

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 760

Short Title: Amend Arson Laws.

(Public)

Sponsors: Representatives Sherrill; Cansler and Thompson.

Referred to: Judiciary II.

March 31, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR CERTAIN ARSON
OFFENSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-58 reads as rewritten:

"§ 14-58. Punishment for arson.

There shall be two degrees of arson as defined at the common law. If the dwelling burned was occupied at the time of the burning, the offense is arson in the first degree and is punishable as a ~~Class D~~ Class B2 felony. If the dwelling burned was unoccupied at the time of the burning, the offense is arson in the second degree and is punishable as a ~~Class G~~ Class C felony."

Section 2. G.S. 14-59 reads as rewritten:

"§ 14-59. Burning of certain public buildings.

If any person shall wantonly and willfully set fire to or burn or cause to be burned or aid, counsel or procure the burning of, the State Capitol, the Legislative Building, the Justice Building or any building owned or occupied by the State or any of its agencies, institutions or subdivisions or by any county, incorporated city or town or other governmental or quasi-governmental entity, he shall be punished as a ~~Class F~~ Class C felon."

Section 3. G.S. 14-60 reads as rewritten:

1 **"§ 14-60. Burning of schoolhouses or buildings of educational institutions.**

2 If any person shall wantonly and willfully set fire to or burn or cause to be burned or
3 aid, counsel or procure the burning of, any schoolhouse or building owned, leased or used
4 by any public or private school, college or educational institution, he shall be punished as
5 a ~~Class F~~ Class C felon."

6 Section 4. G.S. 14-61 reads as rewritten:

7 **"§ 14-61. Burning of certain bridges and buildings.**

8 If any person shall wantonly and willfully set fire to or burn or cause to be burned, or
9 aid, counsel or procure the burning of, any public bridge, or private toll bridge, or the
10 bridge of any incorporated company, or any fire-engine house or rescue-squad building,
11 or any house belonging to an incorporated company or unincorporated association and
12 used in the business of such company or association, he shall be punished as a ~~Class F~~
13 Class C felon."

14 Section 5. G.S. 14-62 reads as rewritten:

15 **"§ 14-62. Burning of certain buildings.**

16 If any person shall wantonly and willfully set fire to or burn or cause to be burned, or
17 aid, counsel or procure the burning of, any uninhabited house, or any stable, coach house,
18 outhouse, warehouse, office, shop, mill, barn or granary, or any building, structure or
19 erection used or intended to be used in carrying on any trade or manufacture, or any
20 branch thereof, whether the same or any of them respectively shall then be in the
21 possession of the offender, or in the possession of any other person, he shall be punished
22 as a ~~Class F~~ felon, follows:

23 (1) If the property damage is twenty-five thousand dollars (\$25,000) or less,
24 then the offense is a Class H felony.

25 (2) If the property damage is one hundred thousand dollars (\$100,000) or
26 less, but more than twenty-five thousand dollars (\$25,000), then the
27 offense is a Class E felony.

28 (3) If the property damage is more than one hundred thousand dollars
29 (\$100,000), then the offense is a Class C felony."

30 Section 6. G.S. 14-62.1 reads as rewritten:

31 **"§ 14-62.1. Burning of building or structure in process of construction.**

32 If any person shall wantonly and willfully set fire to or burn or cause to be burned, or
33 aid, counsel or procure the burning of, any building or structure in the process of
34 construction for use or intended to be used as a dwelling house or in carrying on any
35 trade or manufacture, or otherwise, whether the same or any of them respectively shall
36 then be in the possession of the offender, or in the possession of any other person, he
37 shall be punished as a ~~Class H~~ felon, follows:

38 (1) If the property damage is twenty-five thousand dollars (\$25,000) or less,
39 then the offense is a Class H felony.

40 (2) If the property damage is one hundred thousand dollars (\$100,000) or
41 less, but more than twenty-five thousand dollars (\$25,000), then the
42 offense is a Class E felony.

1 (3) If the property damage is more than one hundred thousand dollars
2 (\$100,000), then the offense is a Class C felony."

