

---

---

# 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, or any agent of the owner lawfully  
8 on the premises by consent of the owner, shall not be liable to  
9 any perpetrator engaged in any of the felonies set forth in  
10 subsection (b) for any injury or death to the perpetrator that  
11 occurs upon that property during the course of or after the  
12 commission of such felony, or when a reasonable person would  
13 believe that commission of a felony as set forth in subsection  
14 (b) is imminent; provided that if the perpetrator is injured,  
15 the perpetrator is charged with the criminal offense and  
16 convicted of the criminal offense or of a lesser included felony  
17 or misdemeanor.



- 1        (b) This section applies to the following felonies:
- 2        (1) Murder in the first or second degree;
- 3        (2) Attempted murder in the first or second degree;
- 4        (3) Any class A felony as provided in the Hawaii Penal
- 5        Code, including any attempt or conspiracy to commit a
- 6        crime classified as a class A felony;
- 7        (4) Any class B felony involving violence or physical harm
- 8        as provided in the Hawaii Penal Code;
- 9        (5) Any felony punishable by imprisonment for life;
- 10       (6) Any other felony in which the person inflicts serious
- 11       bodily injury on another person; and
- 12       (7) Any felony in which the person personally used a
- 13       firearm or a dangerous or deadly weapon.
- 14       (c) The limitation on liability under this section arises:
- 15       (1) At the moment the perpetrator commences the felony to
- 16       which this section applies; or
- 17       (2) At the moment the owner or agent of the owner lawfully
- 18       on the premises by consent of the owner believes that
- 19       a commission of a felony under subsection (b) is
- 20       imminent;
- 21       and extends to the moment the perpetrator is no longer upon the
- 22       property.

1        (d) The limitation on liability under this section applies  
2 only when the perpetrator's conduct in furtherance of the  
3 commission of a felony specified in subsection (b) proximately  
4 or legally causes the injury or death.

5        (e) This section does not limit the liability of an owner  
6 that otherwise exists for:

7        (1) Wilful, wanton, or criminal conduct; or

8        (2) Wilful or malicious failure to guard or warn against a  
9 dangerous condition, use, or structure; or

10       (3) Injury or death caused to individuals other than the  
11 perpetrator of the felony.

12       (f) Except with regard to paragraphs (e) (1) and (e) (3),  
13 the limitation of liability under this section shall not be  
14 affected by the failure of the owner to warn the perpetrator of  
15 the felony that the owner is armed and ready to cause bodily  
16 harm or death.

17       (g) For purposes of this section, "owner" means the owner,  
18 the occupant, tenant, or anyone authorized to be on the property  
19 by the owner or the occupant, including a guest or a family or  
20 household member, employee, or agent of the owner lawfully on  
21 the premises.



1        (h) The limitation on liability provided by this section  
2 shall be in addition to any other available defense."

3        SECTION 2.    New statutory material is underscored.

4        SECTION 3.    This Act shall take effect upon approval.

5



**Report Title:**

Civil Liability; Death or Injury of Felon

**Description:**

Limits the civil liability of property owners for damages to persons injured or killed on premises while committing certain felony offenses. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

