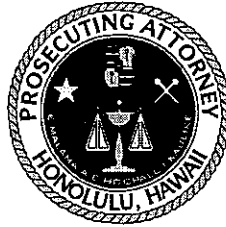


DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 527-6494



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PROSECUTING ATTORNEY

DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE BRIAN TANIGUCHI, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR**

Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

February 12, 2008

RE: S.B. 2425; RELATING TO ARSON.

Chair Taniguchi and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 2425.

The purpose of this bill is to clarify what costs are included in the mandate that the defendant pay costs associated with extinguishing a fire which results in damage to ten thousand square feet or more of property.

We support the passage of S.B. 2425; currently as written, the statute mandates that a defendant pay costs associated with extinguishing a fire which results in damage to ten thousand square feet or more of property but does not give any guidance to the court as to what costs can be included. For example, are personnel costs such as salaries and benefits of fire personnel fighting the fire included? Or are those costs excluded because they would have to be paid irrespective of whether the fire occurred?

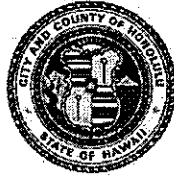
We would prefer guidance be given in the statute to minimize confusion and possible appeals on the subject and for this reason, we support the passage of S.B. 2425.

Thank you for this opportunity to testify.

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

MUFI HANNEMANN
MAYOR



KENNETH G. SILVA
FIRE CHIEF

ALVIN K. TOMITA
DEPUTY FIRE CHIEF

February 11, 2008

The Honorable Brain T. Taniguchi, Chair
Committee on Judiciary and Labor
The State Senate
State Capitol, Room 219
Honolulu, Hawaii 96813

Dear Chair Taniguchi:

Subject: S.B. 2425 Relating to Arson

I am Kenneth G. Silva, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports S.B. 2425, which specifies the fire fighting costs that a defendant convicted of arson may be required to reimburse.

Intentionally set wildland fires continue to tax the resources of county, federal, and state fire departments and critically lower fire protection coverage in other areas of a community. This bill seeks to specify the reimbursable costs of fire extinguishment for those convicted of arson crimes and may serve as a strong deterrent for such actions. Prosecutors and judges will then be clear as to what fire fighting costs are eligible when restitution is deemed appropriate.

Costs incurred by the HFD for two wildland arson cases were \$3,000 for a fire in Village Park and \$11,000 for a fire at the Central Oahu Regional Park. Since no suspects were apprehended for a wildland fire in Waialua last year, no cost estimates were calculated.

The HFD requests your committee's support on the passage of S.B. 2425.

Should you have any questions, please call HFD Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Fire Chief

KGS/LR:cn

CHARMAINE TAVARES
MAYOR



NEAL A. BAL
Interim Fire Chief

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUHI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919

February 11, 2008

The Honorable Brain T. Taniguchi, Chair
Committee on Judiciary and Labor
The State Senate
State Capitol, Room 201219
Honolulu, Hawaii 96813

Dear Chair Taniguchi:

Subject: S.B. 2425 Relating to Arson

I am Neal A. Bal, Interim Fire Chief of the County of Maui, Department of Fire and Public Safety. Our Department supports S.B. 2425, which clarifies the fire fighting costs that a defendant convicted of arson may be required to reimburse.

Intentionally set wildland fires continue to tax the resources of federal, state and county fire departments statewide and critically lower fire protection coverage in other areas of the community. This bill seeks to clarify the reimbursable costs of fire extinguishment for those convicted of arson crimes and we believe will serve as a strong deterrent for such thoughtless actions.

I humbly request your committee's support on the passage of S.B. 2425.

Should you have any questions, please call me at (808) 270-7561.

Sincerely,

A handwritten signature in black ink that reads "Neal A. Bal".

NEAL A. BAL
Interim Fire Chief

NAB:rgkm

Harry Kim
Mayor



Darryl J. Oliveira
Fire Chief

Glen P. I. Honda
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720
(808) 981-8394 • Fax (808) 981-2037

February 11, 2008

The Honorable Brain T. Taniguchi, Chair
Committee on Judiciary and Labor
The State Senate
State Capitol, Room 219
Honolulu, Hawaii 96813

Dear Chair Taniguchi:

Subject: SB 2425 Relating to Arson

As the Fire Chief for the Hawaii Fire Department, I would like to ask for your support of SB 2425, which clarifies the fire fighting costs that a defendant convicted of arson may be required to reimburse.

Intentionally set wildland fires continue to tax the resources of federal, state and county fire departments statewide and critically lower fire protection coverage in other areas of the community. As seen during this past summer, every County experienced a large number of varying sizes of wildfires, which resulted in substantial cost to the Counties and other fire protection agencies. This bill seeks to clarify the reimbursable costs of fire extinguishment for those convicted of arson crimes and we believe will serve as a strong deterrent for such thoughtless actions.

We respectfully urge your favorable consideration on this matter and thank you for the opportunity to testify on this very important issue.

Sincerely,


DARRYL OLIVEIRA
Fire Chief

DO:lk





LEGISLATIVE INFORMATION SERVICES OF HAWAII

820 Mililani St., Suite 810
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February 12, 2008

To: Senate Committee on Judiciary
Senator Brian T. Taniguchi, Chair / Senator Clayton Hee, Vice Chair

By: Richard C. Botti, President or Lauren Zirbel, Gov't Relations

Re: SB 2425 RELATING TO ARSON

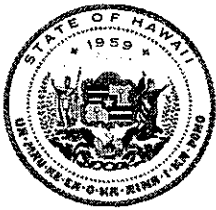
Chairs & Committee Members:

We fully support SB 2425.

Our self interest relates to fireworks of which many of our members sell, and many more use for cultural and religious purposes as well as the enjoyment and pleasure of celebrating special occasions.

Unfortunately, there are always a few hooligans that get their pleasure and enjoyment out of causing damage to others, and potentially causing major injury, costs and harm, whether intentional or otherwise.

Arson appears to be the new enjoyment, and must be handled with a big stick. This measure will do just that.



**Office of the Public Defender
State of Hawaii**

Timothy Ho, Chief Deputy Public Defender

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**



LATE

February 12, 2008, 9:00 a.m.

RE: S.B. 2425: Relating To Arson

Chair Taniguchi and Members of the Committee:

This measure would permit the court to order a person convicted of setting a brush fire to pay for the attendant costs of extinguishing the fire, including salary, supplies and meals.

The Office of the Public Defender opposes S.B. 2425.

While the settings of brush fires are destructive and costly events, these offenses are generally committed by minors, who are rarely caught and prosecuted. In reality, very few people would be able to afford to pay for the cost of extinguishing a brush fire. While it seemingly makes sense to have those individuals prosecuted for their crimes pay directly for the consequences of their actions, we believe that this sets a bad precedent. Our fire and police departments are already funded by the government. Individuals should not be made to "pay" for the cost of providing public services such as fire and police protection.

We do not believe that this bill will have any deterrent effect, as the perpetrators of these offenses are too immature to think about the consequences of their actions.

We oppose S.B. 2425. Thank you for the opportunity to comment on this bill.