S T A T E O F N E W Y O R K

5917

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. TOWNS, KOLB -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to arson in the first degree

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 150.20 of the penal law, as amended by chapter 950 of the laws of 1984, is amended to read as follows:

S 150.20 Arson in the first degree.

1. A person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when (a) such explosion or fire is caused by OR ACCELERATED BY USE OF IGNITABLE LIQUID OR FLAMMABLE GAS OR an incendiary device propelled, thrown [or], placed OR OTHERWISE DISPERSED OR DISTRIBUTED inside or near such building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or fire either (i) causes serious physical injury to another person other than a participant, or (ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when (b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and (c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.

2. As used in this section, "incendiary device" means a [breakable container] DEVICE designed to [explode or] produce uncontained combustion [upon impact, containing flammable liquid and having a wick or a similar device capable of being ignited] OR USED AS A SOURCE OF IGNITION.

Arson in the first degree is a class A-I felony.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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