

3 Senate Bill No. 1586
4 As Amended

5 SENATE BILL NO. 1586 - By: SHURDEN of the Senate and TURNER of the
6 House.

7 [arson - arson in the first, second, third, and fourth
8 degrees - penalties -
9 emergency]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1401, is
12 amended to read as follows:

13 Section 1401. A. Any person who willfully and maliciously sets
14 fire to or burns, or by the use of any explosive device, accelerant,
15 ignition device, heat-producing device or substance or while
16 manufacturing or attempting to manufacture a controlled dangerous
17 substance in violation of subsection G of Section 2-401 of Title 63
18 of the Oklahoma Statutes, destroys in whole or in part, or causes to
19 be burned or destroyed, or aids, counsels or procures the burning or
20 destruction of any building or structure or contents thereof,
21 inhabited or occupied by one or more persons, whether the property
22 of that person or another, or who willfully and maliciously sets
23 fire to or burns, or by the use of any explosive device, accelerant,
24 ignition device, heat-producing device or substance or while
25 manufacturing or attempting to manufacture a controlled dangerous

1 substance in violation of subsection G of Section 2-401 of Title 63
2 of the Oklahoma Statutes, causes a person to be burned, or aids,
3 counsels or procures the burning of a person, shall be guilty of
4 arson in the first degree, which is a felony, and upon conviction
5 thereof shall be punished by a fine not to exceed ~~Twenty-five~~
6 ~~Thousand Dollars (\$25,000.00)~~ Fifty Thousand Dollars (\$50,000.00),
7 ~~or be confined to the State Penitentiary~~ by imprisonment in the
8 custody of the Department of Corrections for a term of not more than
9 thirty-five (35) years, or by both such fine and imprisonment.

10 B. In addition to any penalty imposed pursuant to the
11 provisions of this section, the seizure and forfeiture provisions of
12 Section 1738 of this title shall apply and the court shall require
13 restitution for the crime.

14 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1402, is
15 amended to read as follows:

16 Section 1402. A. Any person who willfully and maliciously sets
17 fire to or burns or by the use of any explosive device or substance
18 or while manufacturing or attempting to manufacture a controlled
19 dangerous substance in violation of subsection G of Section 2-401 of
20 Title 63 of the Oklahoma Statutes destroys in whole or in part, or
21 causes to be burned or destroyed, or aids, counsels or procures the
22 burning or destruction of any uninhabited or unoccupied building or
23 structure or contents thereof, or any barn, stable or other

1 structure occupied by any equine or bovine animal, whether the
2 property of himself or another, shall be guilty of arson in the
3 second degree, which is a felony, and upon conviction thereof shall
4 be punished by a fine not to exceed ~~Twenty Thousand Dollars~~
5 ~~(\$20,000.00)~~ Thirty-five Thousand Dollars (\$35,000.00), or ~~be~~
6 ~~confined in the State Penitentiary~~ by imprisonment in the custody of
7 the Department of Corrections for a term of not more than
8 twenty-five (25) years, or by both such fine and imprisonment.

9 B. In addition to any penalty imposed pursuant to the
10 provisions of this section, the seizure and forfeiture provisions of
11 Section 1738 of this title shall apply and the court shall require
12 restitution for the crime.

13 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1403, is
14 amended to read as follows:

15 Section 1403. A. Any person who willfully and maliciously sets
16 fire to or burns or by the use of any explosive device or substance
17 destroys in whole or in part, or causes to be burned or destroyed,
18 or aids, counsels or procures the burning of any property
19 whatsoever, including automobiles, trucks, trailers, tractors,
20 motorcycles, boats, standing farm crops, hay, pasture lands, forest
21 lands, or any other property not herein specifically named, such
22 property being worth not less than Fifty Dollars (\$50.00), whether
23 the property of himself or another, shall be guilty of arson in the

1 third degree, and upon conviction thereof shall be punished by a
2 fine not to exceed ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty-five
3 Thousand Dollars (\$25,000.00), or ~~be confined in the State~~
4 ~~Penitentiary~~ by imprisonment in the custody of the Department of
5 Corrections for a term of not more than fifteen (15) years, or by
6 both such fine and imprisonment.

