
A BILL FOR AN ACT

RELATING TO LIMITING CIVIL LIABILITY.

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

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Owner to felon; limited liability. (a) An
5 owner, including a public entity, of any interest in real
6 property shall not be liable for any injury to a person that
7 occurs upon the real property during the course of the
8 commission by the injured person of any felony specified in
9 subsection (b).

10 (b) The felonies to which this section applies are the
11 following:

12 (1) Murder in the first or second degree;

13 (2) Attempted murder;

14 (3) Any class A felony enumerated in the Hawaii Penal
15 Code, including any attempt or conspiracy to commit a
16 crime classified as a class A felony;



- 1 (4) Any class B felony enumerated in the Hawaii Penal
2 Code, including any attempt or conspiracy to commit a
3 crime classified as a class B felony;
- 4 (5) Any felony punishable by imprisonment in the state
5 prison for life;
- 6 (6) Any other felony in which the defendant inflicts great
7 bodily injury on any person, other than an accomplice,
8 or any felony in which the defendant uses a firearm;
9 or
- 10 (7) Any felony in which the defendant personally used a
11 dangerous or deadly weapon;
- 12 (c) The limitation on liability conferred by this section
13 applies only when the injured person's conduct in furtherance of
14 the commission of a felony specified in subsection (b)
15 proximately causes the injury.
- 16 (d) The limitation on liability conferred by this section
17 takes effect only upon the charge of a felony listed in
18 subsection (b) and the subsequent conviction of that felony or a
19 lesser included felony or misdemeanor arising from a charge of a
20 felony listed in subsection (b). During the pendency of any
21 such criminal action, a civil action alleging this liability



1 shall be abated and the statute of limitations on the civil
2 cause of action shall be tolled.

3 (e) This section does not limit the liability of an owner
4 or an owner's agent which otherwise exists for wilful, wanton,
5 or criminal conduct, or for wilful failure to guard or warn
6 against a dangerous condition, use, or structure.

7 (f) The limitation on liability provided by this section
8 shall be in addition to any other available defense."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 2059.



Report Title:
Civil Liability

Description:
Limits the civil liability of property owners to persons injured or killed on premises while committing a class A or B felony or certain violent crimes. Effective July 1, 2059. (SB1617 HD1)

