

1 **14-1703. Negligent arson; essential elements.**

2 For you to find the defendant guilty of negligent arson [as charged in Count _____]¹,
3 the state must prove to your satisfaction beyond a reasonable doubt each of the following elements
4 of the crime:

5 1. The defendant recklessly² [started a fire]³ [caused an explosion] on
6 ~~[[his]]~~[defendant's] ~~[[another's]]~~ [another's] property;

7 2. This act caused⁴
8 [the death of _____ (*name of victim*)]³
9 [bodily injury to _____ (*name of victim*)]
10 [the damage to ~~[[another's]]~~ another's building]
11 [the damage to ~~[[another's]]~~ another's _____⁵]
12 [the destruction of ~~[[another's]]~~ another's building]
13 [the destruction of ~~[[another's]]~~ another's _____⁵];

14 3. This happened in New Mexico on or about the _____ day of
15 _____, _____.

16 USE NOTES

- 17 1. Insert the count number if more than one count is charged.
18 2. See UJI 14-1704 NMRA for definition of [~~recklessly.~~] "recklessly."
19 3. Use only applicable bracketed word or phrase.
20 4. UJI 14-1705 NMRA must also be used if causation is in issue.
21 5. Insert name or description of the appropriate occupied structure.

22 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
23 or filed on or after December 31, 2025.]

1 **Committee commentary.** — *See* § 30-17-5B NMSA 1978. The statute is derived from the Model
2 Penal Code § 220.1(2) (Proposed Official Draft, 1962). *See also* Model Penal Code § 220.1,
3 Commentary (Tent. Draft No. 11, 1960). Following the general policy of the committee, the
4 instruction eliminates the word "directly" as a modifier of "causing the death, etc., of" as found in
5 the statute. If there is a factual question concerning causation, UJI 14-1705 should be given. This
6 crime is not divided into degrees.

7 This crime may only be committed by a fire or explosion which causes the death or bodily injury
8 of another or the destruction or damaging of a "building or occupied structure" of another. The
9 definition of occupied structure is derived from the Model Penal Code § 220.1(4) (Proposed
10 Official Draft, 1962). The intent of the model code appears to include only those burnings which
11 ordinarily endanger life. Model Penal Code § 220.1, Commentary (Tent. Draft No. 11, 1960).
12 However, the New Mexico version includes structures used for storing property.