

## ACT 11

H.B. NO. 1158

A Bill for an Act Relating to Arson.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 706-606.2, Hawaii Revised Statutes, is amended to read as follows:

**“~~[§706-606.2]~~ Special sentencing considerations for arson; other actions not prohibited.** In addition to any other penalty imposed, a person convicted of arson involving fire set to brush, grass, vegetation on the land resulting in damage to ~~[10,000]~~ ten thousand square feet or more of property, may be required to:

- (a) Pay any costs associated with extinguishing the fire; and
- (b) Perform community service work in the region in which the property damage occurred.

With regard to any ~~[fine]~~ or monetary penalty that may be imposed on a minor convicted or adjudicated for an offense of arson, the parents or legal guardians of the minor shall be liable for the percentage of costs associated with extinguishing the fire based upon the apportionment of fire damage to real or personal property caused by the minor as a result of committing the offense of arson, regardless of whether the property is publicly or privately owned.

Nothing in this section shall prohibit a separate criminal action being brought by the State or a civil action being brought by the State or a third party for conduct that constitutes an offense of arson.”

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SECTION 2. Section 708-8254, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of arson in the fourth degree if the person intentionally ~~or~~, knowingly, or recklessly sets fire to, or causes to be burned property and thereby damages the property of another without the other’s consent.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 9, 2007.)