

# STATE OF NEW YORK

7175

2019-2020 Regular Sessions

## IN ASSEMBLY

April 10, 2019

Introduced by M. of A. CUSICK -- 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:

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

3 § 150.20 Arson in the first degree.

4 1. A person is guilty of arson in the first degree when he inten-  
5 tionally damages a building or motor vehicle by causing an explosion or  
6 a fire and when (a) such explosion or fire is caused by or accelerated  
7 by use of ignitable liquid or flammable gas or an incendiary device  
8 propelled, thrown ~~[ex]~~, placed or otherwise dispersed or distributed  
9 inside or near such building or motor vehicle; or when such explosion or  
10 fire is caused by an explosive; or when such explosion or fire either  
11 (i) causes serious physical injury to another person other than a  
12 participant, or (ii) the explosion or fire was caused with the expecta-  
13 tion or receipt of financial advantage or pecuniary profit by the actor;  
14 and when (b) another person who is not a participant in the crime is  
15 present in such building or motor vehicle at the time; and (c) the  
16 defendant knows that fact or the circumstances are such as to render the  
17 presence of such person therein a reasonable possibility.

18 2. As used in this section, "incendiary device" means a [~~breakable~~  
19 ~~container~~] device designed to [~~explode or~~] produce uncontained  
20 combustion [~~upon impact, containing flammable liquid and having a wick~~  
21 ~~or a similar device capable of being ignited~~] or used as a source of  
22 ignition.

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

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

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

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