

Subsection (b) is new, creating the offense of burning any property with intent to defraud. The provision in current law in § 9 of burning with intent to defraud an insurer is being repealed in favor of this broader provision. Subsection (b)(2) makes this offense a penitentiary misdemeanor. This was done in order that there be no statute of limitations on this offense due to the difficulty of proving and the sometimes lengthy time lapses in uncovering fraud. Subsection (b)(3) expresses the intent that this offense may be punished in addition to any underlying offense in order to avoid any merger, double jeopardy, or rule of lenity issues. It is based on a similar provision found in Article 27, § 35A.

[7A.] 9.

(a) A person may not threaten either verbally or in writing to:

(1) Set fire to [any building, structure, or property described under § 6 or § 7 of this subheading] OR BURN A STRUCTURE; or

(2) Explode a destructive explosive device as defined under § 139B of this article in, on, or under [any building, structure, or property described under § 6 or § 7 of this subheading] A STRUCTURE.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor, and on conviction, is subject to a fine of not more than \$10,000 or [to] imprisonment for not more than 10 years or both.

[(c) In a prosecution for a violation of this section, a verbal threat shall be corroborated by a third person.]

COMMITTEE NOTE: The changes in subsections (a) and (b) are stylistic. See Committee Note for § 5 on the definition of "structure".

The Committee recommended that the corroboration requirement in subsection (c) be stricken. Other verbal types of crimes (e.g., assault, conspiracy, attempted bribery) do not require third party corroboration. Further, other "threat offenses" in the Code, such as threats against public officials in Article 27, § 561A, threatening verbally in Article 27, § 562, and the other extortion offenses in the "Threats and Threatening Letters" subheading of Article 27, do not require corroboration of this type. In the alternative, if the legislature wishes to require corroboration of some type, the Committee recommends that the subsection read: "A person may not be convicted under this section solely on the uncorroborated testimony of the threatened person."

[9.

Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any goods, wares, merchandise or other chattels or personal property of any kind, whether the property of himself or of another, which shall at the time be insured by any person or corporation against loss or damage by fire, shall upon conviction thereof be sentenced to the penitentiary for not more than five (5) years.]