

STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012

Introduced by Reps. Walsh, Heise, Zorn, MacGregor, LeBlanc, Horn and Lyons

ENROLLED HOUSE BILL No. 5692

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 71, 72, and 73 (MCL 750.71, 750.72, and 750.73).

The People of the State of Michigan enact:

Sec. 71. Unless the context requires otherwise, the following terms have the following meanings:

(a) "Building" includes any structure regardless of class or character and any building or structure that is within the curtilage of that building or structure or that is appurtenant to or connected to that building or structure.

(b) "Burn" means setting fire to, or doing any act that results in the starting of a fire, or aiding, counseling, inducing, persuading, or procuring another to do such an act.

(c) "Damage", in addition to its ordinary meaning, includes, but is not limited to, charring, melting, scorching, burning, or breaking.

(d) "Dwelling" includes, but is not limited to, any building, structure, vehicle, watercraft, or trailer adapted for human habitation that was actually lived in or reasonably could have been lived in at the time of the fire or explosion and any building or structure that is within the curtilage of that dwelling or that is appurtenant to or connected to that dwelling.

(e) "Individual" means any individual and includes, but is not limited to, a firefighter, law enforcement officer, or other emergency responder, whether paid or volunteer, performing his or her duties in relation to a violation of this chapter, or performing an investigation of a violation of this chapter.

(f) "Personal property" includes any personally owned property regardless of class, character, or value.

(g) "Physical injury" means an injury that includes, but is not limited to, the loss of a limb or use of a limb; loss of a foot, hand, finger, or thumb, or loss of use of a foot, hand, finger, or thumb; loss of an eye or ear or loss of use of an eye or ear; loss or substantial impairment of a bodily function; serious visible disfigurement; a comatose state that lasts for more than 3 days; measurable brain or mental impairment; a skull fracture or other serious bone fracture; subdural hemorrhage or subdural hematoma; loss of an organ; heart attack; heat stroke; heat exhaustion; smoke inhalation; a burn including a chemical burn; or poisoning.

(h) "Prior conviction" means a previous conviction for a violation of this chapter that arises out of a separate transaction, whether under this chapter, a local ordinance substantially corresponding to this chapter, a law of the United States substantially corresponding to this chapter, or a law of another state substantially corresponding to this chapter, but does not include a violation of section 79(1)(a).

Sec. 72. (1) A person who willfully or maliciously burns, damages, or destroys by fire or explosive any of the following or its contents is guilty of first degree arson:

(a) A multiunit building or structure in which 1 or more units of the building are a dwelling, regardless of whether any of the units are occupied, unoccupied, or vacant at the time of the fire or explosion.

(b) Any building or structure or other real property if the fire or explosion results in physical injury to any individual.

(c) A mine.

(2) Subsection (1) applies regardless of whether the person owns the dwelling, building, structure, or mine or its contents.

(3) First degree arson is a felony punishable by imprisonment for life or any term of years or a fine of not more than \$20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine.

Sec. 73. (1) Except as provided in section 72, a person who willfully or maliciously burns, damages, or destroys by fire or explosive a dwelling, regardless of whether it is occupied, unoccupied, or vacant at the time of the fire or explosion, or its contents, is guilty of second degree arson.

(2) Subsection (1) applies regardless of whether the person owns the dwelling or its contents.

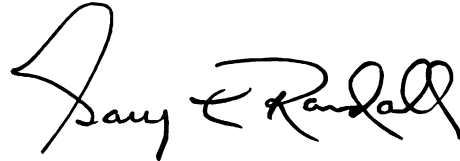
(3) Second degree arson is a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

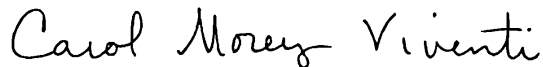
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) House Bill No. 5693.

(b) House Bill No. 5694.



Clerk of the House of Representatives



Secretary of the Senate

Approved

.....
Governor