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# A BILL FOR AN ACT

RELATING TO BRUSH FIRES.

**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 new section to part III to be appropriately  
3 designated and to read as follows:

4 **"§708- Criminal property damage caused by brush fire.**

5 (1) A person commits the offense of criminal property damage  
6 caused by brush fire if the person intentionally, knowingly, or  
7 recklessly:

8 (a) Sets fire to brush, grass, or other vegetation on the  
9 land of another; or

10 (b) Permits a fire set to brush, grass, or other  
11 vegetation on the person's own land to pass to brush,  
12 grass, or vegetation on the land of another;

13 and the fire results in damage to ten thousand or more square  
14 feet of property.

15 (2) This section shall not apply to:

16 (a) Open burning that is lawfully conducted in the course  
17 of agricultural operations;



1        (b) Fire management operations that are conducted by the  
2        State, a county, or the federal government;

3        (c) Prescribed or controlled burns that are conducted with  
4        written authority from the department of land and  
5        natural resources, the department of health, or a  
6        county fire department; or

7        (d) Lawful activities that are conducted pursuant to any  
8        rule adopted by a state agency.

9        (3) Criminal property damage under this section is a class  
10       C felony; and in addition to any other penalty imposed, a person  
11       convicted under this section may be required to:

12       (a) Pay any costs associated with extinguishing the fire;  
13       and

14       (b) Perform community service work in the region in which  
15       the property damage occurred.

16       (4) With regard to any fine or monetary penalty that may  
17       be imposed on a minor convicted or adjudicated under this  
18       section, the parents or legal guardians of the minor shall be  
19       liable for the percentage of the costs associated with  
20       extinguishing the fire based upon the apportionment of fire  
21       damage to real or personal property caused by the minor in the



1 course of committing an offense under this section, regardless  
2 of whether the property is publicly or privately owned.

3 (5) Nothing in this section shall prohibit a separate  
4 criminal action being brought by the State or a civil action  
5 being brought by the State or a third party for conduct that  
6 constitutes an offense under this section."

7 SECTION 2. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun, before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2096.



SB 2941  
SDI  
HD1

**Report Title:**

Crimes; Brush Fires; Parental Liability

**Description:**

Creates a class C felony criminal property damage offense for setting brush fires. Permits court to assess defendant for cost of fighting fire. Makes parent or guardian liable for the cost of extinguishing the fire based upon the percentage of damage done by the minor. (SB2941 HD1)

