

HOUSE BILL 28

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, relative to arson.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-301, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A person commits an offense who knowingly damages any structure by means of a fire or explosion:

(1) Without the consent of all persons who have a possessory, proprietary or security interest therein; or

(2) With intent to destroy or damage any structure to collect insurance for the damage or destruction or for any unlawful purpose.

(b)

(1) Arson is a Class B felony.

(2) Arson of a place of worship is a Class B felony. Notwithstanding the statutory range for fines within a Class B felony, the fine for a violation of arson of a place of worship shall be a mandatory amount of twenty-five thousand dollars (\$25,000). As used in this subdivision (b)(2), "place of worship" means any structure that is:

(A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to § 67-5-212, based on ownership and use of the structure by a religious institution; and

(B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

SECTION 2. Tennessee Code Annotated, Section 39-14-302(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Aggravated arson is a Class A felony. Notwithstanding the statutory range for fines within a Class A felony, the fine for a violation of this section shall be a mandatory amount of fifty thousand dollars (\$50,000).

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.