

21-5812. Arson; aggravated arson. (a) Arson is:

- (1) Knowingly, by means of fire or explosive damaging any building or property which:
 - (A) Is a dwelling in which another person has any interest without the consent of such other person;
 - (B) is a dwelling with intent to injure or defraud an insurer or lienholder;
 - (C) is not a dwelling in which another person has any interest without the consent of such other person; or
 - (D) is not a dwelling with intent to injure or defraud an insurer or lienholder;
 - (2) accidentally, by means of fire or explosive, as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5703, and amendments thereto, damaging any building or property which is a dwelling; or
 - (3) accidentally, by means of fire or explosive as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5703, and amendments thereto, damaging any building or property which is not a dwelling.
- (b) Aggravated arson is arson, as defined in subsection (a):
- (1) Committed upon a building or property in which there is a human being; or
 - (2) which results in great bodily harm or disfigurement to a firefighter or law enforcement officer in the course of fighting or investigating the fire.
- (c) (1) Arson as defined in:
- (A) Subsection (a)(1)(A) or (a)(1)(B) is a severity level 6, person felony;
 - (B) subsection (a)(1)(C) , (a)(1)(D) or (a)(3) is a severity level 7, nonperson felony; and
 - (C) subsection (a)(2) is a severity level 7, person felony.
- (2) Aggravated arson as defined in:
- (A) Subsection (b)(1) is a:
 - (i) Severity level 3, person felony, if such crime results in a substantial risk of bodily harm; and
 - (ii) severity level 6, person felony, if such crime results in no substantial risk of bodily harm; and
 - (B) subsection (b)(2) is a severity level 3, person felony.

History: L. 2010, ch. 136, § 98; L. 2011, ch. 30, § 37; July 1.