START\_STATUTE13-1706.  Burning of wildlands; exceptions; classification

A.  It is unlawful for any person, without lawful authority, to intentionally, knowingly, recklessly or with criminal negligence to set or cause to be set on fire any wildland other than the person's own or to permit a fire that was set or caused to be set by the person to pass from the person's own grounds to the grounds of another person.

B.  This section does not apply to any of the following:

1.  Open burning that is lawfully conducted in the course of agricultural operations.

2.  Fire management operations that are conducted by a political subdivision.

3.  Prescribed or controlled burns that are conducted with written authority from the state forester.

4.  Lawful activities that are conducted pursuant to any rule, regulation or policy that is adopted by a state, tribal or federal agency.

5.  In absence of a fire ban or other burn restrictions to a person on public lands, setting a fire for purposes of cooking or warming that does not spread sufficiently from its source to require action by a fire control agency.

C.  A person who violates this section is guilty of an offense as follows:

1.  If done with criminal negligence, the offense is a class 2 misdemeanor.

2.  If done recklessly, the offense is a class 1 misdemeanor.

3.  If done intentionally or knowingly and the person knows or reasonably should know that the person's conduct violates any order or rule that is issued by a governmental entity and that prohibits, bans, restricts or otherwise regulates fires during periods of extreme fire hazard, the offense is a class 6 felony.

4.  If done intentionally and the person's conduct places another person in danger of death or serious bodily injury or places any building or occupied structure of another person in danger of damage, the offense is a class 3 felony. END\_STATUTE