

**SB 323 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Olsen

**Senate Committee On Judiciary**

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**Action Date:** 04/03/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Whitney Perez, Counsel

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**WHAT THE MEASURE DOES:**

Creates new offense of Arson Incident to Manufacture of Controlled Substance in the First and Second Degree.

**ISSUES DISCUSSED:**

- Applicable mental state
- Schedule of controlled substances
- Affect on marijuana offenses
- Does not result in mandatory minimum sentence

**EFFECT OF AMENDMENT:**

Replaces measure.

**BACKGROUND:**

A person commits Arson in the Second Degree by knowingly manufacturing methamphetamine and causing 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. A person commits Arson in the First Degree by knowingly manufacturing methamphetamine and causing a fire or explosion that either damages protected property or damages property and creates a risk to persons or protected property. Protected property means any structure, place or thing customarily occupied by people, including public buildings and forestland. Arson in the First Degree is a Class A felony.

Senate Bill 323-A creates a new offense of Arson Incident to Manufacture of Controlled Substance in the First and Second Degree. A person commits the second degree offense by knowingly manufacturing a controlled substance and causing a fire or explosion that damages a building or property of another in a value over \$750. This is a Class C felony. A person commits the first degree offense by knowingly manufacturing a controlled substance and causing a fire or explosion that damages protected property of another, damages any property and the fire or explosion recklessly places another in danger of physical injury or protected property in danger of damage, or damages any property and the fire or explosion recklessly causes serious physical injury to a firefighter or peace officer acting in the line of duty related to the fire. This is a Class A felony.