
A BILL FOR AN ACT

RELATING TO CIVIL LIABILITY.

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

1 SECTION 1. Act 97, Session Laws of Hawaii 2010, limited
2 civil liability of property owners for damages to persons
3 injured or killed on their premises while committing certain
4 felony offenses. The legislature finds that Act 97, codified as
5 section 663-1.57, Hawaii Revised Statutes, was a National Rifle
6 Association initiative, and that section 663-1.57 runs counter
7 to gun control laws. Accordingly, the purpose of this bill is
8 to repeal section 663-1.57.

9 SECTION 2. Section 663-1.57, Hawaii Revised Statutes, is
10 repealed.

11 ~~["§663-1.57] Owner to felon; limited liability. (a)~~
12 ~~An owner, including but not limited to a public entity, of any~~
13 ~~estate or any other interest in real property, whether~~
14 ~~possessory or nonpossessory, or any agent of the owner lawfully~~
15 ~~on the premises by consent of the owner, shall not be liable to~~
16 ~~any perpetrator engaged in any of the felonies set forth in~~
17 ~~subsection (b) for any injury or death to the perpetrator that~~
18 ~~occurs upon that property during the course of or after the~~



1 ~~commission of such felony, or when a reasonable person would~~
2 ~~believe that commission of a felony as set forth in subsection~~
3 ~~(b) is imminent; provided that if the perpetrator is injured,~~
4 ~~the perpetrator is charged with the criminal offense and~~
5 ~~convicted of the criminal offense or of a lesser included felony~~
6 ~~or misdemeanor.~~

7 ~~(b) This section applies to the following felonies:~~

8 ~~(1) Murder in the first or second degree;~~

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

10 ~~(3) Any class A felony as provided in the Hawaii Penal~~
11 ~~Code, including any attempt or conspiracy to commit a~~
12 ~~crime classified as a class A felony;~~

13 ~~(4) Any class B felony involving violence or physical harm~~
14 ~~as provided in the Hawaii Penal Code;~~

15 ~~(5) Any felony punishable by imprisonment for life;~~

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

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

20 ~~(c) The limitation on liability under this section arises:~~

21 ~~(1) At the moment the perpetrator commences the felony to~~
22 ~~which this section applies; or~~



1 ~~(2) At the moment the owner or agent of the owner lawfully~~
2 ~~on the premises by consent of the owner believes that~~
3 ~~a commission of a felony under subsection (b) is~~
4 ~~imminent;~~

5 ~~and extends to the moment the perpetrator is no longer upon the~~
6 ~~property.~~

7 ~~(d) The limitation on liability under this section applies~~
8 ~~only when the perpetrator's conduct in furtherance of the~~
9 ~~commission of a felony specified in subsection (b) proximately~~
10 ~~or legally causes the injury or death.~~

11 ~~(e) This section does not limit the liability of an owner~~
12 ~~that otherwise exists for:~~

13 ~~(1) Wilful, wanton, or criminal conduct; or~~

14 ~~(2) Wilful or malicious failure to guard or warn against a~~
15 ~~dangerous condition, use, or structure; or~~

16 ~~(3) Injury or death caused to individuals other than the~~
17 ~~perpetrator of the felony.~~

18 ~~(f) Except with regard to [subsections] (e) (1) and (e) (3),~~
19 ~~the limitation of liability under this section shall not be~~
20 ~~affected by the failure of the owner to warn the perpetrator of~~
21 ~~the felony that the owner is armed and ready to cause bodily~~
22 ~~harm or death.~~



Report Title:

Civil Liability; Death or Injury of Felon; Repeal

Description:

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

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