

Honolulu, Hawaii

APRIL 27, 2006

RE: S.B. No. 2941
S.D. 1
H.D. 1
C.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2941, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BRUSH FIRES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to create a class C felony for criminal property damage offenses for setting brush fires. In addition, this measure also permits the courts to assess a defendant for the costs of fighting a fire. This measure also makes a parent or guardian liable for the costs of extinguishing the fire based upon the percentage of damage done by the minor.

Brush fires are a serious problem in our State. The Honolulu Police Department reported a total of 562 brush fires in District 8, spanning from Ewa Beach to the Waianae Coast, last year. The Honolulu Police Department further noted that on one day alone last year, fires raged from Iroquois Point all the way to Makaha.

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Your Committee finds that the creation of liability for damages for parents of minor defendants will be a strong incentive for parents and legal guardians to take a more proactive approach in regulating the actions of their children.

Your Committee on Conference has amended this measure to delete the creation of a class C felony for damage caused by brush fire and instead has created a special sentencing consideration for arson. Your Committee on Conference retained the language:

- (1) Allowing the costs associated with putting out a fire and community service to be assessed against the person who set the fire;
- (2) Allowing a parent or guardian to be liable for the cost of extinguishing the fire based upon the percentage of damage done by the minor; and
- (3) Stating that the measure does not prohibit a separate criminal or civil action from being brought.


Your Committee on Conference also amended this measure to make it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2941, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2941, S.D. 1, H.D. 1, C.D. 1.

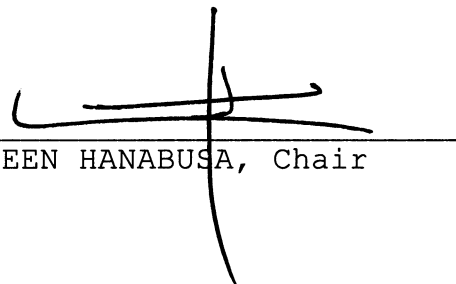
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



SYLVIA LUKE, Chair



COLLEEN HANABUSA, Chair



Hawaii State Legislature

**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 2941, SD 1, HD 1	Date/Time: 4/27/06 2:00 p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HANABUSA, Colleen, Chr.	✓				LUKE, Sylvia, Chr.	✓			
CHUN OAKLAND, Suzanne	✓				SONSON, Alex M.	✓			✓
WHALEN, Paul	✓				THIELEN, Cynthia	✓			
TOTAL	3				TOTAL	2			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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