

**House Judiciary Reported Substitute for HB328**

A BILL

TO BE ENTITLED

AN ACT

Crimes and offenses; to amend Section 13A-7-41, Code of Alabama 1975, to further provide for the crime of arson in the first degree to establish alternative means by which the crime may occur; and to provide minimum criminal penalties for a violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-7-41, Code of Alabama 1975, is amended to read as follows:

"§13A-7-41

(a) A person commits the crime of arson in the first degree if he or she intentionally damages a building by starting or maintaining a fire or causing an explosion, while another person is present in the building at the time, and when either of the following occur:

~~(1) Another person is present in such building at the time, and~~

~~(2)~~ (1) The actor knows that fact, or the circumstances are such as to render the presence of a person therein a reasonable possibility; or

(2) The fire or explosion is started in conjunction



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29 with or to effectuate a theft, and the fire or explosion or
30 accompanying theft results in damages of twenty-five thousand
31 dollars (\$25,000) or more.

32 (b) Arson in the first degree is a Class A felony and
33 shall be punished by a term of imprisonment of not less than
34 20 years. The term of imprisonment shall run consecutive with
35 any other term of imprisonment for any other offense arising
36 out of the same facts and circumstances."

37 Section 2. This act shall become effective on October
38 1, 2026.