

JAN 23 2009

A BILL FOR AN ACT

RELATING TO LIMITING CIVIL LIABILITY.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Owner to felon; limited liability. (a) An
5 owner, including but not limited to a public entity, of any
6 estate or any other interest in real property, whether
7 possessory or nonpossessory, shall not be liable to any person
8 engaged in any of the felonies set forth in subsection (b) for
9 any injury or death that occurs upon that property during the
10 course of or after the commission of such felony.

11 (b) This section applies to the following felonies:

12 (1) Murder in the first or second degree;

13 (2) Attempted murder in the first or second degree;

14 (3) Any class A felony enumerated in the Hawaii Penal

15 Code, including any attempt or conspiracy to commit a

16 crime classified as a class A felony;



1 (4) Any class B felony enumerated in the Hawaii Penal
2 Code, including any attempt or conspiracy to commit a
3 crime classified as a class B felony;

4 (5) Any felony punishable by imprisonment for life;

5 (6) Any other felony in which the person inflicts serious
6 bodily injury on another person; and

7 (7) Any felony in which the person personally used a
8 firearm or a dangerous or deadly weapon.

9 (c) The limitation on liability conferred by this section
10 arises at the moment the injured or deceased person commences
11 the felony to which this section applies and extends to the
12 moment the injured or deceased person is no longer upon the
13 property.

14 (d) The limitation on liability conferred by this section
15 applies only when the injured or deceased person's conduct in
16 furtherance of the commission of a felony specified in
17 subsection (b) proximately or legally causes the injury or
18 death.

19 (e) This section does not limit the liability of an owner
20 or an owner's agent that otherwise exists for wilful, wanton, or
21 criminal conduct or for wilful or malicious failure to guard or
22 warn against a dangerous condition, use, or structure.



1 (f) For purposes of this section, "owner" means the owner,
2 the occupant, or anyone authorized to be on the property by the
3 owner or the occupant, including a guest or a family or
4 household member.

5 (g) The limitation on liability provided by this section
6 shall be in addition to any other available defense."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY:

[Handwritten Signature]
by request



Report Title:

Civil Liability; Firearms

Description:

Limits the civil liability of property owners for damages to persons injured or killed on premises while committing certain felony offenses.

