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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; and  
13 the fire results in damage to 10,000 or more square feet of  
14 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; provided that any person convicted under this section  
11      may be required to:

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

14      (b) Perform community service work in the area 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 a minor shall be  
19      liable for the percentage of the costs associated with  
20      extinguishing the fire based on the apportionment of fire damage  
21      to real or personal property caused by the minor in the course



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

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

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

9 SECTION 3. New statutory material is underscored.

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



**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. (SD1)

