

HOUSE No. 898

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>1/17/2017</i>

HOUSE No. 898

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 898) of Jay D. Livingstone relative to the penalty for setting fires or using fireworks, pyrotechnic or incendiary or explosive devices or materials. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 265 is hereby amended by adding after Section 13D½ the
2 following section: -

3 Section 13D¾. Whoever wantonly or recklessly sets or uses a fire or fireworks or
4 pyrotechnic or any incendiary or explosive device or material, as those terms are defined in
5 section 39 of chapter 148 and/or section 101 of chapter 266, and thereby causes injury to the
6 person of another shall be punished by a fine of not more than one thousand dollars or by
7 imprisonment for not more than two years.

8 Any person who, as a result of or in the course of unlawfully and intentionally
9 manufacturing a controlled substance as defined by section 31 of chapter 94C, or any substance
10 or product derived therefrom, causes a fire or explosion that causes personal injury, whether to
11 themselves or to other persons, shall be punished by imprisonment in the state prison for not

12 more than ten years, or by imprisonment in a jail or house of correction for not more than two
13 and one half years.

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

16 Any person who, without authorization of the school administration, intentionally sets
17 fire to, burns, or causes to be burned any property, whether of himself or another, within any
18 building or structure of a school or educational institution (including but not limited to any
19 elementary school, secondary school, college, or university), whether such institution is public or
20 private and whether or not such institution is currently in session or not, or on the grounds
21 thereof, shall be punished by imprisonment in a jail or house of correction for not more than two
22 and one half years.

23 SECTION 3. Chapter 266 is hereby amended by striking out Section 8 as appearing in
24 the 2014 Official Edition, and inserting in place thereof the following paragraph: -

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

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

36 SECTION 4. Chapter 266 is hereby amended by adding after Section 8 the following
37 section: -

38 Section 8A. Any person who, as a result of or in the course of unlawfully and
39 intentionally manufacturing a controlled substance as defined by section 31 of chapter 94C, or
40 any substance or product derived therefrom, causes a fire or explosion that causes injury to a
41 dwelling house (as defined in section 1 of this chapter), structure, building or real property, or
42 that causes injury to a motor vehicle, boat or other conveyance, whether such property is owned
43 by such person or by another, or is apparently abandoned, shall be punished by imprisonment in
44 the state prison for not more than ten years, or by imprisonment in a jail or house of correction
45 for not more than two and one half years.

46 SECTION 5. Section 102B of Chapter 266 is hereby amended by adding as a second
47 paragraph the following: -

48 Whoever wantonly or recklessly sets or uses a fire or fireworks or pyrotechnic or any
49 incendiary or explosive device or material, as those terms are defined in section 39 of chapter
50 148 and/or section 101 of chapter 266, and thereby causes injury to the property of another shall
51 be punished by a fine of not more than one thousand dollars or by imprisonment for not more
52 than two years.