STAND. COM. REP. NO. 1565

Honolulu, Hawaii A. 2009 RE: S.B. No. 532 S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 532, 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 limit the liability of an owner of real property for the injury or death of a perpetrator that occurs on the owner's property during the commission of certain felonies.

The National Rifle Association of America, Hawaii Rifle Association, and a concerned individual testified in support of this measure. The Hawaii Association for Justice provided comments.

Your Committee has amended this measure by restricting the limitation of homeowner liability to those circumstances in which the perpetrator has been charged and convicted of one of the enumerated felonies, or convicted of a lesser included felony or misdemeanor arising from the same charge. By requiring a criminal conviction as a condition precedent to the limitation of liability, this measure as amended does not extend to a situation in which a perpetrator is killed by a homeowner during the commission of a crime.



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Your Committee has also made technical, nonsubstantive revisions for clarity 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. 532, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 532, 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,

JON VIKI KARAMATSU, Chair



State of Hawaii House of Representatives The Twenty-fifth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:CommitteeSB532_SDIJUT	e Referral:	Date	3/24/0	19
 The committee is reconsidering its previous decision 			5/0-1/0	
The recommendation is to:	(as is) XPa	ss, with amendments		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)				and the state
2. ITO, Ken (VC)				
3. BELATTI, Della Au				
4. CABANILLA, Rida				
5. CARROLL, Mele				
6. HERKES, Robert N.				
7. LUKE, Sylvia				
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.				
10. MORITA, Hermina M.			In the second	
11. OSHIRO, Blake K.	1/			
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
TOTAL (16)	12	. 3		ł
The recommendation is: Adopted If joint referral, Vice Chair's or designee's signature: Distribution: Original (White) – Committee	Not Adop	did not suppo	Duplicate (P	