
A BILL FOR AN ACT

RELATING TO PARENTAL LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 663-9.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§663-9.5[+] **Liability of firearm owners[-]; parents**
4 **and guardians.** (a) The owner of a firearm, if the discharge of
5 the firearm proximately causes either personal injury or
6 property damage to any person, shall be absolutely liable for
7 such damage. It shall be an affirmative defense to such
8 absolute liability that the firearm was not in the possession of
9 the owner and was taken from the owner's possession without the
10 owner's permission and the owner either had reported the theft
11 to the police prior to the discharge or, despite the exercise of
12 reasonable care, had not discovered the theft prior to the
13 discharge or was not reasonably able to report the theft to the
14 police prior to the discharge. This section shall not apply
15 when the discharge of the firearm was legally justified.

16 (b) Civil liability for any injury to the person or
17 property of another proximately caused by the discharge of a
18 firearm by a minor under the age of eighteen years shall be



1 imputed to a parent or guardian having custody and control of
 2 the minor for all purposes of civil damages, and the parent or
 3 guardian shall be jointly and severally liable with the minor
 4 for any damages resulting from the act, if the parent or
 5 guardian either permitted the minor to have the firearm or left
 6 the firearm in a place accessible to the minor.

7 (c) The liability imposed by subsection (b) is in addition
 8 to any liability otherwise imposed by law. However, no person,
 9 or group of persons collectively, shall incur liability under
 10 subsection (b) in any amount exceeding \$30,000 for injury to or
 11 death of one person as a result of any one occurrence or,
 12 subject to the limit as to one person, exceeding \$60,000 for
 13 injury to or death of all persons as a result of any one
 14 occurrence."

15 SECTION 2. This Act does not affect rights and duties that
 16 matured, penalties that were incurred, and proceedings that were
 17 begun, before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.
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Karen Brown

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INTRODUCED BY:

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JAN 22 2008



Report Title:

Firearms; Parental Liability

Description:

Imposes joint and several liability on the parent or guardian of a minor under the age of 18 whose discharge of a firearm proximately causes personal injury or damage to property. Limits liability to \$30,000 per person and \$60,000 per incident in the case of injury or death.

