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# A BILL FOR AN ACT

RELATING TO CRIME.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 708, Hawaii Revised Statutes, is  
2 amended by adding a three new sections to be appropriately  
3 designated and to read as follows:

4           "§708-A Arson in the first degree.     (a) A person  
5 commits the crime of arson in this first degree if the person  
6 intentionally or knowingly sets fire to or burns or causes to be  
7 burned or who aids, counsels, or procures the burning of, any  
8 structure, land, or property, which results in one of the  
9 following:

- 10                   (1) Serious bodily injury to a firefighter, peace  
11                                 officer, policeman, or other emergency personnel;  
12                   (2) Serious bodily injury, as defined in chapter 707,  
13                                 to multiple individuals;  
14                   (3) Damage to an inhabited structure, building, or  
15                                 property;  
16                   (4) Damage to multiple uninhabited structures,  
17                                 buildings, or properties; or  
18                   (5) Damage to more than 50 acres of land.



1        (b) Arson in the first degree shall be a class B felony;  
2 provided that if the arson causes the death of an individual,  
3 the penalty shall be increased to a class A felony.

4        (c) In addition to any sentence and restitution imposed  
5 for this offense, the court shall impose the maximum fine  
6 allowed by law; provided that when a fine is collected, fifty  
7 per cent of the fine shall be awarded to the person, if any, who  
8 reported the activity prohibited by this section.

9        **§708-B Arson in the second degree.**    (a) A person  
10 commits the crime of arson in the second degree if the person  
11 intentionally or knowingly sets fire to or burns or causes to be  
12 burned or who aids, counsels, or procures the burning of, any  
13 structure, land, or property, which results in one of the  
14 following:

- 15            (1) Serious bodily injury to an individual as defined  
16            in chapter 707;  
17            (2) Damage to a structure, building, or property; or  
18            (3) Damage to land

19        (b) Arson in the second degree is a class C felony.

20        (c) In addition to any sentence and restitution imposed  
21 for this offense, the court shall impose the maximum fine  
22 allowed by law; provided that when a fine is collected, fifty



1 per cent of the fine shall be awarded to the person, if any, who  
2 reported the activity prohibited by this section.

3 §708-C Arson in the third degree. (a) A person  
4 commits the crime of arson in the third degree if the person  
5 recklessly sets fire to or burns or causes to be burned or who  
6 aids, counsels, or procures the burning of, any structure, land,  
7 or property.

8 (b) Arson in the third degree is a misdemeanor.

9 (c) In addition to any sentence and restitution imposed  
10 for this offense, the court shall impose the maximum fine  
11 allowed by law; provided that when a fine is collected, fifty  
12 per cent of the fine shall be awarded to the person, if any, who  
13 reported the activity prohibited by this section."

14 SECTION 2. Section 708-800, Hawaii Revised Statutes, is  
15 amended by adding two new definitions to be appropriately  
16 inserted and to read as follows:

17 "Inhabited" means currently being used for dwelling  
18 purposes whether occupied or not.

19 "Land" means either undeveloped lands or land together with  
20 improvements and appurtenances and includes real property as  
21 defined in section 201G-1."

22 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Signature]*

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JAN 25 2006

HB 2843

**Report Title:**

Crime

**Description:**

Establishes the crimes of arson in the first, second, and third degrees.

