

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 325
PROPOSED COMMITTEE SUBSTITUTE H325-PCS40340-BK-13

Short Title: Amend Arson Law/Prosecutor Funds.

(Public)

Sponsors:

Referred to:

March 14, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY AND STRENGTHEN THE CRIMINAL LAWS REGARDING
3 ARSON AND TO APPROPRIATE FUNDS TO THE CONFERENCE OF DISTRICT
4 ATTORNEYS TO ESTABLISH AND SUPPORT A POSITION FOR A RESOURCE
5 PROSECUTOR.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 14-67.2. Burning caused during commission of another felony.**

10 If any person shall, during the commission of a felony, by means of fire or explosive,
11 knowingly damage or knowingly cause, aid, abet, advise, encourage, hire, counsel, or procure
12 another to damage any dwelling, structure, building, or conveyance referenced in this Article,
13 the person shall be punished as a Class D felon."

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

15 **"§ 14-69.3. Arson or other unlawful burning that results in serious injury to a firefighter**
16 **~~or firefighter~~, law enforcement officer, fire investigator, or emergency medical**
17 **technician.**

18 (a) The following definitions apply in this section:

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

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

26 (b) A person is guilty of a Class E felony if the person commits a felony under Article
27 15 of Chapter 14 of the General Statutes and a ~~firefighter~~ firefighter, law enforcement officer,
28 fire investigator, or emergency medical technician suffers serious bodily injury while
29 discharging or attempting to discharge ~~the firefighter's or emergency medical technician's~~
30 official duties on the property, or proximate to the property, that is the subject of the
31 firefighter's firefighter's, law enforcement officer's, fire investigator's, or emergency medical
32 technician's discharge or attempt to discharge his or her respective duties. ~~As used in this~~
33 ~~section, the term "emergency medical technician" includes an emergency medical technician,~~
34 ~~an emergency medical technician intermediate, and an emergency medical~~
35 ~~technician paramedic, as those terms are defined in G.S. 131E-155."~~

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



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

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

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

27 **SECTION 4.** There is appropriated from the General Fund to the Conference of
28 District Attorneys the sum of one hundred fifteen thousand six hundred three dollars
29 (\$115,603) in recurring funds and the sum of three thousand eight hundred sixty-five dollars
30 (\$3,865) in nonrecurring funds for the 2017-2018 fiscal year to establish and support a position
31 for a resource prosecutor. The resource prosecutor will serve as a resource for prosecutors, law
32 enforcement, firefighters, fire marshals, arson investigators, medical professionals, and other
33 allied professionals in the State on arson and homicide cases and also develop and provide
34 training programs for prosecutors, law enforcement officers, and other allied professionals that
35 will improve the ability to effectively prosecute arson and homicide cases.

36 **SECTION 5.** Sections 1 and 2 of this act become effective December 1, 2017, and
37 apply to offenses committed on or after that date. Section 4 of this act becomes effective July 1,
38 2017. The remainder of this act is effective when it becomes law.