

ASSEMBLY BILL

No. 27

Introduced by Assembly Member Jeffries

December 1, 2008

An act to amend Section 451.5 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

AB 27, as introduced, Jeffries. Arson: aggravated: punishment.

Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the fire caused property damage and other losses in excess of \$5,650,000. Existing law specifies costs to be included in calculating property damage for purposes of these provisions and states legislative intent to review the property damage threshold in light of inflation within 5 years. Existing law repeals the provisions relating to property damage on January 1, 2010.

This bill would increase the amount of damage required for a person to be guilty of aggravated arson from \$5,650,000 to \$6,500,000 and extend the repeal date for the provisions relating to property damage until January 1, 2014.

By extending the operative effect of an existing crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 451.5 of the Penal Code is amended to
2 read:

3 451.5. (a) Any person who willfully, maliciously, deliberately,
4 with premeditation, and with intent to cause injury to one or more
5 persons or to cause damage to property under circumstances likely
6 to produce injury to one or more persons or to cause damage to
7 one or more structures or inhabited dwellings, sets fire to, burns,
8 or causes to be burned, or aids, counsels, or procures the burning
9 of any residence, structure, forest land, or property is guilty of
10 aggravated arson if one or more of the following aggravating
11 factors exists:

12 (1) The defendant has been previously convicted of arson on
13 one or more occasions within the past 10 years.

14 (2) (A) The fire caused property damage and other losses in
15 excess of ~~five million six hundred fifty thousand dollars~~
16 ~~(\$5,650,000)~~ *six million five hundred thousand dollars*
17 *(\$6,500,000).*

18 (B) In calculating the total amount of property damage and other
19 losses under subparagraph (A), the court shall consider the cost of
20 fire suppression. It is the intent of the Legislature that this
21 paragraph be reviewed within five years to consider the effects of
22 inflation on the dollar amount stated herein. For that reason, this
23 paragraph shall remain in effect until January 1, ~~2010~~ *2014*, and
24 as of that date is repealed, unless a later enacted statute, which is
25 enacted before January 1, ~~2010~~ *2014*, deletes or extends that date.

26 (3) The fire caused damage to, or the destruction of, five or
27 more inhabited structures.

28 (b) Any person who is convicted under subdivision (a) shall be
29 punished by imprisonment in the state prison for 10 years to life.

30 (c) Any person who is sentenced under subdivision (b) shall not
31 be eligible for release on parole until 10 calendar years have
32 elapsed.

33 SEC. 2. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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