

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.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ARSON IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN 30 YEARS OR BOTH.

COMMITTEE NOTE: This section covers the same types of dwellings covered by the current arson statute, as well as adding those vehicles and vessels used as dwellings and which were discussed in the Committee Note under § 5. It also adds other "occupied structures" to the coverage provided to dwellings under arson in the first degree. The Committee felt that it was appropriate that the more stringent penalties apply to other structures if an individual who is not participating in the offense is actually present, such as places of worship and office buildings, where the potential for loss of life is the same as in a dwelling.

This section and § 7 also include provisions for fines for violations.

The Committee also recommended that the provisions dealing with causing, aiding, counseling, and procuring a burning be stricken. The members felt that the common law on accomplice liability adequately covered these actions. For future consideration, the Committee intends to study including in the revision of this article a general article-wide provision dealing with accomplice liability.

[7.

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 barn, stable, garage or other building or pier, wharf, boathouse, or any facility attached to a pier or wharf, whether the property of himself or of another, not a parcel of a dwelling house; or any shop, storehouse, warehouse, factory, mill or other building, whether the property of himself or of another;