~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

May 27, 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 5/27/15--S.

Read the first time March 25, 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 of, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill will have minimal impact on the general fund and other funds. This bill will have no impact on federal funds. Any additional costs would be absorbed by the Judicial Department.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill specifically includes personal property and certain other buildings or property, such as churches, municipal buildings, ships and railway cars, within the purview of the first, second and third degree arson statutes. These offenses are heard in General Sessions court.

During fiscal year 2013-2014, there were 205 charges and 101 convictions for arson in the first, second or third degree in South Carolina state courts. There is no data available which would allow the Judicial Department to determine how many additional charges, if any, would be brought as a result of the proposed bill. However, if any additional hearings or trials would be held in General Sessions court as a result of this legislation, it is anticipated the Judicial Department would absorb this cost. It is also anticipated that the passage of this bill could impact the General Sessions court docket if additional hearings and trials are held. This bill will have minimal impact on the general fund and other funds. This bill will have no impact on federal funds. Any additional costs would be absorbed by the Judicial Department.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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 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.

(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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