

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 532
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 532 entitled:

"A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to limit the liability of a property owner for the injury or death of a perpetrator that occurs on the owner's property during or after the commission of certain felonies by the perpetrator.

Your Committee finds that this measure addresses claims for monetary or other civil relief by the perpetrator of the most serious felony crimes, typically occurring on a homeowner's property when the homeowner is present on the premises. Your Committee notes that this measure is civil in nature and does not increase criminal penalties or otherwise affect criminal law provisions. Under this measure, the owner is afforded protection from civil claims by the perpetrator of the felony or the representative of the perpetrator for damages caused by the owner in the defense of himself or his property.

Your Committee has amended this measure by:

- (1) Limiting the applicable class B felonies to those involving violence or physical harm;
- (2) Clarifying that the limitation on liability arises from the moment the owner, or agent of the owner lawfully on



the premises by consent of the owner, believes that a commission of a felony is imminent;

- (3) Clarifying that the limitation of liability shall not be affected by the failure of the owner to warn the perpetrator of the felony that the owner is armed and ready to cause bodily harm or death, except as otherwise provided in the measure;
- (4) Clarifying that liability is not limited for injury or death caused to individuals other than the perpetrator of the felony;
- (5) Clarifying the definition of "owner" to include tenant, employee, and agent of the owner lawfully on the premises;
- (6) Changing the effective date to July 1, 2050, to continue the discussions on this matter; and
- (7) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 532, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 532, S.D. 1, and be placed on the calendar for Third Reading.

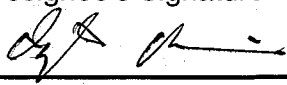
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 532	JGO	3/5/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes