

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Monday, March 11, 2024
3:00 PM

State Capitol, Conference Room 225 & Via Videoconference

In consideration of
HOUSE BILL 1842 HOUSE DRAFT 1
RELATING TO FIRE PREVENTION

House Bill 1842 House Draft 1 proposes to increase 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; and 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 is not applicable to the fact that the red flag warning was in effect and that the actor is strictly liable with respect to the attendant circumstance that the red flag warning was in effect. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Over 99% percent of fires in Hawai'i are human caused. In the University of Hawai'i's review of 12,000 fires, 800 had a determined cause, and 20% of those fires were suspected arson. Determining the cause of fires, particularly arson, is crucial to ensuring accountability for the destruction of properties, environments, and injury or death. Effective fire investigation is also extremely important for insurance claims. Raising the penalties for arson in the state while also reinstating the Office of the Fire Marshal and empowering the Marshal's office to investigate fires and arrest suspects, is a necessary step towards ensuring the safety and protection of Hawai'i's communities, rangelands, and forested watersheds.

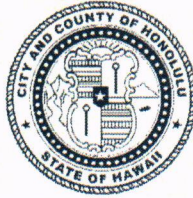
Mahalo for the opportunity to provide testimony in support of this measure.

POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.police.hawaii.gov

LATE

RICK BLANGIARDI
MAYOR
MEIA



ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I
KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE TC-BT

March 11, 2024

The Honorable Glenn Wakai, Chair
and Members
Committee on Public Safety and
Intergovernmental and Military Affairs
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair Wakai and Members:

SUBJECT: House Bill No. 1842, H.D. 1, Relating to Fire Prevention

I am Thomas Chang, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1842, H.D. 1, Relating to Fire Prevention.


With the tragic wildfire events occurring in Lahaina, Maui, the HPD supports this measure to increase the penalty of Arson in the Fourth Degree from a misdemeanor to a class C felony during a red flag warning, as it will deter potential violators from starting malicious fires. This measure will strengthen the HPD's ability to combat this type of arson crime.


The HPD urges you to support House Bill No. 1842, H.D. 1, Relating to Fire Prevention.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Thomas Chang, Captain
Criminal Investigation Division



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEES ON
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 225
Monday, March 11, 2024 AT 3:00 P.M.**

To The Honorable Senator Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Members of the Committee on Public Safety and Intergovernmental and Military Affairs

SUPPORT HB1842 HD1 RELATING TO FIRE PREVENTION

The Maui Chamber of Commerce **SUPPORTS HB1842 HD1.**

The Chamber supports the increase in the class of felony for arson. We especially applaud the language that means that ignorance of the red flag warning does not lower the classification of the felony.

We are concerned about the potential impact to businesses and residents given the wording of the penalty for violations of fire protection laws proposed in HRS 132-13. Many residents and businesses don't necessarily know the ins and outs of the fire protection laws. Therefore, it would strengthen the bill if language were inserted allowing the owner, occupant, or other person some time (at the fire chief's discretion) to rectify the order. There may be circumstances that prevent immediate compliance to the order. For instance, we saw after the Aug 8 wildfires where many property owners invested significant money to create firebreaks and mow their land, but had to wait for equipment and/or hired companies to do the actual work. We are concerned that based on the language in the bill, businesses and residents in that situation may be faced with \$5,000 per day charges when they are trying to remediate the situation. We fully support the increase in the fine amount and daily assessment for anyone who refuses to comply.

We suggest, and wholeheartedly support, additional education to make sure that public and private property owners maintain their property in a safe manner.

For these reasons we **SUPPORT HB1842 HD1**, but request that the House consider our comments regarding leeway in complying with the fire chief's order.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.