3 Section 7. G.S. 14-62.2 reads as rewritten:

4 **"§ 14-62.2. Burning of churches and certain other religious buildings.**

5 If any person shall wantonly and willfully set fire to or burn or cause to be burned, or
6 aid, counsel or procure the burning of any church, chapel, or meetinghouse, the person
7 shall be punished as a ~~Class E~~ Class C felon."

8 Section 8. G.S. 14-63 reads as rewritten:

9 **"§ 14-63. Burning of boats and barges.**

10 (a) If any person shall wantonly and willfully set fire to or burn or cause to be
11 burned or aid, counsel or procure the burning of, any boat, barge, ferry or float, without
12 the consent of the owner thereof, he shall be punished as a ~~Class H felon~~ follows:

13 (1) If the property damage is twenty-five thousand dollars (\$25,000) or less,
14 then the offense is a Class H felony.

15 (2) If the property damage is one hundred thousand dollars (\$100,000) or
16 less, but more than twenty-five thousand dollars (\$25,000), then the
17 offense is a Class E felony.

18 (3) If the property damage is more than one hundred thousand dollars
19 (\$100,000), then the offense is a Class C felony.

20 (b) In the event the consent of the owner is given for an unlawful or fraudulent
21 purpose, however, the penalty provisions of this section shall remain in full force and
22 effect."

23 Section 9. G.S. 14-65 reads as rewritten:

24 **"§ 14-65. Fraudulently setting fire to dwelling houses.**

25 If any person, being the occupant of any building used as a dwelling house, whether
26 such person be the owner thereof or not, or, being the owner of any building designed or
27 intended as a dwelling house, shall wantonly and willfully or for a fraudulent purpose set
28 fire to or burn or cause to be burned, or aid, counsel or procure the burning of such
29 building, he shall be punished as a ~~Class H felon~~ follows:

30 (1) If the property damage is twenty-five thousand dollars (\$25,000) or less,
31 then the offense is a Class H felony.

32 (2) If the property damage is one hundred thousand dollars (\$100,000) or
33 less, but more than twenty-five thousand dollars (\$25,000), then the
34 offense is a Class E felony.

35 (3) If the property damage is more than one hundred thousand dollars
36 (\$100,000), then the offense is a Class C felony."

37 Section 10. G.S. 14-66 reads as rewritten:

38 **"§ 14-66. Burning of personal property.**

39 If any person shall wantonly and willfully set fire to or burn, or cause to be burned, or
40 aid, counsel or procure the burning of, any goods, wares, merchandise or other chattels or
41 personal property of any kind, whether or not the same shall at the time be insured by any
42 person or corporation against loss or damage by fire, with intent to injure or prejudice the
43 insurer, the creditor or the person owning the property, or any other person, whether the

1 property is that of such person or another, he shall be punished as a ~~Class H felon.~~
2 follows:

- 3 (1) If the property damage is twenty-five thousand dollars (\$25,000) or less,
4 then the offense is a Class H felony.
- 5 (2) If the property damage is one hundred thousand dollars (\$100,000) or
6 less, but more than twenty-five thousand dollars (\$25,000), then the
7 offense is a Class E felony.
- 8 (3) If the property damage is more than one hundred thousand dollars
9 (\$100,000), then the offense is a Class C felony."

10 Section 11. G.S. 14-67.1 reads as rewritten:

11 "**§ 14-67.1. Burning other buildings.**

12 If any person shall wantonly and willfully set fire to or burn or cause to be burned or
13 aid, counsel or procure the burning of any building or other structure of any type not
14 otherwise covered by the provisions of this Article, he shall be punished as a ~~Class H~~
15 ~~felon.~~ follows:

- 16 (1) If the property damage is twenty-five thousand dollars (\$25,000) or less,
17 then the offense is a Class H felony.
- 18 (2) If the property damage is one hundred thousand dollars (\$100,000) or
19 less, but more than twenty-five thousand dollars (\$25,000), then the
20 offense is a Class E felony.
- 21 (3) If the property damage is more than one hundred thousand dollars
22 (\$100,000), then the offense is a Class C felony."

23 Section 12. G.S. 14-136 reads as rewritten:

24 "**§ 14-136. Setting fire to grass and brushlands and woodlands.**

25 (a) ~~If~~ Except as provided by subsection (b) of this section, if any person shall
26 intentionally set fire to any grassland, brushland or woodland, except it be his own
27 property, or in that case without first giving notice to all persons owning or in charge of
28 lands adjoining the land intended to be fired, and without also taking care to watch such
29 fire while burning and to extinguish it before it shall reach any lands near to or adjoining
30 the lands so fired, he shall for every such offense be guilty of a Class 2 misdemeanor for
31 the first offense, and for a second or any subsequent similar offense shall be guilty of a
32 Class 1 misdemeanor. ~~If intent to damage the property of another shall be shown, said person~~
33 shall be punished as a Class I felon.

34 (b) If it is shown that a person who violates subsection (a) of this section had the
35 intent to damage the property of another, then the person shall be punished as follows:

- 36 (1) If the property damage and suppression cost is twenty-five thousand
37 dollars (\$25,000) or less, then the offense is a Class H felony.
- 38 (2) If the property damage and suppression cost is one hundred thousand
39 dollars (\$100,000) or less, but more than twenty-five thousand dollars
40 (\$25,000), then the offense is a Class E felony.
- 41 (3) If the property damage and suppression cost is more than one hundred
42 thousand dollars (\$100,000), then the offense is a Class C felony.

1 (c) This section shall not prevent an action for the damages sustained by the owner
2 of any property from such fires. For the purposes of this section, the term "woodland" is
3 to be taken to include all forest areas, both timber and cutover land, and all second-
4 growth stands on areas that have at one time been cultivated. Any person who shall
5 furnish to the State, evidence sufficient for the conviction of a violation of this section
6 shall receive the sum of five hundred dollars (\$500.00) to be paid from the State Fire
7 Suppression Fund."

8 Section 13. G.S. 90-21.20 reads as rewritten:

9 **"§ 90-21.20. Reporting by physicians and hospitals of wounds, injuries and illnesses.**

10 (a) Such cases of wounds, injuries or illnesses as are enumerated in subsection (b)
11 shall be reported as soon as it becomes practicable before, during or after completion of
12 treatment of a person suffering such wounds, injuries, or illnesses. If such case is treated
13 in a hospital, sanitarium or other medical institution or facility, such report shall be made
14 by the Director, Administrator, or other person designated by the Director or
15 Administrator, or if such case is treated elsewhere, such report shall be made by the
16 physician or surgeon treating the case, to the chief of police or the police authorities of
17 the city or town of this State in which the hospital or other institution, or place of
18 treatment is located. If such hospital or other institution or place of treatment is located
19 outside the corporate limits of a city or town, then the report shall be made by the proper
20 person in the manner set forth above to the sheriff of the respective county or to one of
21 his deputies. The reporting requirement under this subsection is waived if the patient was
22 treated earlier for the wound, injury, or illness at another hospital, sanitarium, or other
23 medical institution or facility that is subject to the reporting requirements of this
24 subsection.

25 (b) Cases of wounds, injuries or illnesses which shall be reported by physicians,
26 and hospitals include every case of a bullet wound, gunshot wound, powder burn or any
27 other injury arising from or caused by, or appearing to arise from or be caused by, the
28 discharge of a gun or firearm, every case of illness apparently caused by poisoning, every
29 case of a wound or injury caused, or apparently caused, by a knife or sharp or pointed
30 instrument if it appears to the physician or surgeon treating the case that a criminal act
31 was involved, every case in which a patient has burns over approximately ten percent
32 (10%) or more of the patient's body, and every case of a wound, injury or illness in which
33 there is grave bodily harm or grave illness if it appears to the physician or surgeon
34 treating the case that the wound, injury or illness resulted from a criminal act of violence.

35 (c) Each report made pursuant to subsections (a) and (b) above shall state the
36 name of the wounded, ill or injured person, if known, and the age, sex, race, residence or
37 present location, if known, and the character and extent of his injuries.

38 (d) Any hospital, sanitarium, or other like institution or Director, Administrator, or
39 other designated person, or physician or surgeon participating in good faith in the making
40 of a report pursuant to this section shall have immunity from any liability, civil or
41 criminal, that might otherwise be incurred or imposed as the result of the making of such
42 report."

1 Section 14. This act becomes effective December 1, 1999, and applies to
2 offenses committed on or after that date.