

JAN 23 2025

A BILL FOR AN ACT

RELATING TO GENERAL PRINCIPLES OF JUSTIFICATION.

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

1 SECTION 1. The legislature finds that for years, farmers
2 and ranchers have had dangerous altercations with intruders on
3 their property. The legislature recognizes that although Hawaii
4 does not have a "stand-your-ground" law as in other states,
5 Hawaii does have a castle doctrine in chapter 703, Hawaii
6 Revised Statutes, which in relevant part establishes general
7 principles under which a person may justifiably use force that
8 would otherwise be prohibited under criminal law. The State's
9 current castle doctrine protects individuals from prosecution
10 when they justifiably use deadly force to stop intruders in
11 their dwellings and places of work. Notably, the castle
12 doctrine, in relevant part, releases an innocent victim from the
13 duty to attempt a retreat from the victim's dwelling or place of
14 work before using deadly force to stop a threat to the victim's
15 life. However, within the relevant law, the definition of the
16 term "dwelling" does not specifically include agricultural land,
17 and the term "place of work" is not defined at all. In



1 practice, the castle doctrine is not currently applied to extend
2 to agricultural lands. The legislature believes that action is
3 necessary to protect farmers and ranchers from agricultural
4 crimes.

5 Accordingly, the purpose of this Act is, for the purposes
6 of chapter 703, Hawaii Revised Statutes, to:

7 (1) Amend the definition of "dwelling" to include
8 agricultural land used as a residence or place of
9 lodging; and

10 (2) Create a definition of "place of work" that includes
11 agricultural land.

12 SECTION 2. Section 703-300, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By adding two new definitions to be appropriately
15 inserted and to read:

16 "Agricultural land" shall have the same meaning as in
17 section 663-10.99, but shall include otherwise qualifying land
18 of any acreage.

19 "Place of work" means any building, agricultural land, or
20 parcel of real property that serves as the place at which a
21 person works."



S.B. NO. 1607

1 2. By amending the definition of "dwelling" to read:
2 "Dwelling" means any [~~building~~]:
3 (1) Building or structure, though movable or temporary, or
4 a portion thereof [~~, which~~]; or
5 (2) Agricultural land;
6 that is for the time being a home, residence, or place of
7 lodging.

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

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: *Janatha Dulore*



S.B. NO. 1607

Report Title:

Penal Code; Justification; Deadly Force; Agricultural Lands

Description:

For the purposes of state justifiable-use-of-force law: (1) Amends the definition of "dwelling" to include agricultural land used as a residence or place of lodging; and (2) Creates a definition of "place of work" that includes agricultural land.

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