

COMMITTEE NOTE: See Committee Note to § 8.

9A.

(a) A person may not willfully and maliciously set fire to [, burn,] OR BURN [or attempt to burn] the contents of any dumpster or any other trash container or receptacle belonging to another person.

(b) A person [convicted of violating] WHO VIOLATES this section is guilty of a misdemeanor and ON CONVICTION is subject to [be fined up to] A FINE OF NOT MORE THAN \$500 or [imprisoned for a period up to] IMPRISONMENT FOR NOT MORE THAN 30 days [, or] OR both [fined and imprisoned in the discretion of the court].

COMMITTEE NOTE: The changes to this section are primarily stylistic. See note to current § 10 on the repeal of the attempt provisions.

[10.

(a) Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in §§ 6 or 7 of this article, or who commits any act preliminary thereto, or in furtherance thereof, is guilty of a felony and upon conviction is subject to imprisonment not exceeding ten years.

(b) Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in §§ 8 or 9 of this article, or who commits any act preliminary thereto, or in furtherance thereof, is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1000 or imprisonment not exceeding two years or both.

(c) The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purpose of §§ 6 through 9 of this article constitute an attempt to burn such building or property and shall carry the penalty prescribed in subsection (a) or (b), whichever applies.]

COMMITTEE NOTE: The Committee recommended that subsections (a) and (b) of this section prohibiting attempts be repealed on the basis that the common law on attempts adequately covers these offenses. As with the causing, aiding, counseling, and procuring provisions stricken in earlier sections, the Committee in the future intends to study including a general Code-wide provision covering attempts.

The Committee recommended that the provision in subsection (c) defining an attempted arson or malicious burning be retained. It is included in new § 9B(a) below.

9B.