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# A BILL FOR AN ACT

RELATING TO FIRE PREVENTION.

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

1           SECTION 1. The legislature finds that following the Maui  
2 wildfires in August of 2023, the speaker of the state house of  
3 representatives established six bipartisan interim working  
4 groups tasked with evaluating specific topics in the aftermath  
5 of the wildfires and making recommendations for appropriate  
6 legislative action in the regular session of 2024. Members of  
7 the working groups collaborated with federal, state, and county  
8 agencies, along with community stakeholders and interested  
9 parties, to identify immediate issues that require temporary or  
10 transitional relief for the people and businesses of west Maui.

11           The legislature further finds that the wildfire prevention  
12 working group was specifically tasked with identifying the  
13 causes of wildfires and preventative action that may be taken to  
14 reduce the risk of wildfires throughout the State and preparing  
15 recommendations for appropriate legislative action. All working  
16 groups released a joint final report in December 2023 detailing  
17 their findings and recommendations.



1 The purpose of this Act is to adopt the recommendation of  
2 the wildfire prevention working group to increase:

- 3 (1) Monetary penalties for violations of state fire  
4 protection laws to improve compliance with state and  
5 county fire codes; and
- 6 (2) Criminal penalties for arson in the fourth degree  
7 during red flag warnings.

8 SECTION 2. Section 132-13, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§132-13 Penalty.** Any owner, occupant, or other person  
11 having control over or charge of any building, structure, or  
12 other premises who violates any provision of this chapter or any  
13 law, ordinance, or rule relating to protection from fire loss or  
14 who fails or refuses to comply with any order of the county fire  
15 chief shall be fined [~~not~~] no more than [~~\$500~~] \$2,500 or  
16 imprisoned [~~not~~] no more than thirty days, or both. Each day  
17 that a violation exists or continues to exist shall constitute a  
18 distinct and separate offense for which the violator may be  
19 punished. Penalties for continuing violations shall be assessed  
20 from the earliest known date of the violation."



1 SECTION 3. Section 708-8254, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§708-8254 Arson in the fourth degree.** (1) A person  
4 commits the offense of arson in the fourth degree if the person  
5 intentionally, knowingly, or recklessly sets fire to, or causes  
6 to be burned, property and thereby damages the property of  
7 another without the other's consent.

8 (2) [~~Arson~~] Except as provided in subsection (3), arson in  
9 the fourth degree [is] shall be a misdemeanor.

10 (3) Arson in the fourth degree shall be a class C felony  
11 if the act was committed during the time period and within the  
12 geographic area in which a red flag warning was in effect. The  
13 state of mind requirement for the offense shall not be  
14 applicable to the fact that the red flag warning was in effect  
15 at the time and within the geographic area in which the act was  
16 committed. The state of mind requirement applicable to the  
17 attendant circumstance that the red flag warning was in effect  
18 at the time and within the geographic area in which the act was  
19 committed shall be negligence.

20 For purposes of this subsection, "red flag warning" means  
21 the weather warning issued by the National Weather Service to



1 indicate that warm temperatures, very low humidities, and  
2 stronger winds are expected to combine to produce an increased  
3 risk of fire danger."

4 SECTION 4. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Wildfire Prevention Working Group; Criminal Penalties; Fire Protection Laws; Arson; Red Flag Warning; Strict Liability

**Description:**

Increases the maximum fine for violations of the fire protection laws. Specifies that each day a violation exists or continues to exist shall constitute a distinct and separate offense. Raises the criminal penalty for the offense of arson in the fourth degree to a class C felony if the offense was committed during the time period and within the geographic area in which a red flag warning was in effect. Provides that the state of mind requirement with respect to the attendant circumstance that the red flag warning was in effect is negligence. (SD1)

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

