HOUSE DOCKET, NO. 296 FILED ON: 1/19/2021

HOUSE . . . . . No. 1752

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:
Jay D. Livingstone	*8th Suffolk*	*1/19/2021*

HOUSE DOCKET, NO. 296 FILED ON: 1/19/2021

HOUSE . . . . . No. 1752

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 1752) of Jay D. Livingstone relative to the penalty for setting fires or using fireworks, pyrotechnic or incendiary or explosive devices or materials. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3361* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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:

SECTION 1. Chapter 265 is hereby amended by adding after Section 13D½ the following section: -

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

Any person who, as a result of or in the course of unlawfully and intentionally manufacturing a controlled substance as defined by section 31 of chapter 94C, or any substance

or product derived therefrom, causes a fire or explosion that causes personal injury, whether to themselves or to other persons, shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in a jail or house of correction for not more than two and one half years.

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

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

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

Section 8. Whoever, without the consent of the owner, sets or increases a fire upon the land of another whereby the woods or property of another is injured, or whoever negligently or wilfully suffers any fire, set upon his own land or upon the land of another by consent of the owner, to extend beyond the limits thereof so as to cause injury to the woods or property of another, if the cost to restore or replace the property injured is less than $5,000, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years; if the cost to restore or replace the property injured equals or exceeds $5,000, such person shall

be punished by imprisonment in the state prison for not more than five years, or by imprisonment in a jail or house of correction for not more than two and one half years. The town where such fire occurred may recover the expense of extinguishing such fire in an action of tort, brought within two years after the cause of action accrues, against any such person.

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

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

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

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