

1 IN THE SENATE

BY SENATORS COOPER, NOLAN AND  
BULLOCK BY REQUEST

2

SENATE BILL NO. 23

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the crime of arson;

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amending Sections 65-5-1, 65-5-2, 65-5-3,

8

65-5-5, and 65-5-6 ACLA 1949; and declaring

9

an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. Sec. 65-5-1 ACLA 1949, is amended to read as

12 follows:

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Sec. 65-5-1. ARSON: FIRST DEGREE: BURNING OF DWELL-

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INGS /HOUSE OF ANOTHER/. /THAT IF/ Any person who /SHALL/

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wilfully and maliciously sets fire to or burns or causes to

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be burned or who aids, counsels or procures the burning of

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any dwelling house /OF ANOTHER/, whether occupied, un-

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occupied or vacant, or any kitchen, shop, barn, stable or

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other outhouse that is parcel thereof, or belonging to or

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adjoining thereto, whether the property of himself or of

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another, /OR SHALL WILLFULLY OR MALICIOUSLY SET FIRE TO ANY

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BUILDING OWNED BY HIMSELF OR ANOTHER, BY THE BURNING WHEREOF

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ANY DWELLING HOUSE OF ANOTHER SHALL BE BURNED SUCH PERSON/

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shall be /DEEMED/ guilty of arson in the first degree, and

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upon conviction thereof /SHALL BE PUNISHED BY IMPRISONMENT

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IN/, be sentenced to the penitentiary for not less than two

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/TEN/ nor more than twenty years.

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Sec. 2. Sec. 65-5-2 ACLA 1949 is amended to read as follows:

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Sec. 65-5-2 SECOND DEGREE: BURNING OF /OTHER/

1 BUILDING OR STRUCTURES OTHER THAN DWELLINGS BOAT. THAT  
2 IF Any person who SHALL willfully and maliciously sets  
3 fire to or burns or causes to be burned, or who aids, coun-  
4 sels or procures the burning of any building or structure of  
5 whatsoever class or character, whether the property of him-  
6 self or of another, not included or described in the preced-  
7 ing section, ANY CHURCH, COURTHOUSE, TOWNHOUSE, MEETING-  
8 HOUSE, ASYLUM, COLLEGE, ACADEMY, SCHOOLHOUSE, PRISON, JAIL,  
9 OR OTHER PUBLIC BUILDING ERECTED OR USED FOR PUBLIC USES, OR  
10 ANY STEAMBOAT; SHIP, OR OTHER VESSEL, OR ANY BANKING HOUSE,  
11 WAREHOUSE, EXPRESS OFFICE, STOREHOUSE, MANUFACTORY, MILL,  
12 BARN, STABLE, SHOP, OR OFFICE OF ANOTHER, OR SHALL WILLFULLY  
13 AND MALICIOUSLY SET FIRE TO ANY BUILDING OR BOAT OWNED BY  
14 HIMSELF OR ANOTHER, BY THE BURNING WHEREOF ANY EDIFICE,  
15 BUILDING, BOAT, OR VESSEL MENTIONED IN THIS SECTION SHALL  
16 BE BURNED SUCH PERSON shall be DEEMED guilty of arson  
17 in the second degree, and upon conviction thereof, be sen-  
18 tenced to SHALL BE PUNISHED BY IMPRISONMENT IN the peni-  
19 tentiary for not less than one FIVE nor more than ten  
20 FIFTEEN years.

21 Sec. 3. Sec. 65-5-3 ACLA 1949 is amended to read as follows:

22 Sec. 65-5-3. ARSON: THIRD DEGREE: BURNING OF OTHER  
23 PROPERTY BUILDINGS OTHER THAN THOSE IN SECS. 65-5-1, 65-5-2  
24 OR BRIDGES, ETC. THAT IF Any person who SHALL will-  
25 fully and maliciously sets fire to or burns or causes to be  
26 burned, or who aids, counsels or procures the burning of any  
27 personal property of whatsoever class or character; (such  
28 property being of the value of twenty-five dollars and the  
29 property of another person), shall be guilty of arson in the

1 third degree and ANY BUILDING WHATSOEVER OF ANOTHER OTHER  
2 THAN THOSE SPECIFIED IN SECTIONS 65-5-1 AND 65-5-2, OR SHALL  
3 WILLFULLY AND MALICIOUSLY BURN ANY BRIDGE, LOCK, DAM, OR  
4 FLUME OF ANOTHER, OR ERECTED OR USED FOR PUBLIC USES, SUCH  
5 PERSON, upon conviction thereof, SHALL be sentenced  
6 PUNISHED BY IMPRISONMENT IN to the penitentiary for not  
7 less than one nor more than three TEN years.

