STATE OF NEW YORK

6793

2021-2022 Regular Sessions

IN ASSEMBLY

April 8, 2021
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Introduced by M. of A. CUSICK, WALCZYK -- 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 Assem-
bly, 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 [~~or~~]**,** 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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