2023 Kansas Statutes

21-5812.   Arson; aggravated arson. (a) Arson is:

(1)   Knowingly, by means of fire or explosive damaging any building or property which:

(A)   Is a dwelling in which another person has any interest without the consent of such other person;

(B)   is a dwelling with intent to injure or defraud an insurer or lienholder;

(C)   is not a dwelling in which another person has any interest without the consent of such other person; or

(D)   is not a dwelling with intent to injure or defraud an insurer or lienholder;

(2)   accidentally, by means of fire or explosive, as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 21-5703, and amendments thereto, damaging any building or property which is a dwelling; or

(3)   accidentally, by means of fire or explosive as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 21-5703, and amendments thereto, damaging any building or property which is not a dwelling.

(b)   Aggravated arson is arson, as defined in subsection (a):

(1)   Committed upon a building or property in which there is a human being; or

(2)   which results in great bodily harm or disfigurement to a firefighter or law enforcement officer in the course of fighting or investigating the fire.

(c) (1)   Arson as defined in:

(A)   Subsection (a)(1)(A) or (a)(1)(B) is a severity level 6, person felony;

(B)   subsection (a)(1)(C), (a)(1)(D) or (a)(3) is a severity level 7, nonperson felony; and

(C)   subsection (a)(2) is a severity level 7, person felony.

(2)   Aggravated arson as defined in:

(A)   Subsection (b)(1) is a:

(i)   Severity level 3, person felony, if such crime results in a substantial risk of bodily harm; and

(ii)   severity level 6, person felony, if such crime results in no substantial risk of bodily harm; and

(B)   subsection (b)(2) is a severity level 3, person felony.

History: L. 2010, ch. 136, § 98; L. 2011, ch. 30, § 37; July 1.