

or any church, meeting house, courthouse, workhouse, school, jail or other public building or any public bridge; shall be guilty of a felony and upon conviction thereof, be sentenced to the penitentiary for not more than twenty (20) years.]

7.

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

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ARSON IN THE SECOND DEGREE, AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$30,000 OR IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR BOTH.

COMMITTEE NOTE: See the Committee Note to §§ 5 and 6 on the definition of "structure", the striking of the provisions dealing with causing, aiding, counseling, or procuring a fire, and the addition of fines.

8.

(a) (1) A person may not willfully and maliciously set fire to [, burn or cause to be burned; or aid, counsel, or procure the burning of] OR BURN any personal property of another person.

[(b)](2) If the damage to the property is less than \$1,000, a person who violates the provisions of this [section]. SUBSECTION is guilty of [a] THE misdemeanor OF MALICIOUS BURNING IN THE SECOND DEGREE [ and may be fined up to \$500 or sentenced to a term of incarceration] AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT for not more than 18 months or both.

[(c)](3) If the damage to the property is \$1,000 or more, a person who violates the provisions of this [section]. SUBSECTION is guilty of [a] THE felony OF MALICIOUS BURNING IN THE FIRST DEGREE [and may be sentenced to a term of incarceration of not more than 5 years or fined up to \$5,000] AND ON CONVICTION IS SUBJECT TO A FINE OR NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS or both.

(B) (1) A PERSON MAY NOT SET FIRE TO OR BURN PROPERTY OF ANY KIND, WITH INTENT TO DEFRAUD.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

(3) A SENTENCE IMPOSED UNDER THIS SUBSECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE OFFENSE.

COMMITTEE NOTE: The changes in new subsection (a) dealing with burning of personal property are stylistic and classify the offense of malicious burning into degrees based on the standard in current law of the amount of damage to the property.