

JAN 24 2007

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 but not limited to a public entity, of any
6 estate or any other interest in real property, whether
7 possessory or nonpossessory, shall not be liable to any person
8 for any injury or death that occurs upon that property during
9 the course of or after the commission of any of the felonies set
10 forth in subsection (b) by the injured or deceased person.

11 (b) The felonies to which the provisions of this section
12 apply are the following:

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

14 (2) Attempted murder;

15 (3) Any class A felony enumerated in the Hawaii Penal
16 Code, including any attempt or conspiracy to commit a
17 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 (7) any felony in which the defendant personally used a
10 dangerous or deadly weapon;

11 (c) The limitation on liability conferred by this section
12 arises at the moment the injured or deceased person commences
13 the felony or attempted felony and extends to the moment the
14 injured or deceased person is no longer upon the property.

15 (d) The limitation on liability conferred by this section
16 applies only when the injured or deceased person's conduct in
17 furtherance of the commission of a felony specified in
18 subsection (b) proximately or legally causes the injury or
19 death.

20 (e) The limitation on liability conferred by this section
21 arises only upon the charge of a felony listed in subsection (b)
22 and the subsequent conviction of that felony or a lesser



1 included felony or misdemeanor arising from a charge of a felony
 2 listed in subsection (b). During the pendency of any such
 3 criminal action, a civil action alleging this liability shall be
 4 abated and the statute of limitations on the civil cause of
 5 action shall be tolled.

6 (f) This section does not limit the liability of an owner
 7 or an owner's agent which otherwise exists for willful, wanton,
 8 or criminal conduct, or for willful or malicious failure to
 9 guard or warn against a dangerous condition, use or structure.

10 (g) The limitation on liability provided by this section
 11 shall be in addition to any other available defense.

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: *Mike Hubbard*

Trizanne Chun Oakland
Norman S. Skomps
Will Syro
Fred Hummer



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.

