

Judiciary

FILED MAR 20 1991

SENATE FILE
BY HAGERLA

463

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to arson.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 463

1 Section 1. Section 702.11, Code 1991, is amended to read
2 as follows:

3 702.11 FORCIBLE FELONY.

4 A "forcible felony" is any felonious child endangerment,
5 assault, murder, sexual abuse other than sexual abuse in the
6 third degree committed between spouses or in violation of
7 section 709.4, subsection 2, paragraph "c", subparagraph (4),
8 kidnapping, robbery, arson in the first or second degree, or
9 burglary in the first degree.

10 Sec. 2. NEW SECTION. 712.1A ARSON IN THE FIRST DEGREE.

11 Arson in the first degree is arson which results in the
12 death of a person, including the death of a paid or volunteer
13 firefighter. Arson in the first degree is a class "A" felony.

14 Sec. 3. Section 712.2, Code 1991, is amended to read as
15 follows:

16 712.2 ARSON IN THE ~~FIRST~~ SECOND DEGREE.

17 Arson is arson in the first second degree when the property
18 which the defendant intends to destroy or damage, or which the
19 defendant knowingly endangers, is property in which the
20 presence of one or more persons can be reasonably anticipated;
21 ~~or-the-arson-results-in-the-death-of-a-fire-fighter,-whether~~
22 ~~paid-or-volunteer.~~

23 Arson in the first second degree is a class "B" felony.

24 Sec. 4. Section 712.3, Code 1991, is amended to read as
25 follows:

26 712.3 ARSON IN THE ~~SECOND~~ THIRD DEGREE.

27 Arson which is not arson in the first or second degree is
28 arson in the second third degree when the property which the
29 defendant intends to destroy or damage, or which the defendant
30 knowingly endangers, is a building or a structure, or real
31 property of any kind, or standing crops, or is personal
32 property the value of which exceeds five hundred dollars.

33 Arson in the second third degree is a class "C" felony.

34 Sec. 5. Section 712.4, Code 1991, is amended to read as
35 follows:

1 712.4 ARSON IN THE ~~THIRD~~ FOURTH DEGREE.

2 Arson which is not arson in the first, second, or third
3 ~~degree or arson in the second degree~~ is arson in the third
4 fourth degree. Arson in the ~~third~~ fourth degree is an
5 aggravated misdemeanor.

6 EXPLANATION

7 The bill changes the definition and degrees of arson.
8 Under current law, arson that results in the death of a
9 firefighter is arson in the first degree, a class "B" felony.
10 However, also under current law, pursuant to section 707.2,
11 subsection 2, and 702.11, when a person kills another person
12 while committing arson in the first degree, the person commits
13 murder in the first degree, a class "A" felony.

14 The bill changes the definition of arson in the first
15 degree, by specifying that a person commits the offense when
16 the arson results in a death, including the death of a
17 firefighter. The bill makes arson in the first degree a class
18 "A" felony. The bill then redefines second degree arson to
19 include arson where the property which the defendant intends
20 to destroy is property in which the presence of one or more
21 persons can be reasonably anticipated. Under the bill, both
22 arson in the first and second degrees are forcible felonies.
23 The bill then changes what is currently arson in the second
24 degree to third degree arson and arson in the third degree to
25 fourth degree arson.

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