8 Sec. 4. Sec. 65-5-5 ACLA 1949 is amended to read as follows:

9 Sec. 65-5-5. ARSON: FOURTH DEGREE: ATTEMPT TO BURN  
10 BUILDINGS OR PROPERTY. (a) Any person who willfully and  
11 maliciously attempts to set fire to or attempts to burn or  
12 to aid, counsel or procure the burning of any of the build-  
13 ings or property mentioned in the foregoing sections, or who  
14 commits any act preliminary thereto, or in furtherance there-  
15 of shall be guilty of arson in the fourth degree and upon  
16 conviction thereof be sentenced to the penitentiary for not  
17 less than one nor more than two years or fined not to exceed  
18 one thousand dollars.

19 (b) The placing or distributing of any flammable, ex-  
20 plosive or combustible material or substance, or any device  
21 in any building or property mentioned in the foregoing sec-  
22 tions in an arrangement or preparation with intent to even-  
23 tually willfully and maliciously set fire to or burn same, or  
24 to procure the setting fire to or burning of same shall, for  
25 the purposes of this Act constitute an attempt to burn such  
26 building or property. BURNING LUMBER, HAY, ETC. THAT IF  
27 ANY PERSON SHALL WILLFULLY AND MALICIOUSLY BURN ANY PILE OR  
28 PILE OF BOARDS OR OTHER LUMBER, TIMBER, OR WOOD: OR ANY  
29 STACK OR HAY, GRAIN, OR OTHER VEGETABLE PRODUCT: OR ANY HAY,

1 GRAIN, OR OTHER VEGETABLE PRODUCT SEVERED FROM THE SOIL, BUT  
2 NOT STACKED: OR ANY GROWING GRASS OR GRAIN, OR OTHER GROWING  
3 VEGETABLE PRODUCT OF THE SOIL NOT HIS OWN, SUCH PERSON SHALL  
4 BE DEEMED GUILTY OF A CRIME, AND UPON CONVICTION THEREOF,  
5 IF THE PROPERTY BURNED SHALL EXCEED IN VALUE THIRTY-FIVE  
6 DOLLARS, SHALL BE PUNISHED BY IMPRISONMENT IN THE PENITEN-  
7 TIARY NOT LESS THAN ONE NOR MORE THAN TEN YEARS: BUT IF THE  
8 PROPERTY BURNED SHALL NOT EXCEED THE VALUE OF THIRTY-FIVE  
9 DOLLARS, SUCH PERSON, UPON CONVICTION THEREOF, SHALL BE  
10 PUNISHED BY IMPRISONMENT IN THE FEDERAL JAIL NOT LESS THAN  
11 ONE MONTH NOR MORE THAN ONE YEAR, OR BY FINE NOT LESS THAN  
12 TWENTY-FIVE NOR MORE THAN ONE HUNDRED DOLLARS, OR BY BOTH  
13 SUCH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT.]

14 Sec. 5. Sec. 65-5-6 ACLA 1949 is amended to read as follows:

15 Sec. 65-5-6. BURNING TO DEFRAUD INSURER INSURED PRO-  
16 PERTY. [THAT IS] Any person who willfully and with intent  
17 to injure or defraud the insurer sets fire to or burns or  
18 attempts to do or who causes to be burned or who aids,  
19 counsels or procures the burning of any building, structure  
20 or personal property, of whatsoever class or character,  
21 whether the property of himself or of another, which shall  
22 at the time be insured by any person, company or corporation  
23 against loss or damage by fire, [SHALL WILLFULLY BURN OR IN  
24 ANY OTHER MANNER INJURE OR DESTROY ANY PROPERTY WHATEVER WHICH  
25 IS AT THE TIME INSURED AGAINST LOSS OR DAMAGE BY FIRE OR OTHER  
26 CASUALTY, WITH INTENT TO DEFRAUD OR PREJUDICE THE INSURER,  
27 WHETHER THE SAME BE THE PROPERTY OF SUCH PERSON OR OF ANY  
28 OTHER, SUCH PERSON], shall be guilty of a felony and upon con-  
29 viction thereof, [SHALL] be sentenced to [PUNISHED BY IMPRISON-

1        MENT IN the penitentiary for not less than one [THREE] nor  
2        more than five [SEVEN] years.

3        Sec. 6. EFFECTIVE DATE. This Act shall take immediate  
4        effect and be in force from and after its passage and approval or  
5        upon its becoming law without such approval, and it is so enacted.  
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