
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) Authorizing periods of imprisonment for individuals
20 with previous arson convictions;



- 1 (2) Authorizing 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 may be sentenced to an additional
20 term of imprisonment of five years with the possibility of
21 parole."



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

"[+]PART XIII.[+] ARSON

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

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

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

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

(3) A person who is convicted of arson in the first degree and has any prior offense under sections 708-8251, 708-8252, 708-8253, or 708-8254 may be sentenced to an additional five-year term of imprisonment with the possibility for parole.

[+]§708-8252[+] Arson in the second degree. (1) A person commits the offense of arson in the second degree if the person intentionally or knowingly sets fire to or causes to be burned property and:



1 (a) Recklessly places another person in danger of death or
2 bodily injury; or

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

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

7 (3) A person who is convicted of arson in the second
8 degree and has any prior offense under sections 708-8251,
9 708-8252, 708-8253, or 708-8254 may be sentenced to an
10 additional five-year term of imprisonment with the possibility
11 for parole.

12 **[+]~~§~~708-8253[+]** **Arson in the third degree.** (1) A person
13 commits the offense of arson in the third degree if the person
14 intentionally or knowingly sets fire to or causes to be burned
15 property and:

16 (a) Negligently places another person in danger of death
17 or bodily injury; or

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

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



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

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

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

10 (a) Was committed during the time period and within the
11 geographic area in which a red flag warning was in
12 effect. The state of mind requirement for the offense
13 shall not be applicable to the fact that the red flag
14 warning was in effect at the time and within the
15 geographic area in which the act was committed. The
16 state of mind requirement applicable to the attendant
17 circumstances that the red flag warning was in effect
18 at the time and within the geographic area in which
19 the act was committed shall be negligence[~~-~~]; or

20 (b) Endangers or affects a vulnerable area such as a
21 school, hospital, or living facility.



1 For purposes of this section, "red flag warning" means the
2 weather warning issued by the National Weather Service to
3 indicate that warm temperatures, very low humidities, and
4 stronger winds are expected to combine to produce an increased
5 risk of fire danger."

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

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2077.



S.B. NO. 871 S.D. 1

Report Title:

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

Description:

Authorizes periods of imprisonment for individuals with previous arson convictions. Authorizes additional penalties for arson crimes that endanger vulnerable areas. Requires restitution for victims of arson who experienced property damage. Effective 7/1/2077. (SD1)

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