

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO ARSON.

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

1           SECTION 1. The legislature finds that arson provides a  
2 significant threat to the safety, property, and natural  
3 resources of the State, particularly given the increased  
4 frequency and severity of wildfires in recent years. The  
5 devastating 2023 Maui wildfires serve as a stark reminder of the  
6 profound human, environmental, and economic toll that these  
7 incidents can inflict on our local communities. These fires  
8 resulted in the tragic loss of life, widespread destruction of  
9 homes and businesses, and irreparable harm to Hawai'i's unique  
10 ecosystems and cultural heritage.

11           The legislature further finds that existing statutes  
12 relating to arson are insufficient to deter individuals from  
13 engaging in behavior that endangers public safety critical  
14 resources. Enhanced penalties, including increased minimum  
15 periods of imprisonment for repeat offenders, are necessary to  
16 address the heightened risk posed by individuals with a history



1 of reckless or malicious actions. Such measures will strengthen  
2 accountability and serve as a deterrent against future offenses.

3 The legislature also recognizes the vulnerability of  
4 certain areas within the State, including conservation lands,  
5 critical infrastructure, and densely populated communities.  
6 Crimes that endanger these areas have a disproportionate impact  
7 on public safety, environmental stability, and economic  
8 resilience. Accordingly, increased penalties for arson  
9 committed in these sensitive areas are essential to protect the  
10 State's most vulnerable resources.

11 The legislature additionally finds that victims of arson  
12 often endure significant property damage, emotional distress,  
13 and financial hardship. Mandating restitution for these victims  
14 acknowledges their losses, facilitates recovery, and reinforces  
15 the principle that offenders must bear responsibility for the  
16 harm that they cause.

17 Therefore, the purpose of this Act is to improve public  
18 safety in the State by:

- 19 (1) Designating mandatory minimum periods of imprisonment  
20 for individuals with previous arson convictions;



- 1           (2) Requiring additional penalties for arson crimes that
- 2                   endanger vulnerable areas; and
- 3           (3) Requiring restitution for victims of arson who
- 4                   experienced property damage.

5           SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
6 amended by adding two new sections to part XIII to be  
7 appropriately designated and to read as follows:

8           "§708- Victim restitution. The court shall order the  
9 defendant to make restitution for reasonable and verified losses  
10 or damages to property suffered by the victim or victims as a  
11 result of the defendant's offense.

12           §708- Additional penalties. (1) The court shall order  
13 the defendant to perform            hours of community service  
14 dedicated to public awareness, firefighting education, or  
15 rehabilitation of affected areas.

16           (2) A person who is convicted of any offense under  
17 sections 708-8251, 708-8252, 708-8253, or 708-8254 that  
18 endangers or affects a vulnerable area such as a school,  
19 hospital, or living facility shall be sentenced to an additional  
20 term of imprisonment of five years."



1 SECTION 3. Chapter 708, part XIII, Hawaii Revised  
2 Statutes, is amended to read as follows:

3 " [{}PART XIII. {}] ARSON

4 [{}§708-8251{}] Arson in the first degree. (1) A person  
5 commits the offense of arson in the first degree if the person  
6 intentionally or knowingly sets fire to or causes to be burned  
7 property and:

8 (a) Knowingly places another person in danger of death or  
9 bodily injury; or

10 (b) Knowingly or recklessly damages the property of  
11 another, without the other's consent, in an amount  
12 exceeding \$20,000.

13 (2) Arson in the first degree is a class A felony.

14 (3) A person who is convicted of arson in the first degree  
15 and has any prior offense under sections 708-8251, 708-8252,  
16 708-8253, or 708-8254 shall be sentenced to an additional  
17 mandatory minimum fifteen-year term of imprisonment without  
18 possibility for parole.

19 [{}§708-8252{}] Arson in the second degree. (1) A person  
20 commits the offense of arson in the second degree if the person



1 intentionally or knowingly sets fire to or causes to be burned  
2 property and:

3 (a) Recklessly places another person in danger of death or  
4 bodily injury; or

5 (b) Knowingly or recklessly damages the property of  
6 another, without the other's consent, in an amount  
7 exceeding \$1,500.

8 (2) Arson in the second degree is a class B felony.

9 (3) A person who is convicted of arson in the second  
10 degree and has any prior offense under sections 708-8251,  
11 708-8252, 708-8253, or 708-8254 shall be sentenced to an  
12 additional mandatory minimum five-year term of imprisonment  
13 without possibility for parole.

14 ~~§708-8253~~ Arson in the third degree. (1) A person  
15 commits the offense of arson in the third degree if the person  
16 intentionally or knowingly sets fire to or causes to be burned  
17 property and:

18 (a) Negligently places another person in danger of death  
19 or bodily injury; or



1 (b) Knowingly or recklessly damages the property of  
2 another, without the other's consent, in an amount  
3 exceeding \$500.

4 (2) Arson in the third degree is a class C felony.

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

10 (2) Except as provided in subsection (3), arson in the  
11 fourth degree shall be a misdemeanor.

12 (3) Arson in the fourth degree shall be a class C felony  
13 if the act [was]:

14 (a) Was committed during the time period and within the  
15 geographic area in which a red flag warning was in  
16 effect. The state of mind requirement for the offense  
17 shall not be applicable to the fact that the red flag  
18 warning was in effect at the time and within the  
19 geographic area in which the act was committed. The  
20 state of mind requirement applicable to the attendant  
21 circumstances that the red flag warning was in effect



1           at the time and within the geographic area in which  
 2           the act was committed shall be negligence[-]; or  
 3           (b) Endangers or affects a vulnerable area such as a  
 4           school, hospital, or living facility.

5           For purposes of this subsection, "red flag warning" means  
 6 the weather warning issued by the National Weather Service to  
 7 indicate that warm temperatures, very low humidities, and  
 8 stronger winds are expected to combine to produce an increased  
 9 risk of fire danger."

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

13          SECTION 5. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



# S.B. NO. 871

**Report Title:**

Arson; Penalties; Restitution; Mandatory Minimums; Felonies;  
Imprisonment; Community Service

**Description:**

Designates mandatory minimum periods of imprisonment for individuals with previous arson convictions. Requires additional penalties for arson crimes that endanger vulnerable areas. Requires restitution for victims of arson who experienced property damage.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

