

ACT 181

S.B. NO. 951

A Bill for an Act Relating to Fire Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . ARSON

§708- 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.

§708- 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:

- (a) Recklessly 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 \$1,500.

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

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

- (a) Negligently 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 \$500.

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

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

(2) Arson in the fourth degree is a misdemeanor.”

SECTION 2. Section 708-800, Hawaii Revised Statutes, is amended by amending the definition of “widely dangerous means” to read as follows:

““Widely dangerous means” includes explosion, [~~fire,~~] flood, avalanche, collapse of building, poison gas, radioactive material, or any other material, substance, force, or means capable of causing potential widespread injury or damage.”

SECTION 3. Section 708-820, Hawaii Revised Statutes, is amended to read as follows:

“§708-820 Criminal property damage in the first degree. (1) A person commits the offense of criminal property damage in the first degree if[:] by means other than fire:

- (a) The person intentionally or knowingly damages property and thereby recklessly places another person in danger of death or bodily injury; or
 - (b) The person intentionally or knowingly damages the property of another, without the other’s consent, in an amount exceeding \$20,000.
- (2) Criminal property damage in the first degree is a class B felony.”

SECTION 4. Section 708-821, Hawaii Revised Statutes, is amended to read as follows:

“§708-821 Criminal property damage in the second degree. (1) A person commits the offense of criminal property damage in the second degree if[:] by means other than fire:

- (a) The person intentionally or knowingly damages the property of another, without the other’s consent, by the use of widely dangerous means; or
 - (b) The person intentionally or knowingly damages the property of another, without the other’s consent, in an amount exceeding \$1,500.
- (2) Criminal property damage in the second degree is a class C felony.”

SECTION 5. Section 708-822, Hawaii Revised Statutes, is amended to read as follows:

“§708-822 Criminal property damage in the third degree. (1) A person commits the offense of criminal property damage in the third degree if[:] by means other than fire:

- (a) The person recklessly damages the property of another, without the other’s consent, by the use of widely dangerous means; or
 - (b) The person intentionally damages the property of another, without the other’s consent, in an amount exceeding \$500.
- (2) Criminal property damage in the third degree is a misdemeanor.”

SECTION 6. Section 708-823, Hawaii Revised Statutes, is amended to read as follows:

“§708-823 Criminal property damage in the fourth degree. (1) A person commits the offense of criminal property damage in the fourth degree if by means other than fire, the person intentionally damages the property of another without the other’s consent.

- (2) Criminal property damage in the fourth degree is a petty misdemeanor.”

SECTION 7. Section 708-823.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of aggravated criminal property damage if the person[:] by means other than fire:

- (a) Intentionally damages the property of another without the other’s consent; and
- (b) Has been convicted two or more times of an offense under section 708-822 or 708-823 in the preceding five years.”

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

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

SECTION 10. This Act shall take effect upon its approval.

(Approved June 9, 2006.)