

vehicles code, subtitle 17. The final clause has been transferred to section 5-704 (c). The only other changes made are in style.

5-704. MALICIOUSLY SETTING FIRES; NEGLIGENTLY SETTING FIRES; DUTY TO REPORT FIRE.

(A) MALICIOUSLY SETTING FIRES.—ANY INDIVIDUAL OR CORPORATION THAT WILLFULLY, MALICIOUSLY, OR WITH INTENT, SETS ON FIRE, OR CAUSES TO BE SET ON FIRE, ANY WOODS, BRUSH, GRASS, GRAIN, OR STUBBLE, ON LAND NOT HIS OWN, IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE NOT LESS THAN \$25 NOR EXCEEDING \$2,000, OR IMPRISONMENT FOR NOT LESS THAN 30 DAYS NOR EXCEEDING FIVE YEARS, OR BOTH WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 352 of the Code. The present statutory penalty is retained rather than the uniform one as done in subsection (b) in order to distinguish between malicious and negligent conduct. For an explanation of the penalty provision provided for in this subsection, see the revisor's note to section 5-1301. The only other changes made are in style.

(B) NEGLIGENTLY SETTING FIRES.—AN INDIVIDUAL OR CORPORATION MAY NOT CARELESSLY OR NEGLIGENTLY SET ON FIRE, OR CAUSE TO BE SET ON FIRE ANY WOODS, BRUSH, GRASS, GRAIN, OR STUBBLE RESULTING IN DAMAGE TO THE PROPERTY OF ANOTHER. SETTING A FIRE CONTRARY TO THE PROVISIONS OF THIS SUBSECTION, OR ALLOWING IT TO ESCAPE TO THE INJURY OF ADJOINING LANDS, IS PRIMA FACIE PROOF OF CARELESSNESS OR NEGLECT WITHIN THE MEANING OF THIS SUBSECTION. THE LANDOWNER FROM WHOSE LAND THE FIRE ORIGINATED ALSO IS LIABLE IN A CIVIL ACTION FOR DAMAGES FOR INJURY RESULTING FROM THE FIRE, AND FOR THE COST OF FIGHTING AND EXTINGUISHING THE FIRE, UNLESS HE CAN PROVE TO THE SATISFACTION OF THE COURT BEFORE WHICH THE CASE IS TRIED THAT THE INJURY COMPLAINED OF WAS SUFFERED WITHOUT ANY NEGLIGENCE ON THE PART OF THE OWNER OR HIS AGENTS.

REVISOR'S NOTE: This subsection presently appears as the first part of Article 66C, section 353 of the Code. Reference to justice of the peace is proposed for deletion as obsolete in light of the abolition of that