~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 18, 2015

**H. 3545**

Introduced by Reps. Gambrell, Weeks, Bedingfield, V.S. Moss, Clemmons, Forrester, Gagnon, D.C. Moss, Pitts, Riley, G.M. Smith, G.R. Smith, White and Yow

S. Printed 3/18/15--H.

Read the first time February 10, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3545) to amend Section 16-11-110, as amended, relating to arson, so as to restructure the elements of the degrees, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, by deleting Section 16-11-110(C) and inserting:

/ (C) A person commits a violation of the provisions of this subsection who wilfully and maliciously:

(1) causes an explosion, sets fire to, burns, or causes ~~to be burned or aids, counsels, or procures~~ a burning ~~that~~ which results in damage to a ~~dwelling house,~~ building~~,~~ or structure other than those specified in subsection (A) or (B), a railway car, a ship, boat, or other watercraft, an aircraft, an automobile or other motor vehicle, or ~~any~~ personal property~~,~~; or

(2) aids, counsels, or procures a burning that results in damage to a building or structure other than those specified in subsection (A) and (B), a railway car, a ship, boat, or other watercraft, an aircraft, an automobile or other motor vehicle, or personal property with intent to destroy or damage by explosion or fire, whether the property of ~~himself~~ the person or another~~, which results, either directly or indirectly, in bodily injury to a person or damage to the property~~.

A person who violates the provisions of this subsection is guilty of the felony of arson in the third degree and, upon conviction, must be imprisoned not more than fifteen years.” /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 16-11-110, AS AMENDED, RELATING TO ARSON, SO AS TO RESTRUCTURE THE ELEMENTS OF THE DEGREES OF ARSON.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑11‑110 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 16‑11‑110. (A) A person who wilfully and maliciously causes an explosion, sets fire to, burns, or causes to be burned or aids, counsels, or procures a burning that results in damage to a ~~dwelling house,~~ building, structure, or any property specified in subsections (B) and (C), whether the property of ~~himself~~ the person or another, which results, either directly or indirectly, in ~~the~~ death or serious bodily injury ~~of~~ to a person is guilty of the felony of arson in the first degree and, upon conviction, must be imprisoned not less than thirty years.

(B) A person who wilfully and maliciously causes an explosion, sets fire to, burns, or causes to be burned or aids, counsels, or procures a burning that results in damage to a dwelling house, church or place of worship, public or private school facility, manufacturing plant or warehouse, building where business is conducted, institutional facility, or any structure designed for human occupancy including local and municipal buildings, ~~or any property~~ whether the property of ~~himself~~ the person or another, ~~which results, either directly or indirectly, in serious bodily injury to a person~~ is guilty of the felony of arson in the second degree and, upon conviction, must be imprisoned not less than three nor more than twenty‑five years.

(C) A person who wilfully and maliciously:

(1) causes an explosion, sets fire to, burns, or causes ~~to be burned or aids, counsels, or procures~~ a burning ~~that~~ which results in damage to a ~~dwelling house,~~ building~~,~~ or structure other than those specified in subsection (A) or (B), a railway car, a ship, boat, or other watercraft, an aircraft, an automobile or other motor vehicle, or ~~any~~ personal property~~,~~; or

(2) aids, counsels, or procures a burning that results in damage to a building or structure other than those specified in subsection (A) and (B), a railway car, a ship, boat, or other watercraft, an aircraft, an automobile or other motor vehicle, or personal property with intent to destroy or damage by explosion or fire, whether the property of ~~himself~~ the person or another, ~~which results, either directly or indirectly, in bodily injury to a person or damage to the property~~ is guilty of the felony of arson in the third degree and, upon conviction, must be imprisoned not more than fifteen years.

(D) For purposes of this section, ‘damage’ means an application of fire or explosive that results in burning, charring, blistering, scorching, smoking, singeing, discoloring, or changing the fiber or composition of a building, structure, or any property specified in this section.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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