

JAN 22 2007

A BILL FOR AN ACT

RELATING TO ARSON.

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

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

3 "[+]§706-606.2[+] **Special sentencing considerations for**
4 **arson; other actions not prohibited.** In addition to any other
5 penalty imposed, a person convicted of arson involving fire set
6 to brush, grass, vegetation on the land resulting in damage to
7 [~~10,000~~] ten thousand square feet or more of property, may be
8 required to:

9 (a) Pay any costs associated with extinguishing the fire;
10 and

11 (b) Perform community service work in the region in which
12 the property damage occurred.

13 With regard to any [+]fine[+] or monetary penalty that may be
14 imposed on a minor convicted or adjudicated for an offense of
15 arson, the parents or legal guardians of the minor shall be
16 liable for the percentage of costs associated with extinguishing
17 the fire based upon the apportionment of fire damage to real or
18 personal property caused by the minor as a result of committing



1 the offense of arson, regardless of whether the property is
2 publicly or privately owned.

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

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

9 "(1) A person commits the offense of arson in the fourth
10 degree if the person intentionally [~~or~~], knowingly, or
11 recklessly sets fire to, or causes to be burned property and
12 thereby damages the property of another without the other's
13 consent."

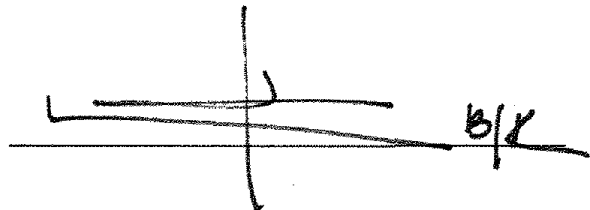
14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

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 Statutory material to be repealed is bracketed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

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

20

INTRODUCED BY:





Report Title:

Arson

Description:

Adds recklessness to the state of mind requirement for arson in the fourth degree. Clarifies that 10,000 square feet is only the minimum amount of property damage that is required to trigger special sentencing for arson.

