

## ACT 201

H.B. NO. 1842

A Bill for an Act Relating to Fire Prevention.

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

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

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

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

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

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

**“§132-13 Penalty.** Any owner, occupant, or other person having control over or charge of any building, structure, or other premises who violates any provision of this chapter or any law, ordinance, or rule relating to protection from fire loss or who fails or refuses to comply with any order of the county fire chief shall be fined ~~no~~ more than ~~[\$500]~~ \$2,500 or imprisoned ~~no~~ more than thirty days, or both. Each day that a violation exists or continues to exist shall constitute a distinct and separate offense for which the violator may be punished. Penalties for continuing violations shall be assessed from the earliest known date of the violation.”

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

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

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

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

For purposes of this subsection, “red flag warning” means the weather warning issued by the National Weather Service to indicate that warm temperatures, very low humidities, and stronger winds are expected to combine to produce an increased risk of fire danger.”<sup>1</sup>

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

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

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

(Approved July 5, 2024.)

**Note**

1. So in original.