

# STATE OF NEW YORK

717

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the penal law, in relation to the causation of a fire or explosion during the course of committing or attempting to commit a controlled substance felony

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 150.05 of the penal law, as amended by chapter 225  
2 of the laws of 1979, is amended to read as follows:

3 § 150.05 Arson in the fourth degree.

4 1. A person is guilty of arson in the fourth degree when [~~he~~] such  
5 person:

6 (a) recklessly damages a building or motor vehicle by intentionally  
7 starting a fire or causing an explosion[~~-~~]; or

8 (b) damages a building or motor vehicle by fire or by explosion in the  
9 course of the commission or attempted commission of a felony as defined  
10 in article two hundred twenty of this chapter.

11 2. In any prosecution under this section, it is an affirmative defense  
12 that no person other than the defendant had a possessory or proprietary  
13 interest in the building or motor vehicle.

14 Arson in the fourth degree is a class E felony.

15 § 2. Section 150.10 of the penal law, as amended by chapter 225 of the  
16 laws of 1979, is amended to read as follows:

17 § 150.10 Arson in the third degree.

18 1. A person is guilty of arson in the third degree when [~~he~~] such  
19 person:

20 (a) intentionally damages a building or motor vehicle by starting a  
21 fire or causing an explosion[~~-~~]; or

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

LBD02295-01-5

1 (b) recklessly damages a building or motor vehicle by fire or by  
2 explosion in the course of the commission or attempted commission of a  
3 felony as defined in article two hundred twenty of this chapter.

4 2. In any prosecution under this section, it is an affirmative defense  
5 that (a) no person other than the defendant had a possessory or proprie-  
6 tary interest in the building or motor vehicle, or if other persons had  
7 such interests, all of them consented to the defendant's conduct, and  
8 (b) the defendant's sole intent was to destroy or damage the building or  
9 motor vehicle for a lawful and proper purpose, and (c) the defendant had  
10 no reasonable ground to believe that [~~his~~] such defendant's conduct  
11 might endanger the life or safety of another person or damage another  
12 building or motor vehicle.

13 Arson in the third degree is a class C felony.

14 § 3. This act shall take effect immediately.