Honolulu, Hawaii

Agril 5 , 2006

RE: S.B. No. 951

S.D. 2 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 951, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FIRE PROTECTION,"

begs leave to report as follows:

The purpose of this bill is to protect forest and preservation lands from fire destruction by increasing the severity of penalties for individuals who intentionally set fires to lands under the jurisdiction of the Department of Land and Natural Resources (DLNR).

Specifically, this bill:

- (1) Establishes penalties for the setting of fires in these lands by providing:
 - (A) A fine for violators of \$2,500 to \$10,000; and
 - (B) That violators shall be guilty of criminal property damage;

and

(2) Raises the severity of sanctions for individuals who discard burning materials or set fires in a closed fire area by applying the new penalties to this offense.

SB951 HD1 HSCR JUD HMS 2006-3103



DLNR, the Department of Labor and Industrial Relations, Honolulu Fire Department, and the State Fire Council supported this bill. The Office of the Public Defender and the Department of the Prosecuting Attorney of the City and County of Honolulu offered comments.

Your Committee has amended this bill by replacing its contents with provisions that, among other things:

- (1) Include arson as a new class of property damage and defines four degrees of the offense of arson with appropriate sanctions; and
- (2) Change the effective date to January 1, 2096, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 951, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 951, S.D. 2, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

SYLVIA LUKE, Chair

State of Hawaii House of Representatives The Twenty-third Legislature

HSCR 1484-06

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB951 SD2 (HSCR1032)	Date:	3/28/06		
Committee Referral: WLO, JUD	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	☐ Re	commit		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LUKE, Sylvia (C)				
2. OSHIRO, Blake K. (VC)				
3. CALDWELL, Kirk				
4. KANOHO, Ezra R.				
5. KARAMATSU, Jon Riki 6. MORITA, Hermina M.	<u> </u>			
7. SONSON, Alex M.				
8. SOUKI, Joseph M.	<u></u>			
9. MARUMOTO, Barbara C.				
10. THIELEN, Cynthia				
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TOTAL	9	1		
The recommendation is:				
□ Not Adopted				
		did not su nn e	ort recommendation	
If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				