7 B. Any person who willfully and maliciously, and with intent to
8 injure or defraud the insurer, sets fire to or burns or by use of
9 any explosive device or substance destroys in whole or in part, or
10 causes to be burned or destroyed, or aids, counsels, or procures the
11 burning or destruction of any building, property, or other chattels,
12 whether the property of himself or another, which shall at the time
13 be insured against loss or damage by fire or explosion, shall be
14 guilty of arson in the third degree, and upon conviction thereof
15 shall be punished by a fine not to exceed ~~Ten Thousand Dollars~~
16 ~~(\$10,000.00)~~ Twenty-five Thousand Dollars (\$25,000.00), or ~~be~~
17 ~~confined in the State Penitentiary~~ by imprisonment in the custody of
18 the Department of Corrections for a term of not more than fifteen
19 (15) years, or by both such fine and imprisonment.

20 C. Arson in the third degree is a felony.

21 D. In addition to any penalty imposed pursuant to the
22 provisions of this section, the seizure and forfeiture provisions of

1 Section 1738 of this title shall apply and the court shall require
2 restitution for the crime.

3 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1404, is
4 amended to read as follows:

5 Section 1404. A. Any person who willfully and maliciously
6 attempts to set fire to or burn or attempts by use of any explosive
7 device or substance to destroy in whole or in part, or causes to be
8 burned or destroyed, or attempts to counsel or procure the burning
9 or destruction of any building or property mentioned in Sections
10 1401, 1402 or 1403 of this title shall be guilty of arson in the
11 fourth degree, and upon conviction thereof shall be punished by a
12 fine not to exceed ~~Five Thousand Dollars (\$5,000.00)~~ Ten Thousand
13 Dollars (\$10,000.00), or ~~be confined in the State Penitentiary by~~
14 imprisonment in the custody of the Department of Corrections for a
15 term of not more than ten (10) years, or by both such fine and
16 imprisonment.

17 B. The placing or distributing of any flammable, explosive or
18 combustible material or substance or any device in any building or
19 property mentioned in Sections 1401, 1402 or 1403 of this title, in
20 an arrangement or preparation with intent to eventually willfully
21 and maliciously set fire to or burn or to procure the setting fire
22 to or burning of same, shall for the purposes of this section
23 constitute an attempt to burn such building or property, and shall

1 be guilty of arson in the fourth degree, and upon conviction thereof
2 shall be punished by a fine not to exceed ~~Five Thousand Dollars~~
3 ~~(\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00), or ~~be confined in the~~
4 ~~State Penitentiary~~ by imprisonment in the custody of the Department
5 of Corrections for a term of not more than ten (10) years, or by
6 both such fine and imprisonment.

7 C. Arson in the fourth degree is a felony.

8 D. In addition to any penalty imposed pursuant to the
9 provisions of this section, the seizure and forfeiture provisions of
10 Section 1738 of this title shall apply and the court shall require
11 restitution for the crime.

12 SECTION 5. AMENDATORY 21 O.S. 2001, Section 1405, is
13 amended to read as follows:

14 Section 1405. A. Any person violating any of the provisions of
15 Sections 1401, 1402, 1403 or 1404 of this title who during such
16 violation endangers any human life, including all emergency service
17 personnel, shall be guilty of a felony and upon conviction shall be
18 punished by imprisonment in the ~~State Penitentiary~~ custody of the
19 Department of Corrections for a term of not less than three (3)
20 years nor more than ten (10) years, or by a fine not to exceed ~~Ten~~
21 ~~Thousand Dollars (\$10,000.00)~~ Twenty-five Thousand Dollars
22 (\$25,000.00), or by both such fine and imprisonment. If personal
23 injury results, the person shall be punished by imprisonment in the

1 ~~State Penitentiary~~ custody of the Department of Corrections for a
2 term of not less than seven (7) years.

3 B. In addition to any penalty imposed pursuant to the
4 provisions of this section, the seizure and forfeiture provisions of
5 Section 1738 of this title shall apply and the court shall require
6 restitution for the crime.

7 SECTION 6. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO
12 PASS, As Amended and Coauthored.