

Arson and Burning

COMMITTEE NOTE: The Committee to Revise Article 27 - Crimes and Punishments of the Annotated Code of Maryland has included Committee Notes as a guide to the Committee's reasoning in revising this subheading. These notes have not been adopted by the General Assembly, and may not be considered as part of the law.

5.

(A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DWELLING" MEANS A STRUCTURE, REGARDLESS OF WHETHER AN INDIVIDUAL IS ACTUALLY PRESENT, ANY PORTION OF WHICH HAS BEEN ADAPTED FOR OVERNIGHT ACCOMMODATION OF INDIVIDUALS, INCLUDING ANY KITCHEN, SHOP, BARN, STABLE, OR outhouse THAT IS PARCEL TO, BELONGING TO, OR ADJOINING THE STRUCTURE.

(C) "MALICIOUSLY" DESCRIBES AN ACT DONE WITH INTENT TO HARM A PERSON OR PROPERTY.

(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