

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

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

ENROLLED HOUSE BILL No. 5693

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 74, 75, and 76 (MCL 750.74, 750.75, and 750.76), section 74 as amended by 1998 PA 312.

The People of the State of Michigan enact:

Sec. 74. (1) Except as provided in sections 72 and 73, a person who does any of the following is guilty of third degree arson:

(a) Willfully or maliciously burns, damages, or destroys by fire or explosive any building or structure, or its contents, regardless of whether it is occupied, unoccupied, or vacant at the time of the fire or explosion.

(b) Willfully and maliciously burns, damages, or destroys by fire or explosive any of the following or its contents:

(i) Any personal property having a value of \$20,000.00 or more.

(ii) Any personal property having a value of \$1,000.00 or more if the person has 1 or more prior convictions.

(2) Subsection (1) applies regardless of whether the person owns the building, structure, other real property or its contents, or the personal property.

(3) Third degree arson is a felony punishable by imprisonment for not more than 10 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. 75. (1) Except as provided in sections 72, 73, and 74, a person who does any of the following is guilty of fourth degree arson:

(a) Willfully and maliciously burns, damages, or destroys by fire or explosive any of the following or its contents:

(i) Any personal property having a value of \$1,000.00 or more, but less than \$20,000.00.

(ii) Any personal property having a value of \$200.00 or more if the person has 1 or more prior convictions.

(b) Willfully or negligently sets fire to a woods, prairie, or grounds of another person or permits fire to pass from his or her own woods, prairie, or grounds to another person's property causing damage or destruction to that other property.

(2) Subsection (1)(a) applies regardless of whether the person owns the personal property.

(3) Fourth degree arson is a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value of the property damaged or destroyed, whichever is greater, or both imprisonment and a fine.

Sec. 76. (1) A person who willfully or maliciously burns, damages, or destroys by fire or explosive any of the following or the contents of any of the following is guilty of arson of insured property:

(a) Any dwelling that is insured against loss from fire or explosion if the person caused the fire or explosion with the intent to defraud the insurer.

(b) Except as provided in subdivision (a), any building, structure, or other real property that is insured against loss from fire or explosion if the person caused the fire or explosion with the intent to defraud the insurer.

(c) Any personal property that is insured against loss by fire or explosion if the person caused the fire or explosion with the intent to defraud the insurer.

(2) Subsection (1) applies regardless of whether the person owns the dwelling, building, structure, other real property, or personal property.

(3) Arson of insured property is a felony punishable as follows:

(a) If the person violates subsection (1)(a), 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.

(b) If the person violates subsection (1)(b), 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.

(c) If the person violates subsection (1)(c), imprisonment for not more than 10 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. 5692.

(b) House Bill No. 5694.



Clerk of the House of Representatives



Secretary of the Senate

Approved

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Governor