

Honolulu, Hawaii

MAR 01 2007

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

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

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

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

begs leave to report as follows:

The purpose of this measure is to protect property owners by adding a new section to chapter 663, Hawaii Revised Statutes, Tort Actions, that limits the liability of an owner of an interest in real property toward a person who is injured or dies in the course of or as a result of committing, on the property owner's premises: murder in the first or second degree; attempted murder; any class A or class B felony enumerated in the Hawaii Penal Code (including attempt or conspiracy); any felony punishable by life imprisonment; any other felony in which the defendant inflicts great bodily injury on any person (other than an accomplice) or in which the defendant uses a firearm; or any felony in which the defendant personally uses a dangerous or deadly weapon.

Your Committee received testimony in support of this measure from Lessons in Firearms Education and numerous concerned individuals. The Attorney General and the Hawaii Rifle Association testified in support and suggested amendments.

Your Committee finds that further consideration is appropriate regarding the Attorney General's suggestions to expand "owner" to include tenants and other household members, and to delete the provision that confers the limitation on liability only

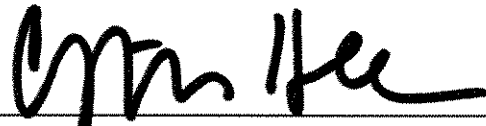


defendant is convicted of the felony (or included felony or misdemeanor).

To permit further discussion, your Committee has amended this measure by changing its effective date to July 1, 2059.

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

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



CLAYTON HEE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <i>SD 1617</i>	Committee Referral: <i>JDL</i>	Date: <i>2/26/07</i>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	<i>/</i>			
KOKUBUN, Russell S. (VC)	<i>/</i>			
INOUE, Lorraine R.	<i>/</i>			
NISHIHARA, Clarence K.	<i>/</i>			
GABBARD, Mike	<i>/</i>			
<b>TOTAL</b>	<i>5</i>			

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  
*Russell S. Kohl*

Distribution:    
 Original     Yellow     Pink  
 File with Committee Report     Clerk's Office     Drafting Agency

\*Only one measure per Record of Votes