

Honolulu, Hawaii

APRIL 27 , 2006

RE: S.B. No. 951
S.D. 2
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. 951, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FIRE PROTECTION,"

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 include arson as a new class of property damage and defines four degrees of the offense of arson with appropriate sanctions.

Your Committee on Conference finds that intentionally set fires cause extensive damage to public and private properties and threaten lives. Accordingly, this measure:

- (1) Creates a new part within chapter 708, Hawaii Revised Statutes (HRS), to establish the crime of arson in the first, second, third, and fourth degrees, as property damage offenses;



- (2) Excludes "fire" from the definition of "widely dangerous means"; and
- (3) Excludes property damage caused by means of fire from the offense of criminal property damage in the first, second, third, and fourth degrees and aggravated criminal property damage.

Your Committee on Conference has amended this measure by making it effective upon its approval.


Your Committee on Conference noted concerns that fires caused by military exercises and training activities may be subject to the new arson provisions. However, your Committee on Conference finds that the military will not violate these provisions because the measure clearly states that the person who commits the arson must have intentionally or knowingly set fire to property or caused property to be burned and further, that the fire must be set without the other's consent.

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. 951, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 951, S.D. 2, 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


EZRA R. KANOHO, Co-Chair


SYLVIA LUKE, Co-Chair


RUSSELL S. KOKUBUN, Chair


COLLEEN HANABUSA, Co-Chair



Hawaii State Legislature

**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 951, SD 2, HD 1	Date/Time: 4/25/06 137
--	---

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.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KOKUBUN, Russell S., Chr.	/				KANOHO, Ezra R., Co-Chr.	/			
HANABUSA, Colleen, Co-Chr.	/				LUKE, Sylvia, Co-Chr.	/			
WHALEN, Paul				/	THIELEN, Cynthia	/			
TOTAL	2			1	TOTAL	3			

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
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:
 Original
File with Conference Committee Report
 Yellow
House Clerk's Office
 Pink
Senate Clerk's Office
 Goldenrod
Drafting Agency