

HOUSE BILL NO. 5159

October 29, 2025, Introduced by Reps. Tisdell, Kuhn and Steele and referred to Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 72, 73, 74, 75, 76, 77, and 78 (MCL 750.72, 750.73, 750.74, 750.75, 750.76, 750.77, and 750.78), sections 72 and 73 as amended by 2012 PA 531, sections 74, 75, and 76 as amended by 2012 PA 532, section 77 as amended by 2012 PA 533, and section 78 as amended by 2014 PA 111.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72. (1) A person who willfully, ~~or~~ maliciously, **or**
2 **recklessly** burns, damages, or destroys by fire or explosive any of
3 the following or its contents is guilty of first degree arson:

1 (a) A multiunit building or structure in which 1 or more units
2 of the building are a dwelling, regardless of whether any of the
3 units are occupied, unoccupied, or vacant at the time of the fire
4 or explosion.

5 (b) Any building or structure or other real property if the
6 fire or explosion results in physical injury to any individual.

7 (c) A mine.

8 (2) Subsection (1) applies regardless of whether the person
9 owns the dwelling, building, structure, or mine or its contents.

10 (3) First degree arson is a felony punishable by imprisonment
11 for life or any term of years or a fine of not more than \$20,000.00
12 or 3 times the value of the property damaged or destroyed,
13 whichever is greater, or both imprisonment and a fine.

14 Sec. 73. (1) Except as provided in section 72, a person who
15 willfully, ~~or~~ maliciously, **or recklessly** burns, damages, or
16 destroys by fire or explosive a dwelling, regardless of whether it
17 is occupied, unoccupied, or vacant at the time of the fire or
18 explosion, or its contents, is guilty of second degree arson.

19 (2) Subsection (1) applies regardless of whether the person
20 owns the dwelling or its contents.

21 (3) Second degree arson is a felony punishable by imprisonment
22 for not more than 20 years or a fine of not more than \$20,000.00 or
23 3 times the value of the property damaged or destroyed, whichever
24 is greater, or both imprisonment and a fine.

25 Sec. 74. (1) Except as provided in sections 72 and 73, a
26 person who does any of the following is guilty of third degree
27 arson:

28 (a) Willfully, ~~or~~ maliciously, **or recklessly** burns, damages,
29 or destroys by fire or explosive any building or structure, or its

1 contents, regardless of whether it is occupied, unoccupied, or
2 vacant at the time of the fire or explosion.

3 (b) Willfully, ~~and maliciously~~, **or recklessly** burns, damages,
4 or destroys by fire or explosive any of the following or its
5 contents:

6 (i) Any personal property having a value of \$20,000.00 or more.

7 (ii) Any personal property having a value of \$1,000.00 or more
8 if the person has 1 or more prior convictions.

9 (2) Subsection (1) applies regardless of whether the person
10 owns the building, structure, other real property or its contents,
11 or the personal property.

12 (3) Third degree arson is a felony punishable by imprisonment
13 for not more than 10 years or a fine of not more than \$20,000.00 or
14 3 times the value of the property damaged or destroyed, whichever
15 is greater, or both imprisonment and a fine.

16 Sec. 75. (1) Except as provided in sections 72, 73, and 74, a
17 person who does any of the following is guilty of fourth degree
18 arson:

19 (a) Willfully, ~~and maliciously~~, **or recklessly** burns, damages,
20 or destroys by fire or explosive any of the following or its
21 contents:

22 (i) Any personal property having a value of \$1,000.00 or more,
23 but less than \$20,000.00.

24 (ii) Any personal property having a value of \$200.00 or more if
25 the person has 1 or more prior convictions.

26 (b) Willfully, ~~or negligently~~, **or recklessly** sets fire to a
27 woods, prairie, or grounds of another person or permits fire to
28 pass from ~~his or her~~ **the person's** own woods, prairie, or grounds to
29 another person's property causing damage or destruction to that

1 other property.

2 (2) Subsection (1)(a) applies regardless of whether the person
3 owns the personal property.

