

HB328 INTRODUCED



1 HB328
2 BYRDU44-1
3 By Representatives Faulkner, Colvin
4 RFD: Judiciary
5 First Read: 22-Jan-26



SYNOPSIS:

Under existing law, the crime of arson is a property crime involving damage to a building by fire or explosion. The crime is punished as a Class A felony when another person is present in the building at the time of the arson and the offender commits the crime knowing a person is in the building or in reckless disregard of that fact.

This bill would amend the crime of arson in the first degree to include within the offense arson committed when a person is present in a building and the crime was committed in conjunction with or to accomplish a theft resulting in damages to the property of \$25,000 or more.

This bill would also establish a minimum sentence of imprisonment for violations.

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



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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, and when:

(1) Another person is present in ~~such~~ the building at the time ~~;~~ and either of the following:

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

(3) The fire or explosion is set in conjunction with or to effectuate a theft, and the fire or explosion or accompanying theft results in damages of twenty-five thousand dollars (\$25,000) or more.

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

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