

See: Minutes of Subcommittee No. 1  
9/23/68, p. 1, Vol. X  
Tape #20

For approval of draft as amended, see:  
Minutes of Subcommittee No. 1  
10/18/68, p. 1, Vol. X  
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CRIMINAL LAW REVISION COMMISSION  
309 Capitol Building  
Salem, Oregon

ARTICLE 16. ARSON AND RELATED OFFENSES

Preliminary Draft No. 3; September 1968

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Subcommittee No. 1

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Section 1. Arson and related offenses; definitions. As used in \_\_\_\_\_, except as the context may require otherwise:

(1) "Protected property" means any structure, place or thing customarily occupied by people, <sup>including</sup> including "public buildings" as defined by ORS 479.010 and "forest land" as defined by ORS 477.001.

(2) Property "of another" means property in which anyone other than the actor has a possessory or proprietary interest.

Section 2. Negligent burning. A person commits the crime of negligent burning if he damages property of another by:

(1) Negligently permitting fire to escape from land in his custody or control; or

(2) Accidentally starting a fire on land of another and failing to make every reasonable effort to extinguish or control the fire.

Section 2. (Alternate) Unlawful use of fire. A person commits the crime of unlawful use of fire if he:

(1) Unlawfully sets on fire, or causes to be set on fire, any grass, grain, stubble or other material being or growing on any lands within the state; or

(2) Intentionally or negligently allows fire to escape from his own land, or land of which he is in possession or control; or

(3) Accidentally sets any fire on his own land or the land of another and allows it to escape from control without extinguishing it, or using every reasonable effort to do so; or

(4) Having knowledge of a fire burning on his own land, or land of which he is in possession or control, fails or neglects to make

every reasonable effort to extinguish the same, regardless of whether or not he is responsible for the starting or existence thereof.

[NOTE: Alternate section 2 is substantially the same as ORS 164.070.]

Section 3. Reckless burning. A person commits the crime of reckless burning if he recklessly damages property of another by fire or explosion.

Section 3. (Alternate) Damaging property by fire. A person commits the crime of damaging property by fire if he damages property of another by:

(1) Intentionally or recklessly starting a fire on the land of another; or

(2) Intentionally or negligently permitting a fire to escape from land in his possession or control.

[NOTE: Alternate section 3 is substantially the same as ORS 164.080.]

Section 4. Arson in the second degree. A person commits the crime of arson in the second degree if, by starting a fire or causing an explosion, he intentionally damages any building of another that is not "protected property" as defined in section 1.

Section 5. Arson in the first degree. A person commits the crime of arson in the first degree if, by starting a fire or causing an explosion, he intentionally damages:

(1) Protected property of another; or

(2) Any property, whether his own or another's, and such act recklessly places another person in danger of bodily injury or protected property of another in danger of damage.