

STATEMENT TO
SENATE, No. 1084

with Senate Floor Amendments
(Proposed By Senator Connors)

ADOPTED: APRIL 21, 1997

S-1084 would create monetary penalties to be imposed on persons convicted of arson. Moneys collected as a result of these penalties would be deposited in a special fund and distributed to the counties to help in the investigation and prosecution of arson cases.

These amendments would establish a \$250.00 penalty for juveniles adjudicated delinquent for arson. In addition, the amendments provide that the monies from the fund would be distributed to the Division of Criminal Justice as well as the county prosecutor and authorize the Department of Law and Public Safety to use an amount not to exceed 5% of monies deposited in the fund to offset administrative expenses.

The amendments clarify the formula for distribution of the penalty monies. The bill provides that the formula would be based on the number and seriousness of the arson convictions or juvenile adjudications in the county on a fiscal year basis. The amendments clarify that the formula would also take into consideration the resources devoted to investigating and prosecuting arson cases in the county on a fiscal year basis. In addition the amendments provide that seriousness of the arson convictions and adjudications shall be assessed by considering factors such as loss and endangerment of life, the value of property destroyed, the replaceability of destroyed property and the resources devoted to controlling and extinguishing arson fires.

The amendments provide that the monies distributed from the fund would be used exclusively for the purpose of investigating and prosecuting arson cases and would supplement and not replace monies budgeted for such investigation and prosecutions and give rule-making powers to the Attorney General.

The amendments correct an internal statutory reference to clarify that the penalty shall be assessed for all degrees of the crime of arson.