

HOUSE BILL No. 2295

By Committee on Judiciary

2-11

AN ACT concerning crimes and punishment; relating to arson and aggravated arson; amending K.S.A. 21-3719 and K.S.A. 2002 Supp. 21-3718 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2002 Supp. 21-3718 is hereby amended to read as follows: 21-3718. (a) Arson is: (1) *Knowingly, or while in the commission of a felony*, by means of fire or explosive:

(A) Damaging any building or property which is a dwelling in which another person has any interest without the consent of such other person;

(B) damaging any building or property which is a dwelling with intent to injure or defraud an insurer or lienholder;

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

(D) damaging any building or property which 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 in violation of K.S.A. 65-4159, 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 in violation of K.S.A. 65-4159, and amendments thereto, damaging any building or property which is not a dwelling.

(b) (1) Arson, as described in subsection (a)(1)(A) or (a)(1)(B), is a severity level 6, person felony.

(2) Arson, as described in subsection (a)(1)(C), (a)(1)(D) or (a)(3), is a severity level 7, nonperson felony.

(3) Arson, as described in subsection (a)(2), is a severity level 7, person felony.

Sec. 2. K.S.A. 21-3719 is hereby amended to read as follows: 21-3719. (a) Aggravated arson is arson, as defined in K.S.A. 21-3718 and amendments thereto, and:

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

1 being; or

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

5 (b) (1) Aggravated arson resulting in a substantial risk of bodily harm
6 is a severity level 3, person felony.

7 (2) Aggravated arson resulting in no substantial risk of bodily harm is
8 a severity level 6, person felony.

9 (3) *Aggravated arson resulting in great bodily harm or disfigurement*
10 *to a firefighter or law enforcement officer is a severity level 3, person*
11 *felony.*

12 (c) *“Firefighter” means a person who is employed by any city, county,*
13 *township or other political subdivision of the state and who is assigned*
14 *to the fire department thereof and engaged in the fighting and extinguish-*
15 *ment of fires and the protection of life and property therefrom.*

16 Sec. 3. K.S.A. 21-3719 and K.S.A. 2002 Supp. 21-3718 are hereby
17 repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.

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