
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; brush fires. (1) A
5 person commits the offense of criminal property damage under
6 this section 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 (2) This section shall not apply to:

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

16 (b) Fire management operations that are conducted by the
17 State or a county;



1 (c) Prescribed or controlled burns that are conducted with
2 written authority from the department of land and
3 natural resources; or

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

6 (3) Criminal property damage under this section is a class
7 C felony; provided that a person convicted under this section
8 may be required to pay any costs associated with extinguishing
9 the fire.

10 (4) With regard to any fine or monetary penalty that may
11 be imposed on a person convicted under this section, the parents
12 or legal guardians of a minor shall be jointly and severally
13 liable for fire damage to real or personal property caused by
14 the minor in the course of committing an offense under this
15 section, whether the property is publicly or privately owned.

16 (5) Nothing in this section shall prohibit a separate
17 criminal or civil action for conduct that constitutes an offense
18 under this section."

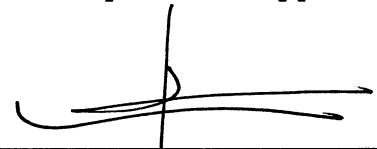
19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.

22 SECTION 3. New statutory material is underscored.

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

2

INTRODUCED BY:



Franne Chun Oakland
Clarence K. Michibara
Carol Furumasa
J. Paul Gish
Russell S. Kohler
D. D. Ogilvie

SB. NO. 2941

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 damage done by fire set by minor and for cost of fighting it.

