STAND. COM. REP. NO. | 584-08

Honolulu, Hawaii

, 2008

RE: S.B. No. 1617

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1617, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY,"

begs leave to report as follows:

The purpose of this bill is to protect the owner of an interest in real property (owner) by limiting the liability of a victim of a home invasion to an intruder who is injured or dies in the course of, or as a result of, committing any of the following on the owner's premises:

- (1) Murder in the first or second degree;
- (2) Attempted murder;
- (3) Any Class A or Class B felony;
- (4) Any felony punishable by life imprisonment;
- (5) Any other felony in which the intruder inflicts great bodily injury on any person, other than an accomplice, or in which the intruder uses a firearm; or
- (6) Any felony in which the intruder uses a dangerous or deadly weapon.

SB1617 HD1 HSCR JUD HMS 2008-3361

The Department of the Attorney General, Hawaii Rifle Association, Smith Taekwondo & Pro Sport Kickboxing Center, Inc., and several concerned individuals supported this bill. The Consumer Lawyers of Hawaii opposed this measure.

Your Committee has amended this bill by:

- (1) Restricting the effect of the limitation on liability of an owner to the case when a person who has committed a felony has actually been charged and convicted of that felony or a related felony or misdemeanor against the owner;
- (2) Restricting the scope of this measure to limitations on liability due to injury;
- (3) Deleting references to the death of the intruder; and
- (4) Making technical, nonsubstantive changes for clarity, consistency, and style.

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. 1617, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1617, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

TOMMY WATERS, Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB1617,SD1(SSCR659)	Committee Referral: JUD		Date: 3-75-04	
☐ The committee is reconsidering its pre	vious decision on the measure.			
	, unamended (as is) Pas short form bill with HD to reco	ss, with amendments mmit for future publi	t e	
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia				
7. McKELVEY, Angus L.K.				
8. MORITA, Hermina M.				
9. SONSON, Alex M.				
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				.,
16. THIELEN, Cynthia				pre TW
	ř . A			
TOTAL (16)	19			1
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				