
A BILL FOR AN ACT

RELATING TO FIRE PREVENTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that following the Maui
2 wildfires in August of 2023, the speaker of the state house of
3 representatives established six bipartisan interim working
4 groups tasked with evaluating specific topics in the aftermath
5 of the wildfires and making recommendations for appropriate
6 legislative action in the regular session of 2024. Members of
7 the working groups collaborated with federal, state, and county
8 agencies, along with community stakeholders and interested
9 parties, to identify immediate issues that require temporary or
10 transitional relief for the people and businesses of west Maui.

11 The legislature further finds that the wildfire prevention
12 working group was specifically tasked with identifying the
13 causes of wildfires and preventative action that may be taken to
14 reduce the risk of wildfires throughout the State and preparing
15 recommendations for appropriate legislative action. All working
16 groups released a joint final report in December 2023 detailing
17 their findings and recommendations.



1 The purpose of this Act is to adopt the recommendation of
2 the wildfire prevention working group to:

3 (1) Increase monetary penalties for violations of state
4 fire protection laws to improve compliance with state
5 and county fire codes; and

6 (2) Increase criminal penalties for arson in the fourth
7 degree during red flag warnings.

8 SECTION 2. Section 132-13, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§132-13 Penalty.** Any owner, occupant, or other person
11 having control over or charge of any building, structure, or
12 other premises who violates any provision of this chapter or any
13 law, ordinance, or rule relating to protection from fire loss or
14 who fails or refuses to comply with any order of the county fire
15 chief shall be fined not more than [~~\$500~~] \$5,000 or imprisoned
16 not more than thirty days, or both. Each day that a violation
17 exists or continues to exist shall constitute a distinct and
18 separate offense for which the violator may be punished.
19 Penalties for continuing violations shall be assessed from the
20 earliest known date of the violation."



1 SECTION 3. Section 708-8254, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§708-8254 Arson in the fourth degree.** (1) A person
4 commits the offense of arson in the fourth degree if the person
5 intentionally, knowingly, or recklessly sets fire to, or causes
6 to be burned property and thereby damages the property of
7 another without the other's consent.

8 (2) [~~Arson~~] Except as provided in subsection (3), arson in
9 the fourth degree is a misdemeanor.

10 (3) Arson in the fourth degree is a class C felony if the
11 act was committed during the time period and within the
12 geographic area in which a red flag warning was in effect. The
13 state of mind requirement for the offense is not applicable to
14 the fact that the red flag warning was in effect at the time and
15 within the geographic area in which the act was committed. A
16 person is strictly liable with respect to the attendant
17 circumstance that the red flag warning was in effect at the time
18 and within the geographic area in which the act was committed.

19 For purposes of this subsection, "red flag warning" means
20 the weather warning issued by the National Weather Service to
21 indicate that warm temperatures, very low humidities, and



1 stronger winds are expected to combine to produce an increased
2 risk of fire danger."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.

9

INTRODUCED BY:

Steve Am

JAN 18 2024



H.B. NO. 1842

Report Title:

Wildfire Prevention Working Group; Criminal Penalties; Fire Protection Laws; Arson; Red Flag Warning; Strict Liability

Description:

Increases 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. 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.

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