

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;
7 amending Sections 65-5-1, 65-5-2, 65-5-3,
8 65-5-5, and 65-5-6 ACLA 1949; and repealing
9 Section 65-5-7 ACLA 1949."

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:

13 Sec. 65-5-1. ARSON: FIRST DEGREE: BURNING OF DWELL-
14 INGS ~~HOUSE OF ANOTHER~~. THAT IF Any person who SHALL
15 willfully and maliciously sets fire to or burns or causes to
16 be burned or who aids, counsels or procures the burning of
17 any dwelling house ~~OF ANOTHER~~, whether occupied, un-
18 occupied or vacant, or any kitchen, shop, barn, stable or
19 other outhouse that is parcel thereof, or belonging to or
20 adjoining thereto, whether the property of himself or of
21 another, OR SHALL WILLFULLY OR MALICIOUSLY SET FIRE TO ANY
22 BUILDING OWNED BY HIMSELF OR ANOTHER, BY THE BURNING WHEREOF
23 ANY DWELLING HOUSE OF ANOTHER SHALL BE BURNED SUCH PERSON
24 shall be DEEMED guilty of arson in the first degree, and
25 upon conviction thereof, be sentenced to imprisonment for
26 SHALL BE PUNISHED BY IMPRISONMENT IN THE PENITENTIARY not
27 less than ~~two TEN~~ nor more than twenty years.

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

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

1 BUILDINGS 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 imprisonment for SHALL BE PUNISHED BY IMPRISONMENT
19 IN THE PENITENTIARY not less than one FIVE nor more than
20 ten FIFTEEN years or by fine of not more than five
21 thousand dollars or by both such fine and imprisonment.

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

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

1 property of another person), shall be guilty of arson in the
2 third degree and [ANY BUILDING WHATSOEVER OF ANOTHER OTHER
3 THAN THOSE SPECIFIED IN SECTIONS 65-5-1 AND 65-5-2, OR SHALL
4 WILLEFULLY AND MALICIOUSLY BURN ANY BRIDGE, LOCK, DAM, OR
5 FLUME OF ANOTHER, OR ERECTED OR USED FOR PUBLIC USES, SUCH
6 PERSON,] upon conviction thereof, [SHALL] be sentenced to
7 imprisonment for [FURNISHED BY IMPRISONMENT IN THE PENITEN-
8 TIARY] not less than one nor more than three [TEN] years [.]
9 or by fine of not more than three thousand dollars or by
10 both such fine and imprisonment.

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

12 Sec. 65-5-5. ARSON: FOURTH DEGREE: ATTEMPT TO BURN
13 BUILDINGS OR PROPERTY. [BURNING LUMBER, HAY, ETC.] (a) Any
14 person who willfully and maliciously attempts to set fire to
15 or attempts to burn or to aid, counsel or procure the burning
16 of any of the buildings or property mentioned in the fore-
17 going sections, or who commits any act preliminary thereto,
18 or in furtherance thereof shall be guilty of arson in the
19 fourth degree and upon conviction thereof be sentenced to
20 imprisonment for not less than one nor more than two years
21 or fined not to exceed one thousand dollars or by both such
22 fine and imprisonment.

23 (b) The placing or distributing of any flammable,
24 explosive or combustible material or substance, or any device
25 in any building or property mentioned in the foregoing sec-
26 tions in an arrangement or preparation with intent to even-
27 tually willfully and maliciously set fire to or burn same,
28 or to procure the setting fire to or burning of same shall,
29 for the purposes of this Act constitute an attempt to burn

1 such building or property. THAT IF ANY PERSON SHALL WILL-
2 FULLY AND MALICIOUSLY BURN ANY PILE OR PARCEL OF BOARDS OR
3 OTHER LUMBER, TIMBER, OR WOOD; OR ANY STACK OF HAY, GRAIN,
4 OR OTHER VEGETABLE PRODUCT; OR ANY HAY, GRAIN, OR OTHER
5 VEGETABLE PRODUCT SEVERED FROM THE SOIL, BUT NOT STACKED;
6 OR ANY GROWING GRASS OR GRAIN, OR OTHER GROWING VEGETABLE
7 PRODUCT OF THE SOIL NOT HIS OWN, SUCH PERSON SHALL BE DEEMED
8 GUILTY OF A CRIME, AND UPON CONVICTION THEREOF, IF THE
9 PROPERTY BURNED SHALL EXCEED IN VALUE THIRTY-FIVE DOLLARS,
10 SHALL BE PUNISHED BY IMPRISONMENT IN THE PENITENTIARY NOT
11 LESS THAN ONE NOR MORE THAN TEN YEARS; BUT IF THE PROPERTY
12 BURNED SHALL NOT EXCEED THE VALUE OF THIRTY-FIVE DOLLARS,
13 SUCH PERSON, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY
14 IMPRISONMENT IN THE FEDERAL JAIL NOT LESS THAN ONE MONTH NOR
15 MORE THAN ONE YEAR, OR BY FINE NOT LESS THAN TWENTY-FIVE NOR
16 MORE THAN ONE HUNDRED DOLLARS, OR BY BOTH SUCH FINE AND
17 IMPRISONMENT IN THE DISCRETION OF THE COURT.]

18 Sec. 5. Sec. 65-5-6 ACIA 1949, is amended to read as follows:

19 Sec. 65-5-8. BURNING TO DEFRAUD INSURER INSURED PRO-
20 PERTY]. THAT IF Any person who willfully and with intent
21 to injure or defraud the insurer sets fire to or burns or
22 attempts so to do or who causes to be burned or who aids,
23 counsels or procures the burning of any building, structure
24 or personal property, of whatsoever class or character,
25 whether the property of himself or of another, which shall
26 at the time be insured by any person, company or corporation
27 against loss or damage by fire, SHALL WILLFULLY BURN OR IN
28 ANY OTHER MANNER INJURE OR DESTROY ANY PROPERTY WHATEVER
29 WHICH IS AT THE TIME INSURED AGAINST LOSS OR DAMAGE BY FIRE

1 OR OTHER CASUALTY, WITH INTENT TO DEFRAUD OR PREJUDICE THE
2 INSURER, WHETHER THE SAME BE THE PROPERTY OF SUCH PERSON OR
3 OF ANY OTHER, SUCH PERSON, 7 shall be guilty of a felony and
4 upon conviction thereof, SHALL be sentenced to imprisonment
5 not for PUNISHED BY IMPRISONMENT IN THE PENITENTIARY not
6 less than one THREE nor more than five SEVEN years or
7 or by fine of not more than three thousand dollars or by
8 both such fine and imprisonment.

9 Sec. 6. Sec. 65-5-7 ACLA 1949, is hereby repealed.

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