

JAN 28 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 person on property during commission of
5 a crime; limited liability. (a) Any owner of any estate or any
6 other interest in real property, whether possessory or
7 nonpossessory, or owner's agent having authority to be on the
8 property, including but not limited to a tenant, household
9 member, employee, contractor, or public entity, shall not be
10 liable to any person for any injury or death that occurs upon
11 that property during the course of or after the commission of
12 any of the felonies set forth in subsection (b) by the injured
13 or deceased person, or when a reasonable person would believe
14 that any of the felonies set forth in subsection (b) are
15 imminent.
16 (b) The felonies to which the provisions of this section
17 apply are the following:



- 1 (1) Murder in the first or second degree;
- 2 (2) Attempted murder;
- 3 (3) Any class A felony enumerated in the Hawaii Penal
4 Code, including any attempt or conspiracy to commit a
5 crime classified as a class A felony;
- 6 (4) Any class B felony enumerated in the Hawaii Penal
7 Code, including any attempt or conspiracy to commit a
8 crime classified as a class B felony;
- 9 (5) Any felony punishable by imprisonment for life;
- 10 (6) Any other felony in which the defendant inflicts great
11 bodily injury on any person, other than an accomplice,
12 or any felony in which the defendant uses a firearm;
13 and
- 14 (7) Any felony in which the defendant personally used a
15 dangerous or deadly weapon.

16 (c) The limitation on liability conferred by this section
17 arises at the moment the injured or deceased person commences
18 the felony or attempted felony and extends to the moment the
19 injured or deceased person is no longer upon the property.

20 (d) The limitation on liability conferred by this section
21 applies only when the injured or deceased person's conduct in
22 furtherance of the commission of a felony specified in



1 subsection (b) proximately or legally causes the injury or
2 death.

3 (e) This section does not limit the liability of an owner
4 or an owner's agent that otherwise exists for wilful, wanton, or
5 criminal conduct.

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

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun, before its effective date.

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Civil Liability of Property Owners

Description:

Limits the civil liability of property owners, tenants, and household members to persons injured or killed on a premises during the commission of class A or B felony or certain violent crimes.