4 (3) Fourth degree arson is a felony punishable by imprisonment
5 for not more than 5 years or a fine of not more than \$10,000.00 or
6 3 times the value of the property damaged or destroyed, whichever
7 is greater, or both imprisonment and a fine.

8 Sec. 76. (1) A person who willfully, ~~or~~ maliciously, **or**
9 **recklessly** burns, damages, or destroys by fire or explosive any of
10 the following or the contents of any of the following is guilty of
11 arson of insured property:

12 (a) Any dwelling that is insured against loss from fire or
13 explosion if the person caused the fire or explosion with the
14 intent to defraud the insurer.

15 (b) Except as provided in subdivision (a), any building,
16 structure, or other real property that is insured against loss from
17 fire or explosion if the person caused the fire or explosion with
18 the intent to defraud the insurer.

19 (c) Any personal property that is insured against loss by fire
20 or explosion if the person caused the fire or explosion with the
21 intent to defraud the insurer.

22 (2) Subsection (1) applies regardless of whether the person
23 owns the dwelling, building, structure, other real property, or
24 personal property.

25 (3) Arson of insured property is a felony punishable as
26 follows:

27 (a) If the person violates subsection (1)(a), imprisonment for
28 life or any term of years or a fine of not more than \$20,000.00 or
29 3 times the value of the property damaged or destroyed, whichever

1 is greater, or both imprisonment and a fine.

2 (b) If the person violates subsection (1)(b), imprisonment for
3 not more than 20 years or a fine of not more than \$20,000.00 or 3
4 times the value of the property damaged or destroyed, whichever is
5 greater, or both imprisonment and a fine.

6 (c) If the person violates subsection (1)(c), imprisonment for
7 not more than 10 years or a fine of not more than \$20,000.00 or 3
8 times the value of the property damaged or destroyed, whichever is
9 greater, or both imprisonment and a fine.

10 Sec. 77. (1) Except as provided in sections 72 to 76, a person
11 who intentionally **or recklessly** damages or destroys by fire or
12 explosive any personal property having a value of \$1,000.00 or less
13 and who has 1 or more prior convictions is guilty of fifth degree
14 arson.

15 (2) Subsection (1) applies regardless of whether the person
16 owns the personal property.

17 (3) Fifth degree arson is a misdemeanor punishable by
18 imprisonment for not more than 1 year or a fine of not more than
19 \$2,000.00 or 3 times the value of the property damaged or
20 destroyed, whichever is greater, or both imprisonment and a fine.

21 (4) As used in this section:

22 (a) "Personal property" includes an automobile, van, truck,
23 motorcycle, trailer, and other personally owned property.

24 (b) "Prior conviction" means a prior conviction for a
25 violation of this chapter that arises out of a separate transaction
26 from the violation of this section.

27 Sec. 78. (1) Except as provided in sections 72 to 77, a person
28 shall not do any of the following:

29 (a) Willfully, ~~and~~ maliciously, **or recklessly** burn, damage, or

1 destroy by fire or explosive any of the following or its contents:

2 (i) Any personal property having a value of \$200.00 or more but
3 less than \$1,000.00.

4 (ii) Any personal property having a value of less than \$200.00,
5 if the person has 1 or more prior convictions.

6 (iii) Any personal property having a value of less than \$200.00.

7 (b) Negligently, carelessly, or recklessly set fire to a hotel
8 or motel or its contents, and, by setting that fire, endanger the
9 life or property of another person.

10 (2) Subsection (1) applies regardless of whether the person
11 owns the building, structure, hotel, motel, or its contents, or the
12 personal property.

13 (3) A violation of this section is a misdemeanor punishable as
14 follows:

15 (a) If the person violates subsection (1) (a) (i) or (ii),
16 imprisonment for not more than 1 year and a fine of not more than
17 \$2,000.00 or 3 times the value of the property damaged or
18 destroyed, whichever is greater.

19 (b) If the person violates subsection (1) (a) (iii) or (b),
20 imprisonment for not more than 93 days and a fine of not more than
21 \$500.00 or 3 times the value of the property damaged or destroyed,
22 whichever is greater.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.