

HOUSE No. 1464

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to fires and explosions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/16/2015</i>

HOUSE No. 1464

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 1464) of Jay D. Livingstone relative to fires or explosions that cause injury. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to fires and explosions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 266 is hereby amended by adding after Section 8 the following
2 section: -

3 Section 8A. Any person who, as a result of or in the course of unlawfully and
4 intentionally manufacturing a controlled substance as defined by section 31 of chapter 94C,
5 causes a fire or explosion that causes personal injury, whether to such person himself or to other
6 persons, or that causes damage to a dwelling house, as defined in section 1 of this chapter, a
7 structure, a building, a motor vehicle, a boat or to any other conveyance, or to real property,
8 whether such property is owned by such person or by another, or is apparently abandoned, shall
9 be punished by imprisonment in the state prison for not more than ten years, or by imprisonment
10 in a jail or house of correction for not more than two and one half years.

11 SECTION 2. Section 5 of Chapter 266 is hereby amended by adding as a second
12 paragraph the following: -

13 Any person who, without authorization of the school administration, intentionally sets
14 fire to, burns, or causes to be burned any property within any building or structure of an
15 elementary or secondary school, a college or university, or on the grounds thereof, shall be
16 punished by imprisonment in a jail or house of correction for not more than two and one half
17 years.

18 SECTION 3. Section 7 of Chapter 266 is hereby amended by adding as a second
19 paragraph the following: -

20 Whoever by wantonly or recklessly sets or uses fire or any incendiary or explosive device
21 or material, including but not limited to fireworks, and causes danger to the property or safety of
22 another shall be punished by a fine of not more than one thousand dollars or by imprisonment for
23 not more than two years.

24 SECTION 4. Chapter 266 is hereby amended by striking out Section 8 as appearing in
25 the 2012 Official Edition, and inserting in place thereof the following paragraph: -

26 Section 8. Whoever, without the consent of the owner, sets or increases a fire upon land
27 of another whereby the property of another is injured, or whoever negligently or willfully suffers
28 any fire, set upon his own land or upon land of another by consent of the owner, to extend
29 beyond the limits thereof so to cause injury to the woods or property of another, if the cost to
30 restore or replace the property damaged does not exceed \$5,000, shall be punished by a fine of
31 not more than one thousand dollars or by imprisonment for not more than two years; if the cost
32 to restore or replace the property damaged equals or exceeds \$5,000, such person shall be
33 punished by imprisonment in the state prison for not more than five years, or by imprisonment in
34 a jail or house of correction for not more than two and one half years. The town where such fire

- 35 occurred may recover in an action of tort, brought within two years after the cause of action
- 36 accrues, against any such person the expense of extinguishing such fire.