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# 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 criminal offender; limited liability.

5           (a) An owner, including a public entity, of any interest in  
6 real property shall not be liable for any injury to a person  
7 that occurs upon the real property during the course of the  
8 person's commission of a criminal offense; provided that:

9           (1) The injured person is charged with the criminal  
10           offense, and convicted of the criminal offense or of a  
11           lesser included felony or misdemeanor; and

12           (2) The injured person's conduct in furtherance of the  
13           commission of the criminal offense, or lesser included  
14           felony or misdemeanor, proximately causes the injury.

15           (b) During the pendency of a criminal proceeding under  
16 subsection (a)(1), a civil action alleging the owner's liability



1 for the person's injury shall be abated and the statute of  
2 limitations on the civil cause of action shall be tolled.

3 (c) This section shall not limit the liability of an owner  
4 or an owner's agent that otherwise exists for wilful, wanton, or  
5 criminal conduct, or for wilful failure to guard or warn against  
6 a dangerous condition, use, or structure.

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

9 (e) For the purposes of this section, "criminal offense"  
10 means:

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

12 (2) Attempted murder;

13 (3) Any class A felony enumerated in the Hawaii penal  
14 code, including any attempt or conspiracy to commit a  
15 crime classified as a class A felony;

16 (4) Any class B felony enumerated in the Hawaii penal  
17 code, including any attempt or conspiracy to commit a  
18 crime classified as a class B felony;

19 (5) Any felony punishable by imprisonment by the State for  
20 life;

21 (6) Any other felony in which the defendant inflicts  
22 serious bodily injury on any person, other than an



1           accomplice, or any felony in which the defendant uses  
2           a firearm; or  
3           (7) Any felony in which the defendant uses a dangerous or  
4           deadly weapon."

5           SECTION 2. New statutory material is underscored.

6           SECTION 3. This Act shall take effect on January 1, 2050.



S.B. NO. 532  
S.D. 1  
H.D. 1

**Report Title:**

Civil Liability; Death or Injury of Felon

**Description:**

Limits the civil liability of property owners for damages to persons injured on premises while committing certain criminal offenses. (SB532 HD1)

SB532 HD1 HMS 2009-3415

