

(D) "OCCUPIED STRUCTURE" MEANS A STRUCTURE, OTHER THAN A DWELLING, IN OR ON WHICH AT THE TIME OF THE OFFENSE ANOTHER INDIVIDUAL WHO IS NOT A PARTICIPANT IN THE OFFENSE IS PRESENT.

(E) "STRUCTURE" MEANS A BUILDING, OTHER CONSTRUCTION, VEHICLE, OR WATERCRAFT, INCLUDING:

(1) ANY BARN, STABLE, GARAGE, PIER, WHARF, BOATHOUSE, AND ANY FACILITY ATTACHED TO A PIER OR WHARF;

(2) ANY SHOP, STOREHOUSE, WAREHOUSE, FACTORY, MILL, CHURCH HOUSE OF WORSHIP, MEETING HOUSE, COURTHOUSE, WORKHOUSE, SCHOOL, TENT, PUBLIC BUILDING, OR PUBLIC BRIDGE; AND

(3) ANY MOTOR VEHICLE, AIRCRAFT, BOAT, SHIP, AND RAILROAD CAR.

(F) "WILLFULLY" DESCRIBES AN ACT WHICH IS DONE INTENTIONALLY, KNOWINGLY, AND PURPOSELY.

COMMITTEE NOTE: The definitions of "dwelling", "structure", and "occupied structure" are based primarily on current law in Article 27, §§ 6 and 7. "Dwelling" and "occupied structure" are defined as particular types of structures and would be included under the general definition of "structure". The definition of "structure" (and necessarily of "dwelling" and "occupied structure") has been expanded to include certain vehicles and vessels where the presence of individuals is likely and the potential for loss or injury to human life from a fire is high. It is further not unusual for these vehicles and vessels to be adapted for and used as dwellings, such as the cab of a tractor-trailer and many pleasure boats. The Committee felt that it was appropriate that these items be afforded the same protections as the more traditional dwellings.

The definitions of "maliciously" and "willfully" are based on those in Maryland Criminal Pattern Jury Instructions and Commentary (Maryland State Bar Association 1991).

[6.

Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself, or of another, shall be guilty of arson, and upon conviction thereof, be sentenced to the penitentiary for not more than thirty years.]

6.

(A) A PERSON MAY NOT WILLFULLY AND MALICIOUSLY SET FIRE TO OR BURN A DWELLING OR OCCUPIED STRUCTURE, WHETHER THE PROPERTY OF THE PERSON OR ANOTHER.