) or more, the person shall be punished
17 as a Class D felon unless the person's conduct is covered under some other provision of law
18 providing greater punishment."

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

20 "**§ 14-69.3. Arson or other unlawful burning that results in serious injury to a firefighter**
21 **or firefighter, law enforcement officer, fire investigator, or emergency medical**
22 **technician.**"

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

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

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

30 (b) A person is guilty of a Class E felony if the person commits a felony under Article 15
31 of Chapter 14 of the General Statutes and a firefighter firefighter, law enforcement officer, fire
32 investigator, or emergency medical technician suffers serious bodily injury while discharging or
33 attempting to discharge the firefighter's or emergency medical technician's official duties on the



1 property, or proximate to the property, that is the subject of the firefighter's, firefighter's, law
2 enforcement officer's, fire investigator's, or emergency medical technician's discharge or attempt
3 to discharge his or her respective duties. ~~As used in this section, the term "emergency medical~~
4 ~~technician" includes an emergency medical technician, an emergency medical~~
5 ~~technician intermediate, and an emergency medical technician paramedic, as those terms are~~
6 ~~defined in G.S. 131E-155."~~

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

8 **"§ 58-79-1. Fires investigated; reports; records.**

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

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

34 **SECTION 4.** Sections 1 and 2 of this act become effective December 1, 2018, and
35 apply to offenses committed on or after that date. The remainder of this act is effective when it
36 becomes law.