

Introduced by Senator Berryhill
(Coauthors: Senators Gaines and Nielsen)
(Coauthor: Assembly Member Bigelow)

February 3, 2014

An act to amend, repeal, and add Section 451.5 of the Penal Code, relating to arson, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 930, as introduced, Berryhill. Arson.

Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the person has been previously convicted of arson on one or more occasions within the past 10 years, or if the fire caused damage to, or the destruction of 5 or more inhabited structures. Existing law, until January 1, 2014, made a person guilty of aggravated arson if the fire caused property damage and other losses in excess of \$6,500,000, and specified the costs to be included in calculating property damages for purposes of that provision.

This bill would reenact that provision until January 1, 2019. By expanding the scope of an existing crime, the bill would impose 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 six million five hundred thousand dollars (\$6,500,000).
16 (B) In calculating the total amount of property damage and other
17 losses under subparagraph (A), the court shall consider the cost of
18 fire suppression. It is the intent of the Legislature that this
19 paragraph be reviewed within five years to consider the effects of
20 inflation on the dollar amount stated herein. ~~For that reason, this~~
21 ~~paragraph shall remain in effect until January 1, 2014, and as of~~
22 ~~that date is repealed, unless a later enacted statute, which is enacted~~
23 ~~before January 1, 2014, deletes or extends that date.~~
24 (3) The fire caused damage to, or the destruction of, five or
25 more inhabited structures.
26 (b) Any person who is convicted under subdivision (a) shall be
27 punished by imprisonment in the state prison for 10 years to life.
28 (c) Any person who is sentenced under subdivision (b) shall not
29 be eligible for release on parole until 10 calendar years have
30 elapsed.
31 (d) *This section shall remain in effect only until January 1, 2019,*
32 *and as of that date is repealed, unless a later enacted statute, that*
33 *is enacted before January 1, 2019, deletes or extends that date.*
34 SEC. 2. Section 451.5 is added to the Penal Code, to read:

1 451.5. (a) Any person who willfully, maliciously, deliberately,
2 with premeditation, and with intent to cause injury to one or more
3 persons or to cause damage to property under circumstances likely
4 to produce injury to one or more persons or to cause damage to
5 one or more structures or inhabited dwellings, sets fire to, burns,
6 or causes to be burned, or aids, counsels, or procures the burning
7 of any residence, structure, forest land, or property is guilty of
8 aggravated arson if either of the following aggravating factors
9 exists:

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

12 (2) The fire caused damage to, or the destruction of, five or
13 more inhabited structures.

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

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

19 (d) This section shall become operative on January 1, 2019.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

29 SEC. 4. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the Constitution and shall go into
32 immediate effect. The facts constituting the necessity are:

33 In order to restore a valuable deterrent to arson-caused fires and
34 convict dangerous arsonists who cause extensive property damage
35 and pose an immediate threat to public safety, it is necessary that
36 this act take effect immediately.