

## **SB 323 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Whitney Perez, Counsel

**Meeting Dates:** 2/16, 4/3

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#### **WHAT THE MEASURE DOES:**

Expands Arson in the First and Second Degree to include causing a fire or explosion as a result of knowingly manufacturing a controlled substance.

#### **ISSUES DISCUSSED:**

- Applicable mental state
- Schedule of controlled substance
- SB 302's provisions affecting marijuana offenses

#### **EFFECT OF AMENDMENT:**

-1 Replaces measure. Creates new offense of Arson Incident to Manufacture of Controlled Substance in the First and Second Degree. Offense is second degree if person causes fire or explosion as a result of knowingly manufacturing a controlled substance and the fire damages a building or property of another in a value over \$750. Offense is first degree if person causes fire or explosion as a result of knowingly manufacturing a controlled substance that damages protected property of another, damages any property and the fire recklessly places another in danger of physical injury or protected property in danger of damage, or damages any property and the fire recklessly causes serious physical injury to a firefighter or peace officer acting in the line of duty related to the fire.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### **BACKGROUND:**

It is currently considered Arson in the Second Degree if a person knowingly manufactures methamphetamine and causes a fire or explosion that damages a building or property of another in an amount exceeding \$750. Arson in the Second Degree is a Class C felony. It is considered Arson in the First Degree if a person knowingly manufactures methamphetamine and causes a fire or explosion that either damages protected property or damages property and creates a risk to persons or protected property. Arson in the First Degree is an A felony. Protected property means any structure, place or thing customarily occupied by people, including public buildings and forestland.

Senate Bill 323 modifies these crimes by replacing methamphetamine with the manufacture of a controlled substance. It also defines manufacture and controlled substance.