





# THE CRIME OF ARSON



The law in the state of Colorado is very specific as it relates to fireworks, reckless burning, and arson, regardless of where the offense occurs. One thought to consider is that a child can be arrested in Colorado at the age of ten for setting a fire even if he/she did not mean for the fire to damage anything or get out of control. Colorado has four “degrees” of arson, a statute dealing with woods and prairies, and a municipal code for illegal fireworks. **Children ten years of age or older can be arrested for any one of these statutes.**

## **Arson in the First Degree – 18 - 4 - 102:**

This crime involves the burning of a building or occupied structure. First degree arson is proved by showing beyond a reasonable doubt that the offender knowingly set fire to, burned, or caused to be burned any building or occupied structure of another without owner’s consent. First degree arson is a class 3 felony.

## **Arson in the Second Degree – 18 - 4 - 103:**

This crime involves the burning of any “property” (other than a building or occupied structure) of another. Second degree arson is proved by showing beyond a reasonable doubt that the offender knowingly set fire to, burned, or caused to be burned any property (not a building or occupied structure) of another without that person’s consent. Second degree arson is a class 4 felony if the damage is \$100.00 or more, or a class 2 misdemeanor if the damage is less than \$100.00.

## **Arson in the Third Degree – 18 – 4 - 104:**

This crime involves the burning of property with the intent to defraud. Third degree arson is proved by showing beyond a reasonable doubt that the offender by means of fire or explosives intentionally damaged any property with the intent to defraud. Third degree arson is a class 4 felony.

## **Arson in the Fourth Degree – 18 - 4 - 105:**

This crime involves the reckless starting of a fire or causing an explosion. The penalty depends upon whether the act endangers persons or property. Fourth degree arson is proved by showing beyond a reasonable doubt that the offender knowingly or recklessly starts or maintains a fire or causes an explosion on his own property or that of another and places another person in danger of death or serious bodily injury, or any building or occupied structure of another in danger of damage. Fourth degree arson is a class 4 felony if a person is endangered, a class 2 misdemeanor if only property worth more than \$100.00 is endangered, or a class 3 misdemeanor if only property worth less than \$100.00 is endangered.

## **Firing Woods and Prairie – 18 – 13 – 109 AND 18 – 13 – 109.5:**

On property of another the offender knowingly and without lawful authority or with criminal negligence set on fire/caused to be set on fire, any woods/prairie/grounds of other description other than their own. Spreading to property of another the offender knowingly or with criminal negligence set a fire/caused a fire to be set, and permitted that fire to pass from their own grounds to the injury of any other person. Firing Woods and Prairie is a class 2 misdemeanor or class 3 felony if the fire was intentionally set.

## **Manufacture, Sale And Discharge of Fireworks: 9.7.302 (B):**

The City of Colorado Springs municipal code reads as follows: It is unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks (Ord. 92-77; Ord. 01-42). Several other jurisdictions within El Paso and Teller Counties have similar municipal codes that refer specifically to the illegal use and possession of fireworks. All types of fireworks with a fuse and or requiring a flame for ignition are **ILLEGAL** in Colorado Springs and are subject to a fine up to and including \$500 and or up to 90 days in jail.