

STAND. COM. REP. NO. 3649

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 1842
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1842, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the maximum fine for violations of the fire protection laws;
- (2) Specify that each day a violation exists or continues to exist shall constitute a distinct and separate offense;
- (3) Raise the criminal penalty for the offense of arson in the fourth degree to a class C felony if the offense was committed during the time period and within the geographic area in which a red flag warning was in effect; and
- (4) Provide that the state of mind requirement is not applicable to the fact that the red flag warning was in effect and that the actor is strictly liable with respect to the attendant circumstance that the red flag warning was in effect.



Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Maui Chamber of Commerce, and one individual.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that more than ninety-nine percent of fires in the State are human caused. In the University of Hawaii's review of twelve thousand fires, eight hundred had a determined cause, with twenty percent of those fires being suspected arson. Your Committee believes that determining the cause of fires, particularly arson, is crucial to ensuring the accountability for the destruction of properties, environments, and injury or death. This measure will ensure the safety and protection of the State's communities, rangelands, and forested watersheds by deterring certain actions that lead to a heightened risk of wildfires.

Your Committee notes that upon enactment of this measure, the State and county governments will need to consider communicating best practices to those affected by this measure.

Your Committee has amended this measure by:

- (1) Decreasing the maximum fine for a violation of the fire protection laws from \$5,000 to \$2,500;
- (2) Changing 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 to be negligence, rather than strict liability; and
- (3) Making it effective upon its approval.

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 H.B. No. 1842, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1842, H.D. 1, S.D. 1.



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

Karl Rhoads

KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1842 HDI	PSM, JDC	03/27/24

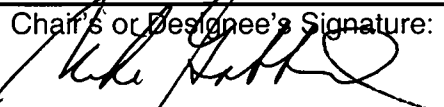
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✗		✓	
TOTAL	4	—	1	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes