



**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 House Committee on Judiciary**

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

RE: S.B. 2425, S.D. 1: Relating To Arson

Chair Waters 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 and supplies.

The Office of the Public Defender opposes S.B. 2425, S.D. 1.

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, S. D. 1. Thank you for the opportunity to comment on this bill.

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DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
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**THE HONORABLE TOMMY WATERS, CHAIR
HOUSE COMMITTEE ON JUDICIARY**

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

March 13, 2008

RE: S.B. 2425, S.D. 1; RELATING TO ARSON.

Chair Waters and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony support of Senate Bill 2425, S.D. 1.

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, S.D. 1; 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, S.D. 1.

Thank you for this opportunity to testify.

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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

March 12, 2008

The Honorable Tommy Waters, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Waters:

Subject: S.B. 2425, S.D. 1 Relating to Arson

I am Kenneth G. Silva, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports S.B. 2425, S.D. 1, 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, S.D. 1.

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

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CHARMAINE TAVARES
MAYOR



NEAL A. BAL
Interim Chief

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
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March 11, 2008

The Honorable Tommy Waters, Chair
Committee on Judiciary
House of Representatives
State Capitol, Room 302
Honolulu, Hawaii 96813

Dear Chair Waters:

Subject: S.B. 2425, S.D. 1 Relating to Arson

I am Neal A. Bal, Fire Chief of the County of Maui, Department of Fire & Public Safety. Our Department supports S.B. 2425, S.D. 1, 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.

I hereby request your committee's support on the passage of S.B. 2425, S.D. 1.

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

Sincerely,

Handwritten signature of Neal A. Bal in black ink.

NEAL A. BAL
Fire Chief

NAB:rgkm

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