

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 8
ARSON

18-801. ARSON -- DEFINITIONS. In this chapter, the following terms have the following meanings:

(1) "Damage", in addition to its ordinary meaning, includes any charring, scorching, burning or breaking, and shall include any diminution in the value of any property as a consequence of an act;

(2) "Dwelling" means any structure used or intended for use as human habitation;

(3) "Structure" means any building of any kind, including fixtures and appurtenances attached thereto, any coliseum, bridge or carport, any tent or other portable building, or any vehicle, vessel, watercraft or aircraft;

(4) "Real property" means any land, and shall include any crops growing thereon;

(5) "Personal property" means any tangible property, including anything severed from the land;

(6) "Forest land" means any brush covered land, cut-over land, forest, prairie, grasslands, wetlands or woods;

(7) "Firefighter" means any person assisting in the suppression or extinguishment of any fire or explosion.

[18-801, added 1993, ch. 107, sec. 2, p. 274.]

18-802. ARSON IN FIRST DEGREE -- BURNING OF DWELLING OR OTHER STRUCTURES WHERE PERSONS ARE NORMALLY PRESENT -- PENALTIES. Any person who willfully and unlawfully, by fire or explosion, damages:

(1) Any dwelling, whether occupied or not; or

(2) Any structure, whether occupied or not, in which persons are normally present, including without limitation: jails, prisons or detention centers; hospitals, nursing homes or other health care facilities; department stores, office buildings, business establishments, churches or educational institutions, or other similar structures; or

(3) Any other structure which the actor has reasonable grounds to believe is occupied by a human being; or

(4) Any real or personal property, whether the property of the actor or another, with the intent to deceive or harm any insurer or any person with a legal or financial interest in the property, or obtain any financial gain for the actor or another;

is guilty of arson in the first degree, and upon conviction thereof shall be sentenced to the custody of the department of correction for not more than twenty-five (25) years or fined not more than one hundred thousand dollars (\$100,000) or both.

[18-802, added 1993, ch. 107, sec. 3, p. 274.]

18-803. ARSON IN THE SECOND DEGREE -- BURNING OF A STRUCTURE -- PENALTIES. Any person who willfully and unlawfully, by fire or explosion, damages any structure, whether the property of the actor or another, not included or described in the preceding section, is guilty of arson in the second degree, and upon conviction thereof shall be sentenced to the custody of the depart-

ment of correction for not more than fifteen (15) years or fined not more than seventy-five thousand dollars (\$75,000) or both.

[18-803, added 1993, ch. 107, sec. 4, p. 275.]

18-804. ARSON IN THE THIRD DEGREE -- BURNING OF REAL OR PERSONAL PROPERTY OR FOREST LAND -- PENALTIES. Any person who willfully and unlawfully, by fire or explosion, damages:

- (1) Any real or personal property of another; or
- (2) Any forest land;

is guilty of arson in the third degree, and upon conviction thereof shall be sentenced to the custody of the department of correction for not more than ten (10) years or fined not more than fifty thousand dollars (\$50,000) or both.

[18-804, added 1993, ch. 107, sec. 5, p. 275.]

18-805. AGGRAVATED ARSON -- PENALTIES. A person whose violation of sections [18-802](#), [18-803](#) or [18-804](#), Idaho Code, results, directly or indirectly, in great bodily harm, permanent disability, permanent disfigurement or death of a firefighter or any other person, regardless of intent or lack of intent to cause such harm, upon a finding of guilt thereon shall be sentenced to an extended term of imprisonment. The extended term of imprisonment shall be computed by increasing the sentence imposed for a conviction under such sections, by a period of not more than ten (10) years.

[18-805, added 1993, ch. 107, sec. 6, p. 275.]