

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-31
HOUSE BILL 325

AN ACT TO MODIFY AND STRENGTHEN THE CRIMINAL LAWS REGARDING
ARSON.

The General Assembly of North Carolina enacts:

SECTION 1. Article 15 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-67.2. Burning caused during commission of another felony.

(a) If any person, during the commission of a felony, knowingly damages any dwelling, structure, building, or conveyance referenced in this Article by means of fire or explosive that results in damages valued at ten thousand dollars (\$10,000) or more, the person shall be punished as a Class D felon unless the person's conduct is covered under some other provision of law providing greater punishment.

(b) If any person, during the commission of a felony, knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another person to damage any dwelling, structure, building, or conveyance referenced in this Article by means of fire or explosive that results in damages valued at ten thousand dollars (\$10,000) or more, the person shall be punished as a Class D felon unless the person's conduct is covered under some other provision of law providing greater punishment."

SECTION 2. G.S. 14-69.3 reads as rewritten:

"§ 14-69.3. Arson or other unlawful burning that results in serious ~~firefighter or firefighter,~~ bodily injury to a firefighter, law enforcement officer, fire investigator, or emergency medical technician.

(a) The following definitions apply in this section:

(1) Emergency medical technician. – The term includes an emergency medical technician, an emergency medical technician-intermediate, and an emergency medical technician-paramedic, as those terms are defined in G.S. 131E-155.

(2) Fire investigator. – The term includes any person who, individually or as part of an investigative team, has the responsibility and authority to determine the origin, cause, or development of a fire or explosion.

(b) A person is guilty of a Class E felony if the person commits a felony under Article 15 of Chapter 14 of the General Statutes and a ~~firefighter~~ firefighter, law enforcement officer, fire investigator, or emergency medical technician suffers serious bodily injury while discharging or attempting to discharge the ~~firefighter's or emergency medical technician's official~~ duties on the property, or proximate to the property, that is the subject of the ~~firefighter's~~ firefighter's, law enforcement officer's, fire investigator's, or emergency medical technician's discharge or attempt to discharge his or her respective duties. As used in this section, the term "emergency medical technician" includes an emergency medical technician, an emergency medical technician-intermediate, and an emergency medical technician-paramedic, as those terms are defined in G.S. 131E-155."

SECTION 3. G.S. 58-79-1 reads as rewritten:

"§ 58-79-1. Fires investigated; reports; records.



The Director of the State Bureau of Investigation, through the State Bureau of Investigation, the Office of the State Fire Marshal, and the chief of the fire department, or chief of police where there is no chief of the fire department, in municipalities and towns, and the county fire marshal and the sheriff of the county and the chief of the rural fire department where such fire occurs outside of a municipality, are hereby authorized to investigate the cause, origin, and circumstances of every fire occurring in such municipalities or counties in which property has been destroyed or damaged, and shall specially make investigation whether the fire was the result of carelessness or design. A preliminary investigation shall be made by the chief of fire department or chief of police, where there is no chief of fire department in municipalities, and by the county fire marshal and the sheriff of the county or the chief of the rural fire department where such fire occurs outside of a municipality, and must be begun within three days, exclusive of Sunday, of the occurrence of the fire, and the Director of the State Bureau of Investigation, through the State Bureau of Investigation, shall have the right to supervise and direct the investigation when he deems it expedient or necessary.

The officer making the investigation of fires shall forthwith notify the Director of the State Bureau of Investigation, and must within one week of the occurrence of the fire furnish to the Director of the State Bureau of Investigation a written statement of all facts relating to the cause and origin of the fire, the kind, value and ownership of the property destroyed, and such other information as is called for by the forms provided by the Director of the State Bureau of Investigation. Departments capable of submitting the required information by the utilization of computers and related equipment, by means of an approved format of standard punch cards, magnetic tapes or an approved telecommunications system, may do so in lieu of the submission of the written statement as provided for in this section. The Director of the State Bureau of Investigation shall keep in his office a record of all reports submitted pursuant to this section. These reports shall at all times be open to public inspection."

SECTION 4. Sections 1 and 2 of this act become effective December 1, 2018, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 9:18 a.m. this 22nd day of June, 2018