

STAND. COM. REP. NO. 1584-08

Honolulu, Hawaii

*Agil*, 2008

RE: S.B. No. 1617  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1617, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to protect the owner of an interest in real property (owner) by limiting the liability of a victim of a home invasion to an intruder who is injured or dies in the course of, or as a result of, committing any of the following on the owner's premises:

- (1) Murder in the first or second degree;
- (2) Attempted murder;
- (3) Any Class A or Class B felony;
- (4) Any felony punishable by life imprisonment;
- (5) Any other felony in which the intruder inflicts great bodily injury on any person, other than an accomplice, or in which the intruder uses a firearm; or
- (6) Any felony in which the intruder uses a dangerous or deadly weapon.

SB1617 HD1 HSCR JUD HMS 2008-3361



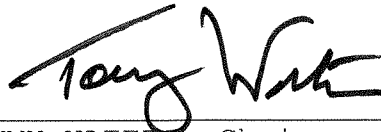
The Department of the Attorney General, Hawaii Rifle Association, Smith Taekwondo & Pro Sport Kickboxing Center, Inc., and several concerned individuals supported this bill. The Consumer Lawyers of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Restricting the effect of the limitation on liability of an owner to the case when a person who has committed a felony has actually been charged and convicted of that felony or a related felony or misdemeanor against the owner;
- (2) Restricting the scope of this measure to limitations on liability due to injury;
- (3) Deleting references to the death of the intruder; and
- (4) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1617, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1617, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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TOMMY WATERS, Chair



