To: Judiciary

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001
By: Senator(s) Chamberlin (By Request)
To: Judiciary

SENATE BILL NO. 2016

AN ACT TO AMEND SECTION 97-17-7, MISSISSIPPI CODE OF 1972, TO REVISE THE OFFENSE OF ARSON IN THE THIRD DEGREE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-17-7, Mississippi Code of 1972, is amended as follows:

97-17-7. Arson; third degree * * *.

(1) Any person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any personal property of whatsoever class or character; (such property being of the value of Twenty-five Dollars ($25.00) and the property of another person), shall be guilty of arson in the third degree * * *.

(2) (a) Any person who intentionally damages a building or motor vehicle by starting a fire or causing an explosion shall be guilty of arson in the third degree.

(b) In any prosecution under this subsection (2), it is an affirmative defense that (i) no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle, or if other persons had such interests, all of them consented to the defendant's conduct, (ii) the defendant's sole intent was to destroy or damage the building or motor vehicle for a lawful and proper purpose, and (iii) the defendant had no reasonable ground to believe that his conduct might endanger the life or safety of another person or damage another building or motor vehicle.
(3) A person convicted of arson in the third degree shall be
sentenced to the penitentiary for not less than one (1) nor more
than three (3) years.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.