
Introduced by Senator Berryhill

February 23, 2015

An act to amend Section 451 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

SB 314, as introduced, Berryhill. Arson.

Existing law provides that a person is guilty of the crime of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels, or procures the burning of, any structure, forest land, or property. The crime of arson is punishable by imprisonment in the state prison, as specified.

This bill would make technical, nonsubstantive changes to that provision.

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

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

- 1 SECTION 1. Section 451 of the Penal Code is amended to
2 read:
3 451. A person is guilty of arson when he or she willfully and
4 maliciously sets fire to or burns or causes to be ~~burned~~ or *burned*,
5 or who aids, counsels, or procures the burning of, any structure,
6 forest land, or property.
7 (a) Arson that causes great bodily injury is a felony punishable
8 by imprisonment in the state prison for five, seven, or nine years.
9 (b) Arson that causes an inhabited structure or inhabited property
10 to burn is a felony punishable by imprisonment in the state prison
11 for three, five, or eight years.

- 1 (c) Arson of a structure or forest land is a felony punishable by
- 2 imprisonment in the state prison for two, four, or six years.
- 3 (d) Arson of property is a felony punishable by imprisonment
- 4 in the state prison for 16 months, two, or three years. For purposes
- 5 of this paragraph, arson of property does not include one burning
- 6 or causing to be burned his or her own personal property unless
- 7 there is an intent to defraud or there is injury to another person or
- 8 another person’s structure, forest land, or property.
- 9 (e) ~~In the case of any~~ *If a person is* convicted of violating this
- 10 section while confined in a state prison, prison road camp, prison
- 11 forestry camp, or other prison camp or prison farm, or while
- 12 confined in a county jail while serving a term of imprisonment for
- 13 a felony or misdemeanor conviction, any sentence imposed shall
- 14 be consecutive to the sentence for which the person was then
- 15 confined.