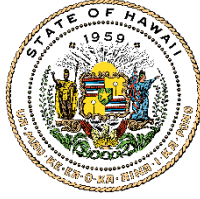


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

DEAN D. UYENO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
JUDICIARY AND HAWAIIAN AFFAIRS

Friday, February 9, 2024  
2:00 PM

State Capitol, Conference Room 325 & Videoconference

In consideration of  
HOUSE BILL 1842  
RELATING TO FIRE PREVENTION

House Bill 1842 proposes to increase the maximum fine for violations of the fire protection laws; specifies that each day a violation exists or continues to exist shall constitute a distinct and separate offense; and raises 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; provides 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. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Over 99% percent of fires in Hawai'i are human caused. In the University of Hawai'i's review of 12,000 fires, 800 had a determined cause, and 20% of those fires were suspected arson. Determining the cause of fires, particularly arson, is crucial to ensuring accountability for the destruction of properties, environments, and injury or death. Effective fire investigation is also extremely important for insurance claims. Raising the penalties for arson in the state while also reinstating the Office of the Fire Marshal and empowering the Marshal's office to investigate fires and arrest suspects, is a necessary step towards ensuring the safety and protection of Hawai'i's communities, rangelands, and forested watersheds.

Mahalo for the opportunity to provide testimony in support of this measure.

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR



JADE T. BUTAY  
DIRECTOR

WILLIAM G. KUNSTMAN  
DEPUTY DIRECTOR

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
KA 'OIHANA PONO LIMAHANA  
830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.labor.hawaii.gov](http://www.labor.hawaii.gov)

February 6, 2024

The Honorable David Tarnas, Chair  
Committee on Judiciary and Hawaiian Affairs  
House of Representatives  
State Capitol, Room 442  
Honolulu, Hawaii 96813

Dear Chair Tarnas:

Subject: House Bill (HB) 1842 Relating to Fire Prevention

I am Kazuo Todd, Chair of the Hawaii State Fire Council (SFC). The SFC supports HB1842, which increases the maximum fine for violations of the fire protection laws.

The SFC supports increased fines to improve compliance with state and county fire codes, and supports increased criminal penalties for arson in the fourth degree during red flag warning days.

Increased monetary penalties will generate more serious attention to fire code violations and lead to improved compliance. Class C felony provisions for arson during red flag days provide the necessary deterrence for violations during red flag conditions, which due to a combination of warm temperatures, very low humidity, and stronger winds can combine to produce a higher risk of fire danger, up to and including conflagrations.

The SFC urges your committee's support on the passage of HB1842.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 808-723- 7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

KAZUO TODD  
Chair

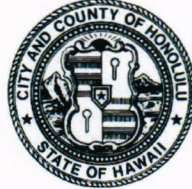
KT:GL

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [honolulu.police.org](http://honolulu.police.org)

RICK BLANGIARDI  
MAYOR  
MEIA



ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE TC-BT

February 9, 2024

The Honorable David A. Tarnas, Chair  
and Members  
Committee on Judiciary  
and Hawaiian Affairs  
House of Representatives  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: House Bill No. 1842, Relating to Fire Prevention

I am Thomas Chang, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.


The HPD supports House Bill No. 1842, Relating to Fire Prevention.


With the tragic wildfire event that occurred in Lahaina, Maui, the HPD supports this measure to increase the penalty of Arson in the Fourth Degree from a misdemeanor to a class C felony during a red flag warning, as it will deter potential violators from starting malicious fires. This measure will strengthen the HPD's ability to combat this type of arson crime.

The HPD urges you to support House Bill No. 1842, Relating to Fire Prevention. Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Arthur J. Logan  
Chief of Police

  
Thomas Chang, Captain  
Criminal Investigation Division



**JOSIAH K. NISHITA**  
Managing Director

**BRADFORD K. VENTURA**  
Fire Chief

**GAVIN L.M. FUJIOKA**  
Deputy Fire Chief

**DEPARTMENT OF FIRE & PUBLIC SAFETY**  
COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
[www.mauicounty.gov](http://www.mauicounty.gov)

February 8, 2024

The Honorable David Tamas, Chair  
Committee on Judiciary and Hawaiian Affairs  
House of Representatives  
State Capitol, Room 442  
Honolulu, HI 96813

Dear Chair Tamas,

**SUBJECT: HOUSE BILL (HB) 1842 RELATING TO FIRE PREVENTION**

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department. The SFC supports HB 1842 which increases criminal penalties for violations of the fire protection laws.

The SFC supports increased fines to improve compliance with state and county fire codes and supports increased criminal penalties for arson in the fourth degree during red flag warning days.

Increased monetary penalties will generate more serious attention to fire code violations and lead to improved compliance. Class C felony provisions for arson during red flag days provide the necessary deterrence for violations during red flag conditions, which due to a combination of warm temperature, very low humidity, and stronger winds can combine to produce a higher risk of fire danger, up to and including conflagrations.

The SFC urges your committee's support on the passage of HB 1842.

If you have any questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Ventura".

BRADFORD K. VENTURA  
Fire Chief

**HONOLULU FIRE DEPARTMENT  
KA 'OIHANA KINAI AHI O HONOLULU  
CITY AND COUNTY OF HONOLULU**

636 SOUTH STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 723-7139 • FAX: (808) 723-7111 • WEBSITE: honolulu.gov

RICK BLANGIARDI  
MAYOR  
MEIA



SHELDON K. HAO  
FIRE CHIEF  
LUNA NUI KINAI AHI  
  
JASON SAMALA  
DEPUTY FIRE CHIEF  
HOPE LUNA NUI KINAI AHI

February 9, 2024

The Honorable David Tarnas, Chair  
Committee on Judiciary and Hawaiian Affairs  
House of Representatives  
State Capitol, Room 442  
Honolulu, Hawaii 96813

Dear Chair Tarnas:

Subject: House Bill (HB) 1842 Relating to Fire Prevention

I am Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports HB 1842, which increases the maximum fine for violations of the fire protection laws.

The HFD supports increased fines to improve compliance with state and county fire codes and supports increased criminal penalties for arson in the fourth degree during red flag days.

Increased monetary penalties will generate more serious attention to fire code violations and lead to improved compliance. Class C felony provisions for arson during red flag days provide the necessary deterrence for violations during red flag conditions, which when combined with warm temperatures, very low humidity, and stronger winds, can produce a higher risk of fire danger up to and including conflagrations.

The HFD urges your committee's support on the passage of HB 1842.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723- 7169 or [glum@honolulu.gov](mailto:glum@honolulu.gov).

Sincerely,

SHELDON K. HAO  
Fire Chief



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY AND HAWAIIAN AFFAIRS  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325  
Friday, February 9, 2024 AT 2:00 P.M.**

To The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice Chair  
Members of the committee on Judiciary and Hawaiian Affairs

### **SUPPORT HB1842 RELATING TO FIRE PREVENTION**

The Maui Chamber of Commerce **SUPPORTS HB1842.**

The Chamber supports the increase in the class of felony for arson. We especially applaud the language that means that ignorance of the red flag warning does not lower the classification of the felony.

We are concerned about the potential impact to businesses and residents given the wording of the penalty for violations of fire protection laws proposed in HRS 132-13. Many residents and businesses don't necessarily know the ins and outs of the fire protection laws. Therefore, it would strengthen the bill if language were inserted allowing the owner, occupant, or other person some time (at the fire chief's discretion) to rectify the order. There may be circumstances that prevent immediate compliance to the order. For instance, we saw after the Aug 8 wildfires where many property owners invested significant money to create firebreaks and mow their land, but had to wait for equipment and/or hired companies to do the actual work. We are concerned that based on the language in the bill, businesses and residents in that situation may be faced with \$5,000 per day charges when they are trying to remediate the situation. We fully support the increase in the fine amount and daily assessment for anyone who refuses to comply.

We suggest, and wholeheartedly support, additional education to make sure that public and private property owners maintain their property in a safe manner.

For these reasons we **SUPPORT HB1842**, but request that the House consider our comments regarding leeway in complying with the fire chief's order.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

**HB-1842**

Submitted on: 2/8/2024 7:45:57 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Kidd	Individual	Support	Written Testimony Only

Comments:

I support this measure