

Senate Bill 184

By: Senators Mullis of the 53rd, Hamrick of the 30th, Bowen of the 13th, Smith of the 52nd, Shafer of the 48th and others

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 3 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to arson and explosives, so as to provide for additional offenses constituting the crimes of arson in the first, second, and third degree; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to arson and explosives, is amended by striking Code Section 16-7-60, relating to arson in the first degree, and inserting in its place a new Code Section 16-7-60 to read as follows:

"16-7-60.

(a) A person commits the offense of arson in the first degree when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:

(1) Any dwelling house of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both, whether it is occupied, unoccupied, or vacant;

(2) Any building, vehicle, railroad car, watercraft, or other structure of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both, if such structure is designed for use as a dwelling, whether it is occupied, unoccupied, or vacant;

(3) Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant and when such is insured against loss or damage by fire or explosive and such loss or damage is accomplished without the consent of both the insurer and the insured;

(4) Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner; or

(5) Any building, vehicle, railroad car, watercraft, aircraft, or other structure under such circumstances that it is reasonably foreseeable that human life might be endangered.

(b) A person also commits the offense of arson in the first degree when, in the commission of a felony, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage anything included or described in subsection (a) of this Code section.

~~(b)~~(c) A person convicted of the offense of arson in the first degree shall be punished by a fine of not more than \$50,000.00 or by imprisonment for not less than one nor more than 20 years, or both."

SECTION 2.

Said article is further amended by striking Code Section 16-7-61, relating to arson in the second degree, and inserting in its place a new Code Section 16-7-61 to read as follows:

"16-7-61.

(a) A person commits the offense of arson in the second degree as to any building, vehicle, railroad car, watercraft, aircraft, or other structure not included or described in Code Section 16-7-60 when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage any building, vehicle, railroad car, watercraft, aircraft, or other structure of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both.

(b) A person also commits the offense of arson in the second degree as to any building, vehicle, railroad car, watercraft, aircraft, or other structure not included or described in Code Section 16-7-60 when, in the commission of a felony, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage any building, vehicle, railroad car, watercraft, aircraft, or other structure of another without his or her consent or in which another has a security interest, including but not limited to a mortgage, a lien, or a conveyance to secure debt, without the consent of both.

~~(b)~~(c) A person convicted of the offense of arson in the second degree shall be punished by a fine of not more than \$25,000.00 or by imprisonment for not less than one nor more than ten years, or both."

SECTION 3.

Said article is further amended by striking Code Section 16-7-62, relating to arson in the third degree, and inserting in its place a new Code Section 16-7-62 to read as follows:

"16-7-62.

(a) A person commits the offense of arson in the third degree when, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:

(1) Any personal property of another without his or her consent or in which another has a security interest, including but not limited to a lien, without the consent of both and the value of the property is \$25.00 or more;

(2) Any personal property when such is insured against loss or damage by fire or explosive and the loss or damage is accomplished without the consent of both the insurer and insured and the value of the property is \$25.00 or more; or

(3) Any personal property with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner and the value of the property is \$25.00 or more.

(b) A person also commits the offense of arson in the third degree when, in the commission of a felony, by means of fire or explosive, he or she knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage anything included or described in subsection (a) of this Code section.

~~(b)~~(c) A person convicted of the offense of arson in the third degree shall be punished by a fine not to exceed \$10,000.00 or by imprisonment for not less than one nor more than five years, or both."

SECTION 4.

This Act shall become effective on July 1, 2004. This Act shall not apply to any offense committed prior to July 1, 2004. Any such offense shall be punishable as provided by the statute in effect at the time the offense was committed.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.