

# Legislative Analysis

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## ARSON REVISIONS

### House Bills 4907 & 4908

**Sponsor: Rep. John Walsh**

**Committee: Criminal Justice**

**Complete to 10-1-13**

## A SUMMARY OF HOUSE BILLS 4907 & 4908 AS INTRODUCED 7-18-13

Together, the bills would amend the arson statutes to make several revisions considered technical in nature.

A multi-bill package of legislation was enacted in 2012 to restructure the arson statutes and increase penalties (Public Acts 531-534, enrolled House Bills 5692-5695). Apparently, the new public acts contain some inaccuracies that need to be corrected.

House Bill 4807 amends the Michigan Penal Code (MCL 750.78 and 750.79). Currently, Section 78 prohibits a person from intentionally willfully and maliciously burning, damaging, or destroying by fire or explosive any personal property, and also negligently, carelessly, or recklessly setting fire to a hotel or motel or its contents. Since the element of "intent" is already present in the prohibited conduct, the bill would delete the word "intentionally." In computing the maximum fine that could be imposed for a conviction, the bill would allow the value of the property destroyed to be considered (currently, only the value of "damaged" property is considered).

Section 79 makes it a criminal offense to use or place inflammable or explosive materials or liquids in or near a building or property with the intent to commit arson in any degree, or aid or abet another to do so. The bill would amend several provisions pertaining to property insured against loss by fire or explosion by replacing the phrase "caused the fire or explosion with the intent to defraud the insurer" with "intended to defraud the insurer."

House Bill 4808 amends the Code of Criminal Procedure (MCL 777.16c) to correct inaccuracies in the sentencing guidelines pertaining to crimes involving arson. The felony classes assigned to 1st-, 2nd-, 3rd- and 4th-degree arson would be revised to correctly reflect the maximum term of imprisonment allowed for each crime. The crime categories assigned for 2nd- and 3rd-degree arson would be corrected, and the description for crimes involving the use of incendiary or explosive materials would be revised to more accurately match the conduct prohibited in the corresponding statutes.

Lastly, the bill would repeal Sections 80 and 496 of the Michigan Penal Code. Section 80 pertains to arson of mines and Section 496 to setting fire to a hotel or place of public abode. Both crimes were included in other arson crime categories in the 2012 legislation and are therefore redundant.

**FISCAL IMPACT:**

The bills would have no fiscal implications for state or local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.