

HB328 INTRODUCED



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



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4 SYNOPSIS:

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

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

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

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22 A BILL

23 TO BE ENTITLED

24 AN ACT

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26 Crimes and offenses; to amend Section 13A-7-41, Code of
27 Alabama 1975, to further provide for the crime of arson in the
28 first degree to establish alternative means by which the crime

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29 may occur; and to provide minimum criminal penalties for a
30 violation.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

34 "§13A-7-41

35 (a) A person commits the crime of arson in the first
36 degree if he or she intentionally damages a building by
37 starting or maintaining a fire or causing an explosion, and
38 when:

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

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

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

48 (b) Arson in the first degree is a Class A felony and
49 shall be punished by a term of imprisonment of not less than
50 20 years. The term of imprisonment shall run consecutive with
51 any other term of imprisonment for any other offense arising
52 out of the same facts and circumstances."

53 Section 2. This act shall become effective on October
54 1, 